

KINGDOM OF CAMBODIA

Nation Religion King

**Ministry of Water Resources and
Meteorology**

**Ministry of Agriculture, Forestry,
and Fisheries**



CAMBODIA WATER SECURITY IMPROVEMENT PROJECT (P176615)

INDIGENOUS PEOPLES PLANNING FRAMEWORK

DRAFT FOR CONSULTATION

September 8, 2023

**Prepared by the Ministry of Water Resources and Meteorology and
Ministry of Agriculture, Forestry, and Fisheries**

Table of Contents

| | |
|--|-----------|
| LIST OF FIGURES | III |
| LIST OF TABLES..... | III |
| ABBREVIATIONS | IV |
| DEFINITIONS..... | V |
| EXECUTIVE SUMMARY..... | VII |
| 1. INTRODUCTION..... | 1 |
| 1.1 PROJECT BACKGROUND | 1 |
| 1.2 PROJECT COMPONENTS AND ACTIVITIES..... | 1 |
| 1.3 PURPOSE OF THE INDIGENOUS PEOPLES PLANNING FRAMEWORK (IPPF) | 2 |
| 2. OVERVIEW OF INDIGENOUS PEOPLES | 3 |
| 2.1 GENERAL INFORMATION ABOUT INDIGENOUS PEOPLES IN CAMBODIA..... | 3 |
| 2.2 OVERVIEW OF INDIGENOUS PEOPLES IN THE PROJECT AREA | 4 |
| 2.3 DISTINCTIVE CHARACTERISTICS OF MAJOR IP GROUPS IN PROJECT PROVINCES | 5 |
| 3. LEGAL FRAMEWORK | 10 |
| 3.1 NATIONAL LAWS AND REGULATIONS RELATED TO INDIGENOUS PEOPLES | 10 |
| 3.2 RELEVANT INTERNATIONAL AGREEMENTS..... | 12 |
| 3.3 WORLD BANK’S ENVIRONMENTAL AND SOCIAL STANDARD 7 ON INDIGENOUS PEOPLES | 13 |
| 3.4 NATIONAL POLICIES RELATED TO INDIGENOUS PEOPLES | 14 |
| 3.5 GAPS BETWEEN NATIONAL POLICIES AND THE WB’S ESS7 | 15 |
| 4. RISKS, IMPACTS AND MITIGATION MEASURES | 22 |
| 5. PREPARATION OF INDIGENOUS PEOPLES PLAN..... | 22 |
| 5.1 STEPS FOR PREPARING AN IPP | 22 |
| 5.2 STAKEHOLDER ENGAGEMENT AND INFORMATION DISCLOSURE | 27 |
| 5.3 FREE, PRIOR AND INFORMED CONSENT (FPIC)..... | 31 |
| 6. GRIEVANCE REDRESS MECHANISM..... | 32 |
| 7. IMPLEMENTATION ARRANGEMENTS, MONITORING AND REPORTING | 34 |
| 7.1 IMPLEMENTATION ARRANGEMENTS | 35 |
| 7.2 CAPACITY BUILDING..... | 36 |
| 7.3 MONITORING | 36 |
| 7.4 REPORTING | 36 |
| 8. COSTS AND BUDGET | 37 |
| 8.1 COSTS | 37 |
| 8.2 BUDGET..... | 37 |
| ANNEX 1: SUMMARY OF CONSULTATION DURING PROJECT PREPARATION..... | 39 |
| ANNEX 2: IP SCREENING FORM | 49 |
| ANNEX 3: GUIDANCE ON WB CRITERIA TO DETERMINE IP..... | 50 |

| | |
|---|----|
| ANNEX 4: GUIDANCE QUESTIONS FOR TARGETED SOCIAL ASSESSMENT..... | 51 |
| ANNEX 5: INDICATIVE INDICATORS FOR MONITORING..... | 54 |
| ANNEX 6: OUTLINE FOR SUBPROJECT INFORMATION BOOKLET (SIB) | 57 |
| ANNEX 7: ETHNIC GROUPS IN CAMBODIA..... | 58 |

List of Figures

| | |
|---|----|
| Figure 1 – Steps in IP Screening and conducting targeted Social Assessment | 24 |
| Figure 2 – Key activities and costs for supporting IPPF implementation (in US Dollars)..... | 38 |

List of Tables

| | |
|---|---|
| Table 1 – Population by ethnic main ethnic groups (2019) | 4 |
| Table 2 – Distribution of Indigenous People Groups in Project Provinces | 4 |

ABBREVIATIONS

| | |
|---------|---|
| COI | Corridor of Impact |
| CWSIP | Cambodia Water Security Improvement Project |
| DDIS | Detailed Design Implementation and Supervision |
| EA/IA | Executing Agency/Implementing Agency |
| ESCP | Environmental and Social Commitment Plan |
| ESF | Environmental and Social Framework |
| ESMF | Environmental and Social Management Framework |
| ESMP | Environmental and Social Management Plan |
| ESO | Environmental and Social Officers |
| ESS | Environmental and Social Standards |
| FPIC | Free Prior and Informed Consent |
| IDA | International Development Association |
| ILO | International Labor Organization |
| IPs | Indigenous Peoples |
| IPP | Indigenous Peoples' Plan |
| IPPF | Indigenous Peoples Planning Framework |
| MoWRAM | Ministry of Water Resources and Meteorology |
| MoSALVY | Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation |
| NCDD | National Committee for Sub-National Democratic Development |
| NGO | Non-Government Organization |
| PDWRAM | Provincial Department of Water Resources and Meteorology |
| PMU | Project Management Unit |
| PIU | Project Implementation Unit |
| PPC | Project Preparation Consultants |
| RGC | Royal Government of Cambodia |
| RL | Riparian Land |
| RP | Resettlement Plan |
| RPF | Resettlement Policy Framework |
| SA | Social Assessment |
| SEA | Sexual Exploitation and Abuse |
| SEP | Stakeholder Engagement Plan |
| SH | Sexual Harassment |
| SIB | Subproject Information Booklet |
| VAC | Violence Against Children |
| WB | The World Bank |

DEFINITIONS

Disadvantaged individuals/groups

Refers to individuals or groups who, due to certain own circumstances such as their age, gender, disabilities, health, economic and ethnic status, and so forth, are more likely affected adversely by the project impacts and/or more limited in their ability to take advantage of project benefits. Disadvantaged individuals/groups are more likely excluded from, or unable to participate fully in the mainstream consultation process. Thus, they may require specific assistance to stay engaged during project planning and implementation. In this project, disadvantaged individuals/ groups are defined as those who have the following characteristics: i) from an ethnic group, (ii) landless/ limited productive land, (iii) female headed household with dependents, (iv) frequent lack of male labor at home (e.g. migrant workers); (v) jobless, or limited economic opportunities; (vi) family member(s) with chronic illness, or disabilities; (vii) elderlies who live on their own; (viii) youth, particularly very young couple with children (early marriage), (ix) live in an especially difficult circumstance, and (x) don't meet above criteria but are concurred by local community as vulnerable to poverty and need project's support to reduce their vulnerability. Disadvantaged individuals are usually from a poor, or a near poor household.

Environmental and social risk

Environmental (including climate change and natural disasters) and social risks are determined by a combination of project design and operational characteristics, together with exogenous factors, which: (i) may adversely affect the ability of a project to achieve and sustain its development objective(s); and (ii) define the nature, scale and significance of direct and indirect environmental and social impacts.

Inclusion

Inclusion means empowering all people to participate in, and benefit from, the development process. Inclusion encompasses policies to promote equality and nondiscrimination by improving the access of all people, including the poor and disadvantaged, to services and benefits such as education, health, social protection, infrastructure, affordable energy, employment, financial services and productive assets. It also embraces action to remove barriers against those who are often excluded from the development process, such as women, children, persons with disabilities, youth and minorities, and to ensure that the voice of all can be heard.

Indigenous Peoples

According to the World Bank's Environment and Social Framework, the term "Indigenous Peoples/ Sub-Saharan African Historically Underserved Traditional Local Communities" is used in a generic sense to refer exclusively to a distinct social and cultural group possessing all the following characteristics – in varying degrees:

- Self-identification as members of a distinct indigenous social and cultural group and recognition of this identity by others; and
- Collective attachment¹ to geographically distinct habitats, ancestral territories, or areas of seasonal use or occupation, as well as to the natural resources in these areas; and

¹ Collective attachment means that for generations there has been a physical presence in and economic ties to land and territories traditionally owned, or customarily used or occupied, by the group concerned, including areas that hold special significance for it, such as sacred sites.

- Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture, and
- A distinct language or dialect, often different from the official language or languages of the country or region in which they reside.

Information disclosure

The process of disseminating project information to stakeholders to allow them to understand the risks and impacts of the project, and potential opportunities. Information disclosure should be in line with the project's Stakeholder Engagement Plan which is in line with the requirements of ESS10. It is required that the disclosure of project information include: (a) purpose, nature and scale of the project; (b) duration of proposed project activities; (c) environmental and social risks and potential impacts of the project on local communities, particularly the vulnerable/disadvantaged groups and proposed mitigation measures; (d) proposed stakeholder engagement process highlighting approach that will be taken to promote meaningful participation of project affected persons; (e) time and venue of proposed public consultation meetings, and the process by which meetings will be notified, meeting results summarized, and reported back to project stakeholders; and (f) process and means by which grievances can be received and addressed timely.

Meaningful consultation

Two-way process that (a) begins early in project planning process to gather initial views on project proposal and inform project design; (b) encourages stakeholder feedback, particularly as a way of informing project design and engagement by stakeholders in the identification and mitigation of environmental and social risks and impacts; (c) continues on an ongoing basis, as risks and impacts arise; (d) is based on prior disclosure and dissemination of relevant, transparent, objective, meaningful and easily accessible information in a timeframe that enables meaningful consultation with project stakeholders in a format culturally appropriate, and in relevant local language(s) and is understandable to stakeholders; (e) considers and responds to feedback; (f) supports active and inclusive engagement with project-affected parties; (g) is free of external manipulation, interference, coercion, discrimination, and intimidation; and (h) is documented and disclosed by the Government.

EXECUTIVE SUMMARY

This Executive Summary summarizes the main points in the project's Indigenous Peoples Planning Framework (IPPF) which was prepared by the Ministry of Water Resources and Meteorology and Ministry of Agriculture, Forestry, and Fisheries. This IPPF will be applied to all activities that will be carried out under the Cambodia Water Security Improvement Project (CWSIP). This IPPF is a living document which may be updated as required during project implementation. If updated, the latest IPPF version will be approved by the World Bank and publicly re-disclosed.

PROJECT DESCRIPTION SUMMARY

Chapter 1 describes the purpose of the CWSIP which aims to support the Royal Government of Cambodia (RGC) in implementing an integrated approach to water security focusing on improving water availability for irrigation, bulk water services as well as agricultural water productivity. This project will support government's operationalization of the integrated approach to water security at the river basin and water system levels, meanwhile addressing the primary threats to water security due to hydrological environments worsened by climate change, limited capacity institutions, under-investment in water infrastructure, low water use efficiency in agriculture, and degrading ecosystems. The project also aims to improve governance, implement related policies and regulations, strengthen institutional capacity, and modernize selected water resources management infrastructure and services in targeted river basins.

OVERVIEW OF INDIGENOUS PEOPLES

Chapter 2 provides some general information about Indigenous Peoples in Cambodia, including also an overview about Indigenous Peoples in seven provinces, including Mondulkiri, Kratie, Kampong Thom, Preah Vihear, Tboung Khmum, Stueng Treng, and Ratanakiri.

The project is considering extending to other provinces that the WB ongoing projects such as WASAC, LASEDIII, and CASDP covers. It also describes some socioeconomic and cultural characteristic of the major IP groups present in the project provinces.

LEGAL FRAMEWORK

Chapter 3 establishes the legal foundation on which the IPPF is prepared. The IPPF is prepared on the basis of the national laws and regulations related to Indigenous Peoples, and the World Bank's Environmental and Social Standard (ESS) 7 on Indigenous Peoples. Since there are gaps between the two policies, a gap analysis was made. It was found that while there are some complementary links between Cambodian laws and regulations, and the World Bank's ESS7, there is a lack of detailed regulations and operating procedures that facilitate effective implementation of an Indigenous Peoples Plan (IPP). This IPPF, therefore, proposes measures that aim to close this gap through consultation with IPs and ensure IPs in the subproject area receive socioeconomic benefits that are cultural appropriate to them.

RISKS, IMPACTS, AND MITIGATION MEASURES

Chapter 4 described environmental and social risks and impacts that are identified in relation to project's construction activities under Component 2 (Sustainable Water Service Delivery), Component 3 (Increased Agricultural Productivity at Farm Level), and policy actions under Component 1 (Building foundations for improved water resource services). Based on the nature, scope and scale of project's investment, the project is expected to provide an overall positive impact on the livelihoods of local ethnic peoples – through more reliable access to irrigation and agricultural technologies that are appropriate to them. However, some adverse impacts (most are local and temporary) are envisaged. Before construction, some minor land acquisition is anticipated. Some economic displacement is anticipated, particularly for those

who farm inside the reservoirs. During construction process, some short-term adverse environmental impact are anticipated, such as noise, dust, vibration, etc. Risks associated with labor influx to subproject area to support construction activities is also envisaged.

Measures have been proposed in the IPPF to avoid adverse impacts. Where avoidance is not possible, effort will be made to minimize impacts through design. Once dam and irrigation subprojects are identified, screening for the presence of IPs in subproject area will be carried. If IPs are present in subproject area, a targeted social assessment will be implemented to ensure IPs are meaningfully consulted and their feedback on subproject's risks and impacts are identified, assessed, and incorporated into project design, and into implementation of site-specific Environmental and Social Management Plan. Indigenous Peoples Plan will be prepared to ensure IPs receives socioeconomic benefits that are cultural appropriate to them irrespective of being adversely affected by the project or not.

PREPARATION OF INDIGENOUS PEOPLES PLAN

Chapter 5 described steps that be taken by MoWRAM and MAFF to prepare an IPP. This includes screening procedure for IP(s), conducting a targeted Social Assessment if IPs are found, and elements that are required for an IPP. This chapter also describes how project stakeholders, particularly IPs in subproject area, will be engaged during subproject preparation and implementation, and how project information, such as project description, environmental and social risks and impacts, mitigation measures, grievance mechanism, etc. will be disclosed for the purpose of consultation with affected IPs.

GRIEVANCE REDRESS MECHANISMS

Chapter 6 outlines the GRM to be put in place to ensure that affected IPs have an accessible and easy to use mechanism to voice feedback, grievances, and concerns related to the project and achieve resolution to the raised grievances. The project aims to ensure that grievances submitted by affected IPs are solved timely and effectively – in a manner that is culturally appropriate to them. The GRM guides in detail how a complaint can be lodged, including forms of submission, channels, and steps during the grievance resolution process. It also describes time-limits, where possible, for each step, for acknowledging receipt of complaint, and notifying aggrieved person of resolution process and proposed resolution.

IMPLEMENTATION ARRANGEMENTS, MONITORING AND REPORTING

Chapter 7 outlines key responsibilities of the MoWRAM and MAFF in implementing the IPPF. MoWRAM and MAFF will inform the WB of the IP screening results and steps MoWRAM and MAFF will take in case IPs are present in the subproject area. When IPs are found in the subproject, MoWRAM and MAFF will engage IP consultants to conduct targeted Social Assessment and prepare related IPPs. Implementation of subproject IPPs will be monitored internally by MoWRAM and MAFF. Adverse impact(s) on land owned by individual IPs due to land acquisition (if any) will be monitored by the General Department of Resettlement at the Ministry of Economy and Finance and PMU – as guided by the project's Resettlement Policy Framework (RPF).

COSTS AND BUDGET

Chapter 8 provides indicative costs for IPPF implementation and includes budget source which will be allocated from counterpart funding.

1. INTRODUCTION

1.1 Project Background

Cambodia's economy and population are vulnerable to the impacts of climate change, particularly droughts and floods with increasing frequency and intensity. Cambodia was ranked the 15th most vulnerable country to climate change globally by the Global Climate Risk Index (2021). The country is particularly prone to flood and drought with around 80% of the country land located within the Mekong River and Tonle Sap basins. Substantial losses in production due to flooding (62%) and drought (36%) have been evident over the past twenty years. According to the updated National Determined Contribution (NDC), most of Cambodia's agricultural areas will be exposed to higher risk of drought as a result of climate change from 2025 to 2050. In addition, 27% of the national population (4.5 million people) are estimated as 'near poor' and as such are susceptible to falling back into poverty if undergoing economic shocks, impacts of natural hazards and environmental degradation, and so on. The National Strategic Development Plan (NSDP 2019-2023) states that priority will be given to investment activities that contribute to narrowing gap of rural infrastructure, meanwhile improving the quality and coverage of various rural services, including institutional capacity to promote sustainable and climate-resilient socioeconomic growth of the country as a long-term development objective.

Agricultural production plays an important part in promoting Cambodia's economic growth, of which reliable access to irrigation is essential to resilient agricultural development. Agricultural sectors engage nearly 50% of the total country labor force which provides livelihood support to around 80% of the country population and contributes to more than 30% of the national GDP. In 2020 alone, crop production accounts for 62% of the agriculture GDP, followed by livestock (24%), fisheries (11%), and forestry (7%). Rice is grown in 75% of country's cropland, accounting for 85% of annual food production and 70% of dietary energy needs. Rice production is the largest water consumers and is major contributor to greenhouse gas emission. In the recent years, the Royal Government of Cambodia (RGC) has been developing irrigation infrastructure to improve agricultural productivity, thereby improving livelihoods of the rural population. Presently, there are now more than 2,500 irrigation systems (large, medium, and small size) with a total Cultivable Command Area (CCA) of about 1 million hectare which accounts for about 22% of the total arable land area of the country (4.5 million ha). However, only half of the irrigation systems are functioning properly. The other half is low in water use efficiency.

Rehabilitation of existing irrigation system, including building extended irrigation and water distribution system, is of urgent need, to ensure existing degraded irrigation works function properly and additional area with potential agricultural development have reliable water access to improve food security and people's livelihoods, particularly in the face of climate change and development of water works upstream of Cambodia. As part of irrigation improvement effort, irrigation systems will be modernized through provision of critical interventions to support farmers to apply Climate-Smart Agriculture (CSA) practices. This aims for a sustainable agricultural development.

1.2 Project Components and Activities

The Project aims to support the RGC in implementing an integrated approach to water security focusing on improving water availability for irrigation, bulk water services as well as agricultural water productivity. This project will support the RGC to operationalize the integrated approach to water security at the river basin and water system levels and address the primary threats to water security due to hydrological environments worsened by climate change, weak institutions, under-investment in water infrastructure, low water use efficiency in agriculture, and degrading ecosystems. The project also aims to improve governance, implement related policies and regulations, strengthen institutional capacity, and modernize

selected water resources management infrastructure and services in targeted river basins including Sekong, Sesan and Sre Pok River Basins (3S), Prek Preah, Prek Krieng, Prek Kampi, Prek Te, Prek Chhlong (5P), and Staung. These basins span across seven provinces, including Mondulhiri, Kratie, Kampong Thom, Preah Vihear, Tboung Khmum, Stueng Treng, and Ratanakiri.

Given the above purposes, the project development objective (PDO) aims to improve water security and increase agricultural productivity in selected river basins of Cambodia, and to provide immediate and effective response in case of an eligible crisis of emergency.

The project will be implemented through various activities organized through four components, including:

- Component 1. Building foundations for improved water resource services (US\$ 10m)
- Component 2. Sustainable Water Service Delivery (US\$ 110m)
- Component 3. Increased Agricultural Productivity at Farm Level (US\$ 20m)
- Component 4. Project Management, Coordination, and Monitoring and Evaluation (US\$ 5m)
- Component 5: Contingency Emergency Response Component (CERC) (US\$0m).

1.3 Purpose of the Indigenous Peoples Planning Framework (IPPF)

The purpose of this Indigenous Peoples Planning Framework (IPPF) is to set out the requirements of World Bank's Environmental and Social Standard 7 (ESS7) on Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities, and the RGC's policy on development of Indigenous Peoples. Based on the gaps between the WB and RGC's policies, measures are proposed to close the gaps through implementation arrangements, procedures, design criteria, etc. to be applied to all subprojects and project components that were confirmed during project preparation and will be identified during project implementation, particularly subprojects that are located in Mondulhiri and Kratie provinces.

The objectives of this IPPF are:

- Ensure the project planning and implementation process under the Cambodia WSIP fosters full respect for the human rights, dignity, aspirations, identity, culture, and natural resource-based livelihoods of IP communities.
- Avoid adverse impacts of the project on IP communities. When avoidance is not possible, minimize, mitigate and/or compensate for such impacts.
- Promote sustainable development benefits and opportunities for IP communities in a manner that is accessible, culturally appropriate and inclusive.
- Improve project design and promote local support by establishing and maintaining an ongoing relationship based on meaningful consultation with the IP communities affected by Cambodia WSIP throughout project cycle.
- Recognize, respect and preserve the culture, knowledge, and practices of IP communities, and provide IPs with an opportunity to adapt to changing conditions in a manner and in a timeframe acceptable to them.

In line with the above objectives, this IPPF outlines, in particular, procedures for screening, assessment and development of a site-specific Indigenous Peoples Plan (IPP) for subprojects to be confirmed during project implementation. It is important to emphasize that in case where an IPP is required (based on IP

screening results), project activities, particularly physical construction, will not be commenced until the respective IPP is fully developed, and finalized, and implemented based on meaningful consultation with potentially affected indigenous peoples present in the subproject area.

It is also noted the project will need to obtain Free, Prior and Informed Consent (FPIC) from affected IP community if the project:

1. Requires permanent acquisition of land that is collectively owned by IP communities as traditional ownership or under customary use, or land that the IPs are in the process of requesting RGC's recognition as IP's collectively owned land.
2. Causes relocation of IP from land and natural resources subject to traditional ownership or under customary use or occupation;
3. Has significant impacts on IP cultural heritage that is material to the identity and/or cultural, ceremonial, or spiritual aspects of the affected IP;

The IPPF has a grievance redress mechanism (GRM) which enables affected IPs to submit complaints for project's resolution. This IPPF also sets forth arrangements that have been made by MoWRAM and relevant stakeholders at national and local levels, such as provincial, district, and commune levels. This is to ensure that standards, requirements, and relevant methods, etc. prescribed in this IPPF are applied appropriately. The IPPF provides a cost estimate for relevant activities that may arise during project implementation, including sources of funding that has been arranged to warrant fund availability for implementation of activities set forth in the IPPF.

This IPPF has incorporated the feedback of the IPs consulted during project preparation (See summary of consultation results in Annex 1). The IPPF also takes into account the good practices in consultation with the IPs, and in implementing development projects in which IPs are among key stakeholders.

2. OVERVIEW OF INDIGENOUS PEOPLES

2.1 General Information about Indigenous Peoples in Cambodia

Indigenous peoples (IPs) in this IPPF refer to the IPs that are also known as 'Khmer Leu'. The Khmer Leu have lived in Cambodia from the very beginning. They have their own language, culture, traditions and customs that are different from the Khmer people who are the core population². The Khmer Leu are identified through their own, native indigenous languages that are different from those of the Khmer mainstream population and other ethnic groups such as Cham, Chinese, Vietnamese, Thai and Lao, etc. who are not considered IP in this IPPF.

As of 2021, among the 22 indigenous groups living in Cambodia, only six have a population larger than 10,000 people. These groups include Tampuan (51,947 people), Bunong (47,296 people), Kreung (22,385 people), Praov (13,902 people), Kouy (13,530 people), and Jarai (13,326 people). All together these groups account for 88% of the total population of all 22 indigenous groups in the country. Although indigenous

² RGC's National Policy on Indigenous Peoples' Development, MRD, April 2009. Core population: Khmer people who have originated and lived in Cambodia from the beginning, accounting for about 90% of the total population.

peoples live across the country, most (92.4%) live in five provinces, including Mondulhiri, Kratie, Kampong Thom, Stung Treng, and Ratanakiri³.

By 2019, the total population of indigenous groups in Cambodia (by mother tongue) is 448,282, accounting for 2.9% of the total national population).

Table 1 – Population by main ethnic groups (2019)⁴

| Ethnic group | Total | Male | Female |
|-------------------|------------|-----------|-----------|
| Khmer | 14,893,134 | 7,239,825 | 7,656,121 |
| Other groups | 210,795 | 113,573 | 94,325 |
| Ethnic Minorities | 448,282 | 218,439 | 229,928 |
| Total | 15,552,211 | 7,571,837 | 7,980,374 |

Source: General Population Census of the Royal Kingdom of Cambodia 2019

As for the indigenous groups with a population of less than 1,000 people in each group, there are 10 groups: L'moon, S'och, Kajrouk (Mel), Lun, Kleung, Souy, Kajrouk, Mon, Khonh and Raadear with a total population of only 4,397 equal 2.45% of total indigenous peoples. At present, in this report, analysts have not been able to confirm the presence and geography of some indigenous peoples, such as L'moon, Kajrouk (Mel), lun, Raadear and Mon.

2.2 Overview of Indigenous Peoples in the Project Area

Most of the indigenous peoples in Cambodia originally live in the northern and eastern parts of Cambodia. Over a long period of time in the history, indigenous population has spread across Cambodia. In seven project provinces, including Mondulhiri, Kratie, Kampong Thom, Stung Treng, and Ratanakiri, various IP groups (of different population size) are living in different part of the province (See Table 2 below).

Table 2 – Distribution of Indigenous People Groups in Project Provinces

| No. | Province | Indigenous Groups (>= 1000 people) | Indigenous Groups (>= 100 people) | Indigenous Groups (<100 people) |
|-----|--------------|---------------------------------------|-----------------------------------|---|
| 1 | Kratie | Kuoy, Bunong, Stieng, Kroul, Mel | Jarai, L'moon, Khonh | Kavet, Kleung, Lun, Praov, Ja'ong, Poar, Souy, S'och, Kajrouk |
| 2 | Mondulhiri | Bunong | Stieng, Kroul, L'moon | Jarai, Kavet, Kuoy, Kreung, Praov, Tampoun, Ja'ong, Mel, S'och, Kajrouk |
| 3 | Ratanakiri | Jarai, Kavet, Kreung, Praov, Tampoun, | Bunong | Kleung, Kuoy, Lun, Stieng, Ja'ong, Kroul, L'moon, Souy |
| 4 | Stung Treng | Kuoy, Kavet | Kreung, Lun, Bunong, Praov | Jarai, Kleung, Tumpuan, Stieng, Ja'ong, S'och |
| 5 | Kampong Thom | Kuoy | Jarai | Kavet, Kleung, Ja'ong, S'och, Bunong, Stieng, Kajrouk |
| 6 | Preah Vihear | Jarai | 1 | Kavet, Kleung, Bunong, Brao, Tumpoun, Stieng, Ja'ong, Kroul, L'moon, S'och, Kajrouk |
| 7 | Tboung Khmum | - | - | Stieng |

³ National Report on Demographic and Socio-economic Situation of Indigenous Peoples in Cambodia, MoP and MRD, 2021.

⁴ These figures do not include migrants working abroad.

Source: Ministry of Planning and Ministry of Rural Development (2021) Report on Demographic and Socio-economic Situation of Indigenous Peoples in Cambodia.

2.3 Distinctive characteristics of major IP groups in project provinces

2.3.1 Overview of IPs In Cambodia.

Cambodia is a multicultural country. The largest ethnic group is the Khmer, followed by the Chinese, Cham, Vietnamese, Lao, Thai, and other indigenous groups. Among various indigenous groups in Cambodia, only groups that have been long-time inhabitants are considered native people in the country. These groups are both heterogeneous—given some aspects of their material and social life, and homogenous—in the sense that most of them belong to the same cultural substratum which is usually referred to as Proto Indo-Chinese civilization. Their religion and their way of life for centuries have been based on their relationship to the religious environment. They are engaged in a form of religion based on a spiritual cult⁵.

There are certain groups who have a common origin but have become separated over time as they migrated. On the contrary, some groups whose geographic and linguistic stocks are clearly distinct, intermarry as they live near to each other. This issue is so common that focusing on their differences becomes superfluous and arbitrary, such as the Jarai (Malayo-Polynesian) and the Tampuan (Môn-khmer) in Andong Meas district of Ratanakiri Province. Indeed, through their history, the highlanders have maintained close relationships with one another as well as with the Khmer and other peoples in the plains.

2.3.2 Some main characteristics of the IPs in seven project provinces.

The Tampuan is a largest indigenous group in Cambodia. They inhabit the hills of the northeastern corner of Cambodia. They are mostly farmers, living a more-or-less subsistence level lifestyle. Their main crops are rice (grown in swidden fields), fruits and vegetables. Cashew is now a popular cash crop. The Tampuan follows animistic religion, dominated by the fear of evil spirits and various sacrifices. Except for a few small groups who live in villages close to provincial capitals, most do not have good knowledge of Khmer. But the number of them speaking Khmer is likely to grow in the future as many of them are gradually integrated into the mainstream Cambodian society

The Bunong (Phnong) is among the largest ethnic minority groups in Cambodia. Their language is related to Stieng and is part of the Bahnaric branch of the Mon-Khmer (within the Austro-Asiatic languages). They have no written script and traditionally grow rice, vegetables, sugar cane and do animal husbandry to earn a living. They are found primarily in Mondulakiri province.

The traditional livelihood of the Bunong people is based on subsistence agriculture, including the cultivation of rice, corn, and vegetables. They practice shifting cultivation, which involves clearing small patches of forest, planting crops, and then moving on to new areas once the soil has been depleted. This allows the forest to regenerate and ensures that the land can be used sustainably over the long term.

The Bunong people also rely on hunting, fishing, and gathering wild plants and fruits from the forest. They have a deep understanding of the local flora and fauna and have developed sustainable harvesting practices that allow them to live in harmony with the natural world.

⁵ ADB (2002) Indigenous peoples/ethnic minorities and poverty reduction in Cambodia.

The Bunong people have a rich cultural heritage and have maintained their traditional way of life despite facing many challenges over the years. Historically, they were animists, believing that all things in nature possess a spirit. This belief is still prevalent among some Bunong people today.

The Bunong people are an integral part of the country's cultural heritage, with a unique way of life that emphasizes a deep connection to nature. While they have faced many challenges, efforts are being made to protect their cultural identity and ensure that their traditional knowledge is passed down to future generations.

The Kreung (Krung) live in Ratanakiri province, and in Northeastern Cambodia and eastern Stung Treng. Dialects spoken include Praov. The Kravet and Kreung in Cambodia are inherently intelligible with each other. In terms of ethnicity classification, the Kreung belong to Austro-Asiatic, Mon-Khmer, Eastern Mon-Khmer, Bahnaric, West Bahnaric, Bravo-Kravet.⁶ They are culturally distant from the modern Khmer people. The Kreung communities are matrilineal, tracing ancestry through maternal rather than paternal bloodlines. The Kreung are very poor. They have limited access to schooling, healthcare, and electricity. The Kreung rely heavily on forest to maintain their means of livelihood. Upland rice is cultivated as their main crop. They also grow cash crops such as cashew nuts and cassava for additional (limited) income. The Kreung do hunting, fishing, and raising animals. Rolling forested hills of red volcanic earth cover much of the Kreung homeland and several major rivers traverse flat floodplains. The Kreung practice their own traditional religion⁷.

The Praov people are one of several hilltribes inhabiting isolated villages in Ratanakiri province of northeastern Cambodia and in Attapeu province of southeastern Laos. The Praov language is a member of the Mon-Khmer language family. Kreung, Kravet, Lun and Laveh are also names for the overall Praov ethnic group. These represent mutually intelligible dialects within the group. The Praov differ from the lowland paddy rice farmers of the region. They traditionally depend heavily on the forest for their livelihood and usually grow upland dry rice using swidden agriculture methods. Cash crops like cashew and coffee provide limited income. Rolling forested hills of red volcanic earth cover much of the Praov homeland and several major rivers traverse flat floodplains. Hunting, fishing and raising animals provide protein in their diet.

The Kuoy are the original inhabitants of Cambodia and Thailand⁸. The Kuoy is one of the ethnic minority groups that have longest settled in the country. The Kuoy live in Northeastern Cambodia, mostly in districts of Preah Vihear, eastern Siem Reap, northern Kampong Thom, western Stung Treng, and several areas of Kratie Province. Their language is of the Katvic branch of Mon-Khmer and is part of the Austro-Asiatic languages. The Kuoy has written language. Their knowledge and traditions are passed down orally. Their preference for hill rice has also changed to more common paddy rice. However, they preserve traditional knowledge of plants and herbs and use these for medicinal and healing purposes. The Kuoy is mostly matrilineal. Mother has more authority than father and the woman in a family is money keeper. The Kuoy is animist and most Kuoy villages do not have a temple⁹.

The Jarai are a minority group living in northeastern Cambodia, primarily in the districts of Bokeo, Andong Meas, O Yadou of Ratanakiri province which are located along the northeast border of Cambodia and Viet Nam's Central Highlands. The Jarai has inhabited these areas for thousands of years. Unlike the other indigenous minorities in Cambodia, the Jarai language is not related to Khmer. Rather, it is distantly

⁶ Paul Michael Taylor (2006), Annex B Ethnic Minorities and Indigenous Peoples of Cambodia

⁷ https://joshuaproject.net/people_groups/11254/CB

⁸ Ibid.

⁹ All Ibid.

related to the languages spoken in the island nations of Malaysia, Indonesia, and the Philippines. Their language is classified as belonging to Austronesian, Malayo-Polynesian, Malayic, Achinese-Chamic, Chamic, South, Plateau¹⁰. Most Jarai people engage in subsistence agriculture, growing rice and vegetables. Their diet is further supplemented by hunting, fishing, and gathering food from the forest. The Jarai raise livestock, including oxen, buffalo, pigs and ducks. Jarai's respective religious beliefs, customs, practices and ways of life include animism in the natural world, such as trees, mountains, and rivers¹¹.

The Stieng is patriarchal society and are generally monogamous, living in northeastern Cambodia Eastern, including Kratie province, Snuol district, and southern Mondul Kiri. Ethnicity classification of Stieng is Austro-Asiatic, Mon-Khmer, Eastern Mon-Khmer, Bahnaric, South Bahnaric, Stieng-Chrau. Today, the Stieng is integrated into the local and national administrative system. They generally intermarry with other ethnic groups and Khmer. They are animist and have strong beliefs in spirits and their relations with humans. For instance, they may believe that illnesses or natural disasters are caused by spirits as a result of poor human behavior¹². Livelihoods are based on agricultural production, which includes slashing, growing rice, raising pigs and chickens, gathering food from the forest, hunting and fishing.

Kroul people live on the border of Kratie and Mondul Kiri provinces. They number nearly 3,000, with most living in Kratie. They live primarily along the banks of the Krieng River. Most of the Kroul are rice farmers and they raise cows which are sold to Khmer every year. The cows are left to graze in the jungles during the day and brought back into the villages at night. The closest neighbors to the Kroul are the Mel people. They share much of the language with the L'moon people but have a distinct dialect. The Mel and Kroul languages are not mutually intelligible, so they converse using the Khmer language.

Mel people live in the Northern Kratie province. They number about 3,000 people in the entire tribe. They live in an area which is down river from the Kroul people along the Krieng River. The Mel people are often the "middlemen" for the remote jungle tribes and the Khmers who wish to buy their products. The remote tribes of the Kroul and L'moon will gather jungle products like resin and small animals and will sell it to the Mel people who in turn sell it to the Khmers for a profit. Most of the Mel are rice farmers and they raise cows which are sold to Khmer every year. The cows are left to graze in the jungles during the day and brought back into the villages at night. The Mel are more assimilated to the Khmer lifestyle than other more remote tribes.

Kravet is a subgroup of the Praov people. Praov refers to several sub-sets of peoples in northeast Cambodia and southern Laos. The Kravet has alternate names such as Kowet, Khvek, Kavet. The Kravet is classified as belonging to Austroasiatic, Mon-Khmer, Eastern Mon-Khmer, Bahnaric, West Bahnaric, Praov-Kravet group. The Kravet is known for their intricate handicrafts, chin tattoos, teeth filing and harvest festival. The Kravet practices slash-and-burn agriculture and is known as a semi-nomadic group in mountainous region of Southeast Asia. Their religion involves many taboos, as well as appeasement for good and bad spirits. They are especially concerned about using the spirit world to protect their communities¹³.

2.4 Characteristics of IP groups in vicinity of potential subprojects in seven project provinces

¹⁰ Dr. Paul Michael Taylor (2006), Annex B Ethnic Minorities and Indigenous Peoples of Cambodia

¹¹ Schliesinger, Joachim. Ethnic Groups of Cambodia Vol 3: Profile of Austro-Thai and Sinitic-Speaking Peoples. 2011

¹² Schliesinger, Joachim. Ethnic Groups of Cambodia Vol 2: Profile of Austro-Asiatic-Speaking Peoples. 2011.

¹³ https://joshuaproject.net/people_groups/12836/CB

In this Section, the main characteristics of IP groups that are present in identified subprojects are described. These IP groups are screened based on the area of influence of three subprojects (Svay Chrum and Kantout in Kratie province, and Srae Huy in Mondulkiti province).

- **IP groups in Mondulkiri province**

In Mondulkiri, indigenous peoples are mainly the Bunong, an Austro-Asiatic population from the Mon-Khmer linguistic branch. The Bunong, also called Phnong, is still the largest group of indigenous people living in Mondulkiri and represent 44 percent of the total population in the province¹⁴. They have been established in this region for at least 2000 years (White, 1996) and have remained relatively isolated for centuries. Even if the region was relatively free from immigration, it was often raided to recruit forced labor. Bunong are animists and their agrarian system is based on swidden agriculture that places forest ecosystems at its core (Condominas, 2003).

A corollary of in-migration is the transformation of ethnicity in Mondulkiri. In 2009, the Bunong a group of indigenous people, represented much of the population (51 percent) whereas, in 2019, they represent only 44 percent of the provincial population. In reverse, the sub-population consisting of Khmer and Cham ethnic groups made up only 46 percent of the provincial population in 2009 but 53 percent in 2019. The reason for this transformation is that in-migrants are mainly of Khmer or Cham ethnicity.

In Kaoh Nheaek district of Kratie province (where Kantout and Svay Chrum subprojects are located), there are two communes that are home to the Bunong Indigenous People: Sokh Sant commune and Sre Hui commune. The Bunong ethnic group is considered Indigenous People by the RGC. First, in Sokh Sant commune, there are 1,025 Bunong households living (4,276 persons, of which 2,115 are female). Within this commune, Srae Thom village, which is the subproject area, has 344 Bunong households living (1,547 persons of which 763 people are female). Second, in Sre Hui commune (Kaoh Nheaek district), there are 618 Bunong households (2,242 people of which 2,115 people are female). Within this commune, two subproject villages – Srae Hui and Chuol, have 323 Bunong households (1,232 people, 626 female) and 295 households (1,010 persons, 480 female person), respectively.

The Bunong are subsistence farmers living in small village communities in the forests of Mondulkiri. Traditionally, everything the Bunong need to survive comes from the forest and their modest farms located in small areas within the forest. Most Bunong families practice swidden or shifting cultivation as their main form of agriculture. Forest is cleared and burned to establish agricultural land, which is cultivated with hill rice, intercropped with a wide variety of vegetables. In the past, new forests were cleared, and previously farmed fields were left fallow until the forest cover regrew, the soil regained its fertility, and the plots could be used again. Today, the Bunong people no longer clear new forests to make small farms. Almost every household is aware that it is forbidden by Cambodian law to cut new forest. Normally, the Bunong return to their old fields, which they left fallow for five to nine years and use the same fields for three to five years, depending on the soil quality.

¹⁴ PCLMUP of Mondul Kiri province (2021). Technical Report of the Mondul Kiri Provincial Spatial Plan. Saen Monourom, Cambodia.

According to Bunong belief, some actions in the forest are governed by religious rules that keep man and nature in balance, avoiding widespread habitat destruction. The Bunong believe that nature is populated by spirits, both good and bad, and that these must be obeyed and appeased. No spirits are more powerful than those of the Spiritual Forests. The close symbiosis between man and nature is remarkable and extends to other forest areas as well. Burial grounds, for example, are not to be logged or otherwise exploited. It is a system based on respect – the Bunong realize that a healthy forest is essential to their cultural survival. It is part of their identity and part of Cambodia’s spiritual and natural heritage. The Bunong depend on collecting non-timber forest products to subsidize their livelihood. They collect forest vegetables, wild fruit and honey as well as bamboo or rattan for house construction and liquid tree resin, which they sell to traders in Sen Monorom town. Most Bunong, like other hill tribe communities in the region, practice animism, the belief in natural spirits combined with ancestor worship.

IP groups in Kratie province

The IP groups distribution in Kratie province recorded and recognized IP’s communities by PMU. The majority of them live in Roluos Mean Chey commune, Ou Krieng commune, Srae Chis commune, Boeng Char commune of Sambour district, and in Khsuem commune of Snuol district. IP groups in the provinces include Bunong (also known as Phnong), Kuoy, Stieng, Kroul, Mel, which are the major indigenous groups ($\geq 1,000$ people), Jarai, L’moon, Khonh (≥ 100 people), and the other indigenous groups (<100 people) are Kavet, Kleung, Lun, Praov, Ja’ong, Poar, Souy, S’och, Kajrouk. In Kantuot commune of Chetr Borei district, there is a single Bunong group comprising of 2,246 persons living in 463 households. These households are further distributed among two villages, namely A loch village with 268 households and Srae Non village with 195 households. In Thmei commune of Chetr Borei district, there are Kuoy, Bunong and Khonh groups in the Khnach village (out of the subproject site); In Thmey village, Kuoy represented by 200 households; In Svai Chrum village, Bunong represented 126 households and Kuoy 17 households; and in Chranoal village, Kuoy represented 198 households (Commune records, 2022). At present, the Chert Borei district’s IP groups in both Kantuot and Thmei communes, are recognized by the PMU as registered.

IP groups in Kampong Thom province

The PMU has recorded and recognized the distribution of IP groups in Kampong Thom province, with the majority residing in Krayea commune, Salavisay commune, and Tuol Kroel commune in Prasat Balangk district; Sambo commune and Chuok commune in Prasat Sambo district; Trapang Russey commune and Chey commune in Kampong Svai district; and Tbong Krapor commune in San Tuk district. The Kuoy IP group is the only group represented in the province with over 1,000 people, while Jarai is represented by over 100 people and other indigenous groups, such as Kavet, Kleung, Ja'ong, S'och, Bunong, Stieng, and Kajrouk, have less than 100 people. In the subproject districts, only the Prasat Balangk district has a Kuoy IP group, represented by 7,609 persons (3,958 females) in 1,735 households, and the Kampong Svai district has 937 persons (484 females) in 225 households. In the subproject villages, only the village of Smoanh in Phan Nhoem commune of Prasat Balangk district has a Kuoy IP group, represented by 682 persons (365 females) in 149 households, accounting for 95% of the total population in the village (PDRD, 2022).

3. LEGAL FRAMEWORK

3.1 National Laws and Regulations related to Indigenous Peoples

Article 31 of the 1993 Constitution stipulates that Khmer citizens are entitled to the same rights, freedom and duties and are equal before the law, regardless of their race, color, sex, language, beliefs, religions, political tendencies, birth of origin, social status, resources, and any position.

Article 44 guarantees all persons, individually or collectively, shall have the right to own property. Only natural persons or legal entities of Khmer nationality shall have the right to own land. Legal private ownership shall be protected by law. Expropriation of ownership from any person shall be exercised only in the public interest as provided for by law and shall require fair and just compensation in advance.

Organic Law (2008) recognizes the vulnerability of the indigenous peoples in Cambodia. It mandates that provincial and district councils in rural areas, capital, municipal and khan levels in urban areas formulate development plans that identify the needs of vulnerable groups, including those from the IP communities.

Protected Area Law (2008) defines the framework of management, conservation and development of protected areas. The law aims to ensure effective management and conservation of biodiversity, and sustainable use of natural resources in protected areas. The law recognizes the right of forest-dependent indigenous peoples to live within the protected areas and to use sustainably the natural resources. Under this law, protected areas are divided into four zones, including core zone, conservation zone, sustainable use zone, and community zone. The law has provisions that define how land can be used and managed in each zone.

Law on Education (2007) aims to promote development of human resources of the nation by providing lifetime education to all people to enable their improvements in terms of knowledge, skills, capacities, dignity, good moral behaviors and characteristics. It also encourages people to learn to better understand, love and protect the national identity, cultures and language.

Article 11, 15, 16, and 40 of the Forest Law (2002) recognizes and protects the rights of indigenous peoples to access and use certain forest areas, which they traditionally rely on to sustain their way of life and enjoy the benefits of the forest

Land Law (2001) recognizes the right of the indigenous communities in Cambodia to collectively own immovable property, specifically their land with a collective title.

Article 23 of Land Law (2001) defines an indigenous community as a group of people who:

- Manifest ethnic, social, cultural and economic unity;
- Practice a traditional lifestyle; and
- Cultivate the lands in their possession according to customary rules of collective use.

Article 25 defines the lands of indigenous communities as “those lands where the said communities have established their residencies and where they carry out their traditional agriculture”, and these lands “include not only lands actually cultivated but also includes reserves necessary for the shifting cultivation which is required by the agricultural methods they currently practice”.

Article 26 states that ownership of the immovable properties (mentioned in Article 25) is granted by the State to indigenous communities as collective property. This collective property includes all the rights and protections of ownership as are enjoyed by private owners.

Sub-Decree No. 83 ANK, BK (2009) on Procedures of Registration of Land of Indigenous Communities.

The objective of this Sub-Decree is to provide indigenous communities with legal rights to land tenure, ensure land tenure security, and protect collective ownership by preserving the identity, culture, good custom and tradition of each indigenous community.

Policy on Environmental and Social Safeguards for Sub-National Democratic Development (RGC-NCDD, 2019) states in the strategy No.7 that Indigenous Peoples also are known in Cambodia as ‘Khmer Leou’ who have their own cultures and customs and make their own living in a way that is significantly different from those of ‘Khmer Kroam’ who live in small groups. The “Khmer Leou” is considered vulnerable IP groups and receive special care and attention by the government. It is required that development projects implemented at sub-national administration should not negatively impact their lives, and traditions and customs of the “Khmer Leou”, particularly with regards to resettlement and land. In terms of application, specifically in land acquisition and resettlement, this policy is applied through the RGC’s SOP-LAR (2018) – Land Acquisition and Involuntary Resettlement, which requires the avoidance of land acquisition or minimization of its use where avoidance is not possible.

Manual for Indigenous Communities Identification; Legal Entity Registration; and Communal Land Registration Process (OHCHR, MoI, PMU, MLMUPC (2018) provide detailed guidance on steps and measures that need to be taken for identification of indigenous communities, registration of legal entities, and community land registration process.

RGC (2018) Land Acquisition and Involuntary Resettlement, Standard Operating Procedures for Externally Financed Projects in Cambodia.

In Section E (Impact on Indigenous Peoples), it is stipulated that land acquisition and resettlement that potentially affects indigenous people should be avoided – to the maximum extent possible, through selection of site, alignment, and land demarcation. However, when land acquisition is not avoidable, a separate social impacts assessment will need to be carried out to understand clearly how the indigenous peoples use their land; how they conduct their economic activities; how they organize their social activities; and how the project would potentially affect the IP’s identity, culture, and customary livelihoods.

As per the decree, a separate Indigenous Peoples Plan (IPP) must be developed to address social impacts, compensation and resettlement packages, and implementation arrangements. The consultation process should consider customary practices, and in most cases, tribal or customary leaders will be consulted as they make decisions for their people. The Project Preparation Consultants (PPC), along with the Executing Agency/Implementing Agency (EA/IA) and local commune authorities, typically prepare the IPP. This is separate from the preparation of the BRP and DRP, although the latter will include a compensation package for the displaced indigenous peoples.

National Policy on the Development of Indigenous Peoples (NPDIP).

The Council of Ministers approved the NPDIP on 24 April 2009, serving as a guiding document for the implementation of government policies related to Indigenous Peoples across various sectors such as culture, education, health, land, agriculture, infrastructure, justice, tourism, industry, and energy. The NPDIP recognizes the necessity of specific policies for indigenous communities and establishes principles for their formal registration as legal entities with their own bylaws. Additionally, the NPDIP supports the participation of indigenous communities in economic development that affects their lives and cultures, ensuring their full entitlement to express their opinions and make decisions on the development of the economy, society and their cultures towards societal growth.

The NPDIP promotes the use of local languages in multilingual primary education, media, and public consultation. It also lists ten brief sector strategies dedicated to culture, education and vocational training, health, environment, land, agriculture, water resources, infrastructure, justice, industry and mines and energy. The NPDIP calls for conducting impact assessments for all infrastructure projects:

“Development projects in the living areas of indigenous peoples can function only if there has been an environmental and social impact assessment and publicity to relevant indigenous peoples' communities in advance in order for those people to have an opportunity to provide input about their need.”

The NPDIP recognizes the rights of indigenous peoples in traditional lands, culture, and traditions. This is consistent with the national Land Law (2001).

Policy on Registration and Right to Use of Land of Indigenous Communities: The Council of Ministers approved on April 24, 2009. The Prime Minister signed a Sub-Decree on procedures of registration of Land of indigenous communities on June 9, 2009. This policy was developed on basis of the Land Law (2001), which recognizes the right of the indigenous communities to possess and use land under their collective ownership. The policy states that the registration of indigenous communities' land, as collective ownership, is different from the registration of individually owned land parcel. This is because land registration of the indigenous communities entails the registration of all land parcels that the communities own and use as a whole. The policy consists of both State Public Land and State Private Land in accordance with articles 25, 26, and 229 of the Land Law (2001) and related Sub-decrees. These land parcels vary in size and can be located within the same or different communes/ sangkat. Therefore, the registration of land parcels of indigenous communities requires a separate Sub-decree that supplements the existing procedures for sporadic and systematic land registration.

3.2 Relevant International Agreements

The Royal Government of Cambodia has ratified a number of international conventions that are related to Indigenous Peoples in Cambodia. For instance, in 1992, the Royal Government of Cambodia ratified the International Covenant on Economic, Social and Cultural Rights which includes the rights of the indigenous peoples in practicing specific culture and their rights to means of livelihoods, and the International Covenant on Civil and Political Rights (ICCPR). In 1995, the RGC ratified the Convention on Biological Diversity (1992) which recognizes the role of the indigenous peoples in the conservation of biodiversity, sustainable use of biological resources, and ensures fair and equitable sharing of benefits resulting from the use of genetic resources. In 2007, the RGC voted to adopt the UN Declaration on the Rights of Indigenous Peoples without reservation.

The **UN Declaration on the Rights of Indigenous Peoples (UNDRIP)** was adopted by the United Nations General Assembly in September 2007. Cambodia is among many countries that voted in favor of this nonbinding declaration.

The **International Convention on the Elimination of all Forms of Racial Discrimination (ICERD)**. Article 5(e) of the ICERD ensures the enjoyment, on an equal footing and without discrimination, of economic, social and cultural rights, in particular the right to education and training. Article 13 of the **International Covenant on Economic, Social and Cultural Rights (ICESCR)** includes provisions on free primary education irrespective of gender, ethnicity or any other consideration.

UN Convention on the Rights of the Child (Article 28 - Right to Education) was ratified by the Royal Government of Cambodia in 1992, which guarantees every child has the right to education. Primary education must be free. Secondary education must be available to every child.

UNESCO’s Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) recognizes the rights of Parties to take measures to protect and promote the diversity of cultural expressions with a particular focus on women, minorities and indigenous peoples.

3.3 World Bank’s Environmental and Social Standard 7 on Indigenous Peoples

The World Bank’s ESS7 on Indigenous Peoples / Sub-Saharan African Historically Undeserved Traditional Local Communities (hereinafter ESS7) recognizes that Indigenous Peoples (IPs) have identities and aspirations that are distinct from mainstream groups in national societies and often are disadvantaged by traditional models of development. The ESS7 also recognizes that IPs are inextricably linked to the land on which they live and the natural resources on which they depend and are therefore become vulnerable if their land and resources are transformed, encroached upon, or significantly degraded. Development projects may also undermine language use, cultural practices, institutional arrangements, and religious or spiritual beliefs of the Indigenous Peoples.

In the ESS, the term “Indigenous Peoples” is used in a generic sense to refer exclusively to a distinct social and cultural group possessing all the following characteristics in varying degrees:

- a) Self-identification as members of a distinct indigenous social and cultural group and recognition of this identity by others; and
- b) Collective attachment¹⁵ to geographically distinct habitats, ancestral territories, or areas of seasonal use or occupation, as well as to the natural resources in these areas; and
- c) Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture, and
- d) A distinct language or dialect, often different from the official language or languages of the country or region in which they reside.

The objectives of ESS7 are:

- To ensure that the development process fosters full respect for the human rights, dignity, aspirations, identity, culture, and natural resource-based livelihoods of Indigenous Peoples;
- To avoid adverse impacts of projects on Indigenous Peoples or, when avoidance is not possible, to minimize, mitigate and/or compensate for such impacts;
- To promote sustainable development benefits and opportunities for Indigenous Peoples in a manner that is accessible, culturally appropriate and inclusive;
- To improve project design and promote local support by establishing and maintaining an ongoing relationship based on meaningful consultation with the Indigenous Peoples affected by a project throughout the project’s life cycle;
- To obtain the Free, Prior, and Informed Consent (FPIC) of affected Indigenous Peoples as described in ESS7; and
- To recognize, respect and preserve the culture, knowledge, and practices of Indigenous Peoples, and to provide them with an opportunity to adapt to changing conditions in a manner and in a

¹⁵ In the World Bank’s ESS7, “Collective attachment” means that for generations there has been a physical presence in and economic ties to land and territories traditionally owned, or customarily used or occupied, by the group concerned, including areas that hold special significance for it, such as sacred sites.

timeframe acceptable to them.

Requirements of ESS7 in the context of CWSIP:

General requirements:

- To ensure that Indigenous Peoples present in, or with collective attachment to, the project areas are fully consulted about, and have opportunities to actively participate in, project design and the determination of project implementation arrangements. The scope and scale of consultation, as well as subsequent project planning and documentation processes, will be proportionate to the scope and scale of potential project risks and impacts as they may affect Indigenous Peoples.
 - To assess the nature and degree of the expected direct and indirect economic, social, cultural (including cultural heritage), and environmental and social impacts

The World Bank's ESS7 requires that Free, Prior and Informed Consent (PFIC) of the ethnic groups be obtained in circumstances where the projects:

- Have adverse impacts on land and natural resources that are traditionally owned or under customary use or occupation;
- Cause relocation of Indigenous Peoples from land and natural resources that are traditionally owned or under customary use or occupation; or
- Have significant impacts on Indigenous Peoples' cultural heritage that holds material significance to the identity and/or cultural, ceremonial, or spiritual aspects of the affected Indigenous Peoples' lives.

Engaging appropriate specialists to provide technical advice and support in applying the ESS7 is important, especially in cases where indigenous peoples are vulnerable, or where national legislation and general socioeconomic data only provide limited information about specific groups that may be present. The specialists should have proven proficiency in social science research methods, and extensive knowledge and practical experience in dealing with IP in the country or region.

3.4 National policies related to Indigenous Peoples

Cambodia has a policy that recognizes the rights of Indigenous Peoples in culture, education, justice, health, environment, land, agriculture, water resources and infrastructure, among other things. The Land Law (2001) recognizes the rights of indigenous communities to ownership of immovable property, particularly their land through a collective title. However, no decrees, sub-decrees or procedures for specific safeguards are in place to protect the interests of indigenous peoples, apart from those linked to land or forestry. In practice, the processing of registering a collective land title is time consuming. As a result, only a handful of indigenous communities have received a collective land title since the enactment of the Land Law in 2001.

However, there is an overall consistency between national legislation and international agencies' standards and requirements on indigenous peoples. For instance, the self-identification criteria for indigenous communities as defined in the national policy in Cambodia is broadly consistent with those of international institutions. The national laws do not exclude communities who have become more mainstreamed to the Khmer group. Indigenous communities may apply for legal status regardless of whether they still use their own language or engage in traditional agriculture.

While there are some complementary links between Cambodian laws and regulations related to indigenous people and the World Bank's ESS7, there is a lack of detailed regulations or operating procedures that

facilitate full implementation of an Indigenous Peoples Plan (IPP). Therefore, the IPPF was developed based on the World Bank's ESS7, while considering relevant Cambodian policies and regulations to facilitate the implementation of an IPP in a manner that aligns with the objective of ESS7 mentioned above.

The IPPF provides procedures for screening for IP presence in subproject areas and how to conduct a targeted Social Assessment (SA). The IPPF also outlines a Grievance Redress Mechanism (GRM) developed based on the current practices as to how grievances are handled under development projects in Cambodia. Given the diverse IP groups in the project areas and each group's distinctive customs and traditions, the GRM specified under this IPPF will be further customized to ensure it is culturally appropriate for the IP group being consulted for the project. Such customization will be made based on the consultations with the involved IPs identified at subproject level.

3.5 Gaps between National policies and the WB's ESS7

There are a number of policy gaps that are observed between national policies related to IPs and the WB's ESS7. Table below provides a summary of such gaps and propose measures to close the gaps.

Table 3 – Key Indigenous People’s Policies Gap and Proposed Measures

| No. | Key themes | World Bank’s ESF requirements | National Policies and Regulations | | | Gaps | Proposed Measures |
|-----|--|---|--|--|--|--|--|
| | | | NPDIP ¹⁶ | LAR – SOP ¹⁷ | ESS-NCDD ¹⁸ | | |
| 1 | PUBLIC CONSULTATION AND PARTICIPATION | <ul style="list-style-type: none"> ▪ IPs shall be fully consulted about, and have opportunities to actively participate in, project design and the determination of project implementation arrangements. ▪ Actively engaged IP to ensure IP’s ownership and participation in project design, implementation, monitoring and evaluation. ▪ If remote groups with limited external contact, also known as peoples “in voluntary isolation,” “isolated peoples” or “in initial contact,” the Borrower will take appropriate measures to recognize, respect and protect their land and territories, environment, health and culture, as well as measures to avoid all undesired contact with them as a consequence of the project. | <ul style="list-style-type: none"> ▪ ESIA disclosed publicly to relevant IP’s communities in advance for affected people to have opportunity to provide input about their need ▪ It must be consulted with IPs in order to ensure they benefit from the economy and development in the IP areas. | <ul style="list-style-type: none"> ▪ In case indigenous communities will be affected by the project in terms of land acquisition, prior to the start of field work for Detailed Measurement Survey (DMS), provide information to affected IPs and consultation with IPs will need to also touch on socio-cultural implications of the basic resettlement plan and the indigenous people plan, if any. | <ul style="list-style-type: none"> ▪ The IP shall be made aware of their rights, ensuring that they will be entitled to the enjoyment, compensations and appropriate benefits from the project. ▪ Any project implementation must be joined and discussed with the indigenous peoples especially with their representatives or village chiefs. | While ESF and national policies share similarity in terms of information sharing for public consultation and ensure project benefits for IPs, national policies do not a) mention about allowing IP to determine project implementation arrangements and b) emphasize consultation needs to be maintained throughout project cycle (e.g. design and implementation) | <ul style="list-style-type: none"> ▪ Engage IPs, who are present in project area, in a meaningful consultation process in which consultation will be carried out in a manner that is culturally appropriate local IP’s practices of ▪ Ensure affected IP are engaged continuously throughout project cycle (e.g. design and implementation process) ▪ Let affected IP determine project implementation arrangements, including how project would affect them. |

¹⁶ National Policy on the Development of Indigenous Peoples

¹⁷ Land Acquisition & Involuntary Resettlement – Standard Operating Procedures

¹⁸ Environmental and Social Safeguards of the National Committee for Sub-National Democratic Development

| | | | | | | | |
|---|---|--|--|---|---|---|---|
| | | | | <ul style="list-style-type: none"> In most cases, the consultation will be conducted with the tribal/customary leaders as they make the decisions for the tribe or their people. | | | |
| 2 | ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT | <ul style="list-style-type: none"> The Borrower will assess the nature and degree of the expected direct and indirect economic, social, cultural (including cultural heritage), and environmental impacts on IPs. The Borrower will ensure the timely delivery of agreed measures to affected IPs. | <ul style="list-style-type: none"> Development projects in the living areas of IP can function only if there has been an environmental and social impact assessment | <ul style="list-style-type: none"> If LAR cannot be avoided, the impacts on their identity, culture, and customary livelihood will be studied in depth. A separate study on the social impacts will be carried out on how the IPs use their land, how they conduct their economic activities, and how they organize their social activities. | <ul style="list-style-type: none"> Identify the identity of the IPs, natural resources and the area in which they suffer from the negative impacts of the project implementation and ensuring that the project will benefit them | While ESF and national policies share similarity in terms of the need to conduct study to understand the nature and the level of impacts on affected IP, national policies does not explicitly require that proposed mitigation measures need to be agreed with and timely delivered to affected IPs | <ul style="list-style-type: none"> During ESIA exercise, all IPs potentially affected by the project (positively and/or adversely) will be consulted through a meaningful consultation process to agree on proposed mitigation measures and time-bound delivery of mitigation measures |
| 3 | IMPACT MINIMIZATION | <ul style="list-style-type: none"> Where alternatives have been explored and adverse impacts | <ul style="list-style-type: none"> Relocation is inevitable, as | <ul style="list-style-type: none"> IPP is prepared to mitigate the | <ul style="list-style-type: none"> If effects are unavoidable, | <ul style="list-style-type: none"> National policies has no | <ul style="list-style-type: none"> Impact minimization and |

| | | | | | | | |
|---|--|--|---|--|---|---|---|
| | AND/OR COMPENSATION | <p>are unavoidable, the Borrower will minimize and/or compensate for these impacts in a culturally appropriate manner proportionate to the nature and scale of such impacts and the form and degree of vulnerability of the affected IPs.</p> <ul style="list-style-type: none"> ▪ Eligibility for compensation can either be individually or collectively-based, or be a combination of both. | <p>a national exemption measure for the needs of the national interest or an urgent need of the nation, this change is possible by complying with the resettlement standards and advance payment is appropriate and fair.</p> | <p>social impacts, develop the compensation and resettlement package that will be offered, and set out implementation arrangements.</p> | <p>make sure that the effects will be put at a minimal level and then restored; or compensation will be made for such effects on their cultures.</p> <ul style="list-style-type: none"> ▪ IP shall be made aware of their rights, ensuring that they will be entitled to the enjoyment, compensations and appropriate benefits from the project; | <p>provisions that emphasize on the need to minimize and/or compensate for these impacts on IPs in a manner that is a) culturally appropriate, b) proportionate to nature and scale of impacts and c) consider the form and degree of vulnerability of the affected IPs.</p> | <p>compensation and support in livelihood restoration will be carried out vis-à-vis a) vulnerability of the affected IP and b) impact as perceived by affected IP from their cultural perspective.</p> |
| 4 | INTEGRATED COMMUNITY DEVELOPMENT PLAN | <ul style="list-style-type: none"> ▪ The Borrower will prepare a time-bound plan, such as an IPP setting out the measures or actions proposed. ▪ In some circumstances, a broader integrated community development plan will be prepared, addressing all beneficiaries of the project and incorporating necessary | <ul style="list-style-type: none"> ▪ Relevant ministries and institutions encourage IPs to participate in policy development at all levels, development planning, | <ul style="list-style-type: none"> ▪ Customary land users and IPs without formal titles: If acquisition of customary land becomes a necessary case, IPP will be prepared to | <ul style="list-style-type: none"> ▪ Relevant ministries and institutions encourage IPs to participate in policy development at all levels, development planning, | <ul style="list-style-type: none"> ▪ Specific integrated community development plan | <ul style="list-style-type: none"> ▪ Integrated Community Development Planning (ICDP) in people-centered sustainable development at grassroots. Grassroots facilitation |

| | | | | | | | |
|---|--|--|--|--|---|---|--|
| | | <p>information relating to the affected IPs.</p> <ul style="list-style-type: none"> Identified opportunities will aim to address the goals and preferences of the affected IPs including improving their standard of living and livelihoods in a culturally appropriate manner, and to foster the long-term sustainability of the natural resources on which they depend. | <p>monitoring and evaluation.</p> <ul style="list-style-type: none"> IPs have the full right to express their views and decisions on their socio-economic and cultural development. | <p>mitigate against all social impacts and will spell out the assistance package including additional financial support for re-establishing the livelihood.</p> | <p>monitoring and evaluation. IPs have the full right to express their views and decisions on their socio-economic and cultural development.</p> | | <p>processes through which the intended beneficiaries of development influence, direct and own their own development at grassroots, or community level.</p> |
| 5 | FREE, PRIOR AND INFORMED CONSENT (FPIC) | <ul style="list-style-type: none"> The Borrower will obtain the FPIC of the affected IPs on land and natural resources subject to traditional ownership or under customary use or occupation in the event the project will: (a) have adverse impacts on land and/or natural resources of their traditional ownership, or under their customary use or occupation; (b) cause relocation of IP communities; and (c) have significant impacts on IPs' cultural heritage that is material to the identity and/or cultural, ceremonial, or spiritual aspects of the affected IPs' lives. | <ul style="list-style-type: none"> Indigenous communities have the right to access information of culture, technology, economic and political on issues related to their interests, and to access information related to equitable and stable living conditions. IPs have the right to express themselves | <ul style="list-style-type: none"> In case indigenous communities are affected people, consultation will also touch on socio-cultural implications of the basic resettlement plan and the IPP, if any; In most cases, the consultation will be with the tribal/customary leaders as they make the decisions for the tribe or their | <ul style="list-style-type: none"> People who may be negatively affected by environmental and social risks and impacts have the right to be fully informed about the risks and risk management measures. People have the right to be consulted and to give their free and informed consent | <ul style="list-style-type: none"> National regulations do not have specific FPIC guideline for affected IPs. In addition, there are no explicit indication in national regulations that indicates free, prior and informed consent needs to be obtained from affected IP for project activities that cause 3 types | <ul style="list-style-type: none"> FPIC (as per WB's ESS7) shall be obtained from affected IP for project investment that involves one of the three circumstances described in ESS7. Independent specialists will be engaged by Borrower to assist in the identification of the project's risks and impacts. |

| | | | | | | | |
|---|---|---|---|--|--|--|---|
| | | | and share their experiences with the government, citizens and others from other countries. | people. The IPP is normally prepared by the PPC with the involvement of the EA/IA and relevant local authorities. | | of impacts – as mentioned in the ESS7 of the World Bank | |
| 6 | DISCLOSURE AND GRIEVANCE MECHANISM | <ul style="list-style-type: none"> ▪ The Borrower will ensure that a grievance mechanism is established for the project, which is culturally appropriate and accessible to affected IPs, and takes into account the availability of judicial recourse and customary dispute settlement mechanisms among IPs. | <ul style="list-style-type: none"> ▪ Community committees, as a mechanism for resolving conflicts in areas where IP live, are recognized and encouraged to participate in the service of justice. ▪ In the event of a dispute beyond its capacity to mediate, the Committee shall refer the case to other dispute resolution mechanisms | <ul style="list-style-type: none"> ▪ Every project where LAR is necessary should therefore have in place a redress mechanism to resolve complaints and grievances from displaced persons. The arrangement should be transparent, fair, reliable and effective and function in such a manner that resolution of complaints is achieved in a timely manner. | <ul style="list-style-type: none"> ▪ All people also have the right to submit a complaint directly to NCDD Secretariat, either through the NCDD website, in writing, by telephone or in person. NCDD Secretariat will record and investigate all complaints received in accordance with the grievance mechanism in the NCDD Secretariat Operational | <ul style="list-style-type: none"> ▪ National regulations does not mention the need to ensure the grievance redress mechanism is culturally appropriate to affected IPs s | <ul style="list-style-type: none"> ▪ Project-level grievance mechanism will be designed taking into account current grievance resolution practices of each affected IP. This is designed based on the consultation with IPs potentially affected by the project on their preference over grievance redress procedures. |

| | | | | | | | |
|--|--|--|-------------------|--|---------------------------------|--|--|
| | | | or to the courts. | | Policies and Procedures Manual. | | |
|--|--|--|-------------------|--|---------------------------------|--|--|

1. Royal Government of Cambodia (2009) National Policy on the Development of Indigenous Peoples (NPDIP).
2. RGC (2018) Land Acquisition and Involuntary Resettlement, Standard Operating Procedures (LAR-SOP) for Externally Financed Projects in Cambodia.
3. RGC-NCDD (2019) Policy on Environmental and Social Safeguards for Sub-National Democratic Development.

4. RISKS, IMPACTS AND MITIGATION MEASURES

Positive impacts.

The project will bring about an overall positive impacts to local farmers. In subproject where IP peoples have farmland in the command area, these IPs will benefit from improved irrigation, water supply, government's agricultural extension services, and services from local farmers' cooperatives. As IPs participate in project activities, particularly agricultural extension services, they can grow more crops, participate in value chain, increase income, and eventually improve their livelihoods. Reliable water access and promising farming opportunities thanks to improved irrigation and extension services also keep the poor, including the poor IPs, from migrating to other areas in search for income generation opportunities.

Potential adverse impacts. Adverse impacts on IPs are foreseen. However, these impacts are mostly local, small-scaled, such as minor land acquisition (as foreseen in the first 3 subprojects) to allow construction of irrigation canals and roads along canals. Land impacts would be very small at household level (e.g. loss of strip of land) which would not affect the livelihoods of the IP remarkably. Some tombs that are located inside the reservoir and owned by IP people may be affected due to inundation for a number of months during the year, particularly when water is stored to its maximum capacity. However, potentially affected IP peoples (Bunong IP people from Svay Chrum reservoir) have proposed solution that is culturally appropriate to them (See potential impact and consultation results at Annex 1 – Section C of this document) and how compensation could be made to affected IP in project's Resettlement Policy Framework (Annex 3 – Entitlement Matrix).

It is noted that subprojects that require permanent acquisition of land collectively owned by IPs, or land that the IPs are in the process of requesting RGC's recognition as IP's collectively owned land, will not be financed by the project (See also EMSF's Negative List at Annex 1.1).

Environmental and Social Risks.

During subproject construction and operation, there are a number of environmental and social risks that may apply to local people, including IP peoples who may happen to be present in a subproject area. Environmental and social risks and impacts that have been identified during project preparation have been discussed in consultation meetings with a) IP peoples who are present in subproject area, and b) other project stakeholders at commune, district, provincial and central level. These consultations aim to ensure potentially affected people, and relevant project stakeholders, are aware of such risks and stay engaged during subproject preparation and implementation for risk prevention and mitigation (Please see full list of social and environmental risks in the project's ESMF (Section 4.2 - E&S Risks and Impacts) that may apply to any ethnic minorities who are present in subproject area. See also SEP, particularly section 3.3 (Proposed Strategy for Consultation with Vulnerable/Disadvantaged Groups) for guidance on conducting consultation with IPs when IPs are present in the subproject area.

5. PREPARATION OF INDIGENOUS PEOPLES PLAN

5.1 Steps for Preparing an IPP

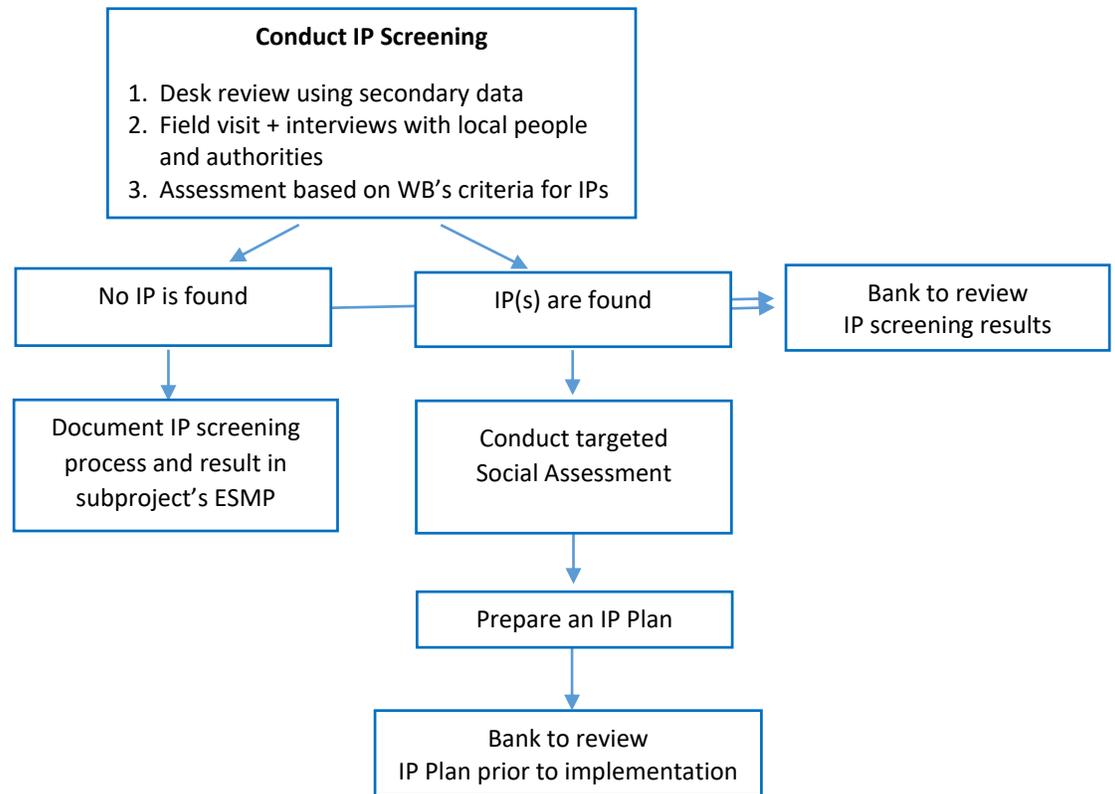
MoWRAM will conduct an IP screening exercise for every subproject identified during project preparation and implementation. The following steps will be taken:

- 1) MoWRAM will conduct IP screening to confirm if IPs (as per WB's ESS7) are present in the area of a subproject. If no IP is found, MoWRAM will document the IP screening process, including

methods applied and results of the IP screening, in the ESMP of the relevant subproject. No further step is required.

- 2) If the IP screening concludes that IP(s) – as per World Bank’s ESS7, is present in the subproject area, MoWRAM shall conduct a targeted Social Assessment following the guidance in this IPPF.
- 3) Based on the targeted Social Assessment conducted for the affected IPs, MoWRAM will prepare an Indigenous Peoples Plan (IPP) with assistance of MoWRAM’s consultants specialized in IP issues, as necessary. It is noted that where possible, the IPP could be developed as part of the site-specific ESMP. If this is the case, all key elements required for an IPP will be added in the site-specific ESMP.
- 4) MoWRAM will disclose the draft Indigenous Peoples Plan, or the site-specific ESMP (that contains IPP elements) making sure that potentially affected IP(s) can access and understand the draft IPP and provide feedback on the draft IPP.
- 5) If the scope and nature of the risks and impacts are changed as a result of design modifications, additional consultations with the affected IP should be carried out and the draft IPP will be updated to reflect additional/updated feedback from the affected IP (See Figure below for steps presented in a flowchart).

Figure 1 – Steps in IP Screening and conducting targeted Social Assessment



5.1.1 Screening for IP(s)

Once a subproject is identified and confirmed, MoWRAM will do the following:

- 1) **Conduct desk review.** This involves reviewing data that is available in the Commune Database or IP databases of MoWRAM. Key information to be collected for a desk review includes socioeconomic and demographic information of ethnic groups living in the subproject area of influence. MoWRAM may ask local authorities in the subproject area or nearby to provide additional information to allow a thorough desk review.
- 2) **Make field visit.** MoWRAM SEO will visit the subproject area. In addition to field observation, SEO will need to meet with local authorities and interview local people, particularly those who are knowledgeable about IP in the area, such as local leaders at village, commune levels, women's union, farmers' association, to explore if there are IP living in or adjacent to subproject area.
- 3) **Conduct assessment of IP(s).** This would involve examination of all information collected above to confirm if the IPs (as per WB's ESS7) are present in the subproject (IP Screening Form in Annex 2 shall be used). The IP(s) under examination should meet all four criteria below to be considered IP as per WB's ESS7 (see Guidance in Annex 3):

- a) Self-identification as members of a distinct indigenous social and cultural group and recognition of this identity by others; and
- b) Collective attachment to geographically distinct habitats, ancestral territories, or areas of seasonal use or occupation, as well as to the natural resources in these areas;
- c) Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture; and
- d) A distinct language or dialect, often different from the official language or languages of the country or region in which they reside.

It is important to note that an IPP will be prepared regardless of

- a) whether the IPs in the subproject area are positively or negatively affected by the subproject;
- b) significance of any such impacts, and
- c) presence or absence of discernible economic, political or social vulnerabilities of the IPs.

During IP screening process, when in doubt, the MoWRAM should consult with the World Bank's team for advice or guidance.

5.1.2 Conducting a targeted Social Assessment

If IPs are present in the subproject area, MoWRAM will conduct a targeted Social Assessment (SA) with technical assistance from an IP specialized qualified consultant. The breadth, depth, and type of analysis in the targeted SA will be proportional to the nature and scale of the subprojects' potential effects on the IP community. The consultation results, mitigation measures, proposed actions. from targeted SA report will be integrated into site-specific Environmental and Social Management Plan (ESMP) to inform mitigation measures for affected IP (See Chapter 6 –Procedures for Environmental & Social Management of ESMF) for preparation of site-specific ESMP.

The targeted SA will include the following elements as needed:

- a) Baseline data collection on the demographic, economic, social, cultural and political characteristics of the affected IP groups, habitats, ancestral territories, or areas of seasonal use and occupation that they have traditionally owned or customarily used or occupied, as well as the land in the project area and the natural resources in these areas on which they depend;
- b) Assessment, based on meaningful consultations tailored to the IPs, of the potential adverse and positive effects of the subproject. Special attention is given to analysis of the relative vulnerability of, and risks to, the affected IPs given their distinct circumstances (such as small population which may increase their vulnerability due to limited social network), and their level of dependence on land and natural resources, as well as their potential lack of access to opportunities relative to other social groups in the communities and regions in which they live. The assessment should consider differentiated gender impacts of subproject activities and impacts on potentially disadvantaged or vulnerable groups within the IP community, as well as the preferred grievance redress mechanism that may be preferred as a cultural practice of the affected IP(s);
- c) The identification and evaluation of measures necessary to avoid adverse effects, or if such measures are not feasible, the identification of measures to minimize, mitigate, or compensate for such effects, and to ensure that IPs receive project benefits;
- d) A description and assessment of the legal and institutional framework applicable to IP

communities, as detailed in this IPPF. Besides describing the legal status of IPs in the country's constitution, legislation (laws, regulations, administrative orders) and customary law, this section should also include an assessment of the ability of the communities to obtain access to and effectively use the country's legal system to defend their rights;

- e) A summary of the Stakeholder Engagement Plan, which would include stakeholder analysis and engagement planning, disclosure of information, and meaningful consultations, in a culturally appropriate and gender and inter-generationally inclusive manner. The project's existing SEP would be expected to guide this¹⁹.
- f) A summary of meaning consultation results. The consultations should: (i) involve representative bodies and organizations and, where appropriate, other community members; (ii) provide sufficient time for IPs' decision-making processes; and (iii) allow for the effective participation by IPs in the design of project activities or mitigation measures that could potentially affect them either positively or negatively. Feedback on the project would be gathered through separate group meetings with IPs, vulnerable groups, including their traditional leaders, NGOs, community-based organizations, CSOs and other affected persons. The consultations would also help inform the Social Assessment with regard to demographic data, such as the social and economic situation and impacts (See Annex 4 for suggestive questions that can be used for a targeted Social Assessment).

It is also noted that the targeted SA, among other things, aims to understand a) how IP currently use water for their crop, b) how they will use water after subproject completion to improve their crop production (e.g. increase from one to two crops per year), increase income and secure their livelihood options. The SA will also explore how IPs coordinate water use among themselves (as an IP community), and coordinate their water use with other ethnic group (e.g. Khmer mainstream group). The SA will also explore potential constraints of the IP as to intended crop intensification, and explore opportunities to engage IP in crop value chain (e.g. rice, select cash crop) to facilitate their interest and plan to enhance crop production and secure stable and better prices for improved crops. These will involve how individual IP farming households organize themselves (with MAFF's support) to improve crop yield and quality and enter to value chain to secure their investment of time, effort, and cost for enhanced crop production. As part of project plan, IPs will be supported in organizing themselves into water user groups to enhance not only water coordination to reliable water access, but also for effective maintenance of irrigation system – through collection of water tariff which will be coordinated by local water user groups. The SA will also screen to know if subproject activities would create any potential adverse impact on the cultural properties of the IP (including tangible and intangible). The targeted SA will be conducted based on the meaningful consultation with affected IP which is grounded on the principle of free, prior and informed consultation. Sufficient information will be provided to potentially affected IP to ensure meaningful consultation. Details about scope, scale, nature of subproject activities, subproject location, and identified E&S risks and impacts associated with proposed investment will be provided to affected IP to ensure their feedback are meaningful.

¹⁹ MoWRAM should consult IPs as to the cultural appropriateness of the Project's components and documents such as the SEP and identify and address any social or economic constraints that may limit opportunities to benefit from, or participate in, the Project.

5.1.3 Prepare an Indigenous Peoples Plan

Based on the results of the targeted SA, an Indigenous Peoples Plan (IPP) will be prepared. The IPP will have the following elements, as needed:

- a) A summary of the targeted Social Assessment report, including the applicable legal and institutional framework and baseline data;
- b) A summary of sub-project description and its impacts on IPs
- c) A summary of results of meaningful consultation tailored to IPs. If the subproject involves the three circumstances specified in Section 5.3 (below), the outcome and process associated with FPIC consultation will be described in the IPP;
- d) A framework for meaningful consultation tailored to IPs during subproject implementation;
- e) A detailed description of measures to ensure that any potential adverse impacts on the consulted IPs are avoided/minimized and mitigated and that the IPs receive socioeconomic benefits during project implementation that are culturally appropriate to them. Measures will be gender sensitive and include steps for implementation.
- f) Arrangements for IPP implementation with a clear description of roles and responsibilities of relevant stakeholders. This should include measures to strengthen the capacity of local authorities, as needed, as well as the involvement of NGOs or CSOs as necessary;
- g) A project's Grievance Redress Mechanism is adapted to ensure it is culturally appropriate and accessible to the affected IPs, taking into account the availability of judicial recourse and customary dispute settlement mechanisms among the IPs. This should be done in consultation with the IP groups present in the subproject area;
- h) The cost estimates and financing plan for the IPP implementation;
- i) Mechanisms and benchmarks appropriate for monitoring, evaluation, and reporting on the implementation of the IPP. Monitoring arrangements should include the following: (i) administrative monitoring to ensure that implementation is on schedule and problems are solved timely; (ii) monitoring of IPP implementation utilizing the socioeconomic baseline established in the targeted SA report, including ways to consider inputs from the affected IPs in such mechanisms.

MoWRAM will submit IPPs to the World Bank for prior review before implementation.

5.2 Stakeholder Engagement and Information Disclosure

5.2.1 Stakeholder Engagement

The WB's ESS7 defines stakeholder engagement as a process of identifying relevant stakeholders, conducting stakeholder analysis, and organizing a series of consultations to meet with project stakeholders for collecting stakeholders' feedback and concerns on project's risks and impacts, as well as stakeholders' development needs in relation to project purposes and activities. This aims to ensure the project's adverse impacts on IPs can be avoided, or minimized and mitigated if avoidance is not possible. For this project, it is important that IPs need to be consulted on their development needs (in relation to project purposes) to ensure they can receive socioeconomic benefits that are appropriate to them culturally.

5.2.2 Consultation with project stakeholders, including IPs, during Project Preparation

Consultation on project design and related IP issues was conducted on 20 October 2022 at national level (as listed below), and subsequently with the Bunong IP potentially affected at identified subproject of Svay Chrum (Kratie province) during 4-7 October 2022 (on proposed project ideas), 20-24 March 2023 (on initial subproject design), and 25-27 April 2023 (based on updated engineering design), and consultation with potentially affected Bunong on 11, 12 and 16 May 2023. This IPPF will be disclosed for public consultation, including consultation with the Bunong IP leaders and representatives of affected IP households). Feedback of consulted IP has been incorporated into relevant subproject design (e.g. Svay Chrum) to a minimize impact on IP – based on the FPIC obtained from affected IP for the associated impacts (See also the summary of consultation results at Annex 1 – Section C).

Ministry of Water Resource Management and Meteorology (MOWRAM)

- General Department of Technical Affairs

Ministry of Agriculture, Forestry and Fisheries (MAFF)

- General Directorate of Agriculture
- Fisheries Administration

Ministry of Rural Development (PMU)

- Department of Rural Road
- Department of Rural Economy Development
- Department of Indigenous People Development
- Department of Community Development

Ministry of Environment (MOE)

- General Department of Environmental Protection
- Administration General Department of Nature Conservation and Protection

Ministry of Women's Affairs (MOWA)

- General Department of Heritage

Ministry of Culture and Fine Arts (MOCFA)

- General Department of Technical Cultural

Ministry of Planning (MOP)

- General Secretariat for Population and Development

Ministry of Interior (MOI)

- National Committee for Sub-National Democratic Development Secretariat (NCDDS)

Ministry of Economy and Finance (MEF)

- General Department of Resettlement for Development Projects

Ministry of Education, Youth and Sport (MOEYS)

- School Health Department

Ministry of Labor and Vocational Training (MOLVT)

- General Department of Labor

Ministry of Health (MOH)

- Directorate General for Health

Ministry of Land Management Urban Planning and Construction (MLMUPC)

- General Department of Land Management and Urban Planning

Ministry of Social Affairs Veterans and Youth Rehabilitation (MOSVY)

- General Department of Technical Affairs

Ministry of Tourism (MOT)**Cambodia National Mekong Committee (CNMC)**

Relevant NGOs and agencies were invited to the consultation meeting at provincial level to solicit opinions and suggestions for project design, mitigation measures for E&S risks and potential impacts and potential developmental needs of IPs based on proposed subproject activities. In the subproject area, meaningful consultations were carried out with potentially affected IP (the Bunong) at Svay Chrum subproject in Kratie Province in October 2022, March, April and May 2023. Consultation meeting were also hold with the Office of Indigenous People Development (within provincial Department of Rural Development - PDRD) and related NGOs the two provinces of Kratie and Mondulkiri. During all consultation meetings, specific information have been presented to project stakeholders, including potentially affected IP. Information shared for the purpose of consultation include a) subproject purpose, b) description of subproject activities, c) environmental and social risks and impacts associated with proposed investment, d) proposed mitigation measures, e) grievance redress procedures, f) subproject implementation schedule, and so forth. The feedback and suggestions provided by the consulted IPs and other agencies and NGOs have been considered and incorporated into project design and into consultation approach. This will be applied to the IPs who may be present at subprojects, which will be identified during project implementation). It is noted before the subproject's Environmental and Social Management Plan is finalized, its draft will be disclosed locally to affected IP community for their information and continued feedback, if any. The draft ESMP will describe the consultation process and consultation outcomes, including feedback and agreement that has been obtained from affected IP as to subproject activities that potentially affected them (e.g. Svay Chrum subproject) (See Annex 1 for the summary of consultation sessions and results). The final ESMP will be re-disclosed through the same channel prior to subproject implementation. During subproject implementation, IPs will be engaged in consultation during pre-construction stage, construction stage, and operational stage.

5.2.3 Consultation with IPs during Project Implementation

During project implementation, consultations with IPs will be carried out for subprojects where IP screening has confirmed that IPs, as per WB ESS7, are present in the subproject areas. The consultations with identified IPs will be carried out on an iterative basis throughout project cycle, to facilitate the process of adaptive management of risks and impacts identified for the subproject. To ensure relevant IP stakeholders are engaged in project consultations, MoWRAM will identify IP group(s) present in subprojects, then conduct consultations with them – as per Section 5.1. The consultations with identified IP groups will be conducted in a culturally appropriate manner that takes into consideration gender sensitivity and intergenerational perspectives.

The consultations will seek also feedback from IPs on subproject's risks and impacts, suggestions to avoid or mitigate such risks and impacts, and developmental needs of the IP in relation to the project goal and subproject activities.

To promote effective project design and build project support and ownership of local IPs while reducing risk of potential delays during subproject implementation, MoWRAM will apply the engagement strategy described in the project's Stakeholder Engagement Plan. The engagement process will include analysis of IPs as project stakeholders, engagement planning, disclosure of information, and conducting meaningful consultations with the affected IP(s). The consultations will be based on the existing customary institutions and decision-making processes of the consulted IPs to promote IP's participation and support for the subprojects. In particular, the consultations to be conducted by MoWRAM at subproject level will:

- a) Involve the participation of IPs' representative bodies and organizations, such as councils of elders or village councils, or chieftains. Where appropriate, consultations shall be carried out with other members of the IP communities;
- b) Allow for IPs to participate effectively in the design of project activities or mitigation measures that could potentially affect them – either positively or negatively;
- c) Provide IPs sufficient time to make informed decisions.

5.2.4 Information Disclosure

Prior to conducting consultations, MoWRAM will notify the concerned IPs of the consultation plan during preparation. MoWRAM will provide affected IPs with initial subproject information in the form of booklet in both Khmer and local language (if applicable). This initial information should be provided to IP at least two weeks prior to consultation. If the concerned IPs do not have a written language, the IP will be provided the information in Khmer and are explained verbally in the local language of the concerned IP to ensure the IP are fully informed of the consultation purpose and initial subproject information.

The draft IPPF will be disclosed for public consultation prior to project appraisal. At national level, the full document (in English) and Executive Summary (in Khmer) will be disclosed on the websites of MoWRAM and MAFF. At project level, the same documents will be disclosed in hard copy at the offices of Provincial Departments of Water Resources and Meteorology and the Provincial Department of Agriculture, Forestry and Fisheries. At subproject level, Executive Summary (in Khmer) will be posted at Commune's Halls where identified subprojects are located. The IPPF will be finalized following project appraisal and will be re-disclosed again through the same channels (as per guidelines in SEP). Both draft and final IPPF will be disclosed in English on the WB's website.

During project implementation, all draft IPPs, once completed by MoWRAM and submitted to the Bank for review, shall be disclosed to affected IP communities in Khmer language. The summary of the IPP (in the form of an Information Booklet) will be translated into IP's language if the consulted IPs have their own written language. Public meetings will be hold with the affected IP(s) to explain the contents of the relevant IPP in their mother language to ensure affected IPs understand what and how the activities described the IPP will be carried out, including E&S risks and impacts that are associated with subproject activities. The IPP also explains how the IPs will be engaged by project in consultation meetings during subproject preparation, and in monitoring of subproject implementation to minimize identified E&S risks and impacts. IPPs – prepared for relevant subprojects, will be disclosed locally in Khmer and in local IP language (if applicable), as well as in Khmer and English language the website of MoWRAM and MAFF. If IPs does not have written language, content of IPPs will be presented to affected IPs verbally using IP language. The English version of the IPPs will be disclosed on the World Bank's website.

5.3 Free, Prior and Informed Consent (FPIC)

5.3.1 Circumstances requiring FPIC

As part of the ES screening, if the proposed subproject affect the IP people(s) under one of the following circumstances, PMU needs to obtain the Free, Prior and Informed Consent (FPIC) of the affected IP people(s):

- The proposed subproject has adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation.
- Causes relocation of IPs from land and natural resources subject to their traditional ownership or under customary use or occupation.
- Has significant impacts on the IP's cultural heritage that is material to their identity and/or cultural, ceremonial, or spiritual aspects of their lives.

5.3.2 Consultation of Vulnerable Groups

During consultation process, PMU is required to pay attention to the affected disadvantaged or vulnerable individuals/group such as the poor, women-headed households, and people with disabilities. When this is the case, efforts will be made to facilitate the participation of representatives of this group in the FPIC process to ensure their concerns and/or interests are adequately considered and addressed towards in the process towards establishing the FPIC for the relevant subproject's activities. When this is the case, consultants who have significant experience in issues of concern to IPs should be engaged to assist PMU in consultation with the vulnerable and/or disadvantaged individuals/groups.

5.3.3 Negotiation for FPIC

PMU will ensure that the negotiation with the affected IPs are carried out in good faith of all parties involved and that all parties are:

- a) Willing to engage in the FPIC process and are available to meet at reasonable times and frequency;
- b) Willing to share the information necessary for the informed negotiation;
- c) Use mutually acceptable procedures for the negotiation;
- d) Willing to change initial positions and modify offers, where possible; and
- e) Provided with sufficient time for discussion and decision making throughout the FPIC process.

It is important to note that the word 'consent' refers to the collective support of affected IPs for the project activities that affect them, reached through a culturally appropriate process. Consent may exist even if some individuals or groups object to project activities. FPIC does not require unanimity and may be achieved even when individuals or groups within or among affected IPs explicitly disagree. This process should be properly assessed and documented as part of the targeted Social Assessment.

When the FPIC of the affected IP cannot be ascertained by the Bank, the aspects of the subproject relevant to the affected IP(s) for which the FPIC cannot be obtained will not be processed further. Where the Bank has made the decision to continue processing the subproject other than the aspects for which the FPIC of the affected IP(s) cannot be determined, PMU will ensure that no adverse impacts result on such IP(s).

5.3.4 Subprojects located on land traditionally owned by, or under the customary use or occupation of IP(s)

When this is the case, PMU will take the following steps toward obtaining the FPIC of the affected IP(s):

- a) Document PMU’s efforts in avoiding and otherwise minimizing the area of land proposed for the subproject;
- b) Document efforts in avoiding and otherwise minimizing impacts on natural resources subject to traditional ownership or customary use or occupation;
- c) Identify and review all property interests, tenurial arrangements, and traditional resource usage prior to carrying out land acquisition;
- d) Assess and document IP’s resources use without prejudicing any IP(s); and
- e) Ensure that affected IPs are informed of: (i) their land rights under national law, including any national law recognizing customary use rights; (ii) the scope and nature of the subproject; and (iii) the potential impacts of the subproject.

5.3.5 Documentation of FPIC process and outcome

In terms of documenting the FPIC process and outcome, PMU will ensure that the following is documented:

- a) The mutually accepted process to carry out good faith negotiations that has been agreed by PMU and IPs; and
- b) The outcome of the good faith negotiations between PMU and IPs, including all agreements reached as well as dissenting views.

The consultation records will document the consultations, interviews, attendance lists, photographic evidence and minutes of other meetings and/or back-to-office reports.

6. GRIEVANCE REDRESS MECHANISM

6.1 Objective of Project’s GRM

The objective of the GRM in this IPPF is to provide aggrieved IP with grievance redress procedures that are accessible, easily used, and free of charge to ensure that the grievances submitted by the affected IPs are solved timely. The GRM in this IPPF guides how a complaint of affected IP can be lodged, including forms of grievance lodging, channels, and steps that can be taken.

The GRM also describes the time-limits, where possible, for each step, such as time-limit for acknowledging receipt of complaints, notification of resolution decision. During the grievance resolution progress, where necessary, dialogues will be held between the aggrieved IP and project’s GRM focal point that are designated for each step. Dialogues with affected IP during complaint resolution process aims to promote mutual understanding and collaboration among concerned parties.

The project also includes an appeal process that a complainant can use when they are dissatisfied with the resolution results/decision, or their complaints are not resolved within a specified timeframe. During subproject implementation, IPs in the subproject area will be reminded of the availability of this GRM and will be explained during consultations about how to use it.

6.2 Grievance Redress Mechanism

The following section outlines complaint handling procedures that are designed to assist affected Indigenous Peoples (IPs) in making complaints regarding the project. These procedures are designed to address potential impacts and risks during project preparation and cover four key areas: a) land acquisition, where individual IP land is acquired either permanently or temporarily during construction, b) labor, where IPs are engaged as contracted workers in project construction, c) Sexual Exploitation and

Abuse (SEA) or Sexual Harassment (SH), where IPs are victims, survivors, witnesses, or otherwise affected by SEA/SH actions related to the project, and d) general complaints and concerns related to project design, adverse impacts on IPs such as dust, noise, vibration, and any other aspects that IPs attribute to project activities.

6.2.1 Grievances related to Land Acquisition

The project has prepared a standardized GRM for stakeholders affected by land acquisition, including IPs. However, given the presence of various IP groups in project provinces, the IP groups in each subproject area will be consulted for feedback on the project's standardized GRM, as presented below. The purpose of consultation on the GRM in this IPPF is to ensure that the standardized steps and process below are culturally appropriate to the affected IP group. If required by the consulted IPs, the GRM below will be updated to reflect the customary complaint handling procedures currently practiced by the consulted IP and/or may be preferred by the affected IPs, based on the targeted Social Assessment of IPs once site-specific sub-projects are identified or confirmed during project implementation.

Below is the project's standardized GRM for complaints related to land acquisition.

- **Step 1 – Commune level.** Traditionally, the affected IP can bring their complaint to the village and/or IP community leaders who may be able to resolve issues on the spot. The Village/ IP community leader will record the grievances and how they were resolved and communicated to MoWRAM's Environmental and Social Officers (ESO). If the aggrieved IP is not satisfied with the resolution, s/he can proceed to Step 2 (District level) or Step 4 (Provincial level) as they wish;
- **Step 2 – District level.** The affected IP can skip Step 1 as they wish by lodging a written complaint to the Head of the District Office where the subproject is located. The aggrieved IP can bring in a community elderly or representatives to mediation at District level. The Inter-Ministerial Resettlement Committee Working Group (IRC-WG) will approach the Head of the District Office about the matter. The conciliation meeting shall be held, and the decision will be taken within 15 working days from the date of complaint registration at the District Office. If the complaint is not resolved at the District Level to the satisfaction of the affected IP, the IRC-WG will inform GDR's Department of Internal Monitoring and Data Management (DIMDM) which will review and seek the approval of the Director General of GDR for appropriate remedial action. The affected IP will be informed in writing by the GDR of the decision and the remedial action within 15 working days from the receipt of the letter from the District Office. If the complaint is rejected at this step, the District Office will inform the aggrieved IP in writing. If the affected IP is not satisfied with the result, s/he can proceed to the step 3;
- **Step 3 – Project level (General Department of Resettlement).** The GDR will review the complaint and submit a finding report to the Director General of GDR for a decision. The final report will be completed within 30 working days from the date of complaint receipt and will submit to the Director General of the GDR for a final decision within 5 working days from the date of receipt of the final report. In case the subject matter requires intervention at policy level, the case will be transferred to the Inter-Ministerial Resettlement Committee (Project-Level) for review and decision. When this is the case, additional 10 working days will be added to the normal time limit to enable the IRC to make final decision; and
- **Step 4 – Provincial level (Provincial Governor's Office).** The aggrieved IP can submit a written complaint to the Provincial Grievance Redress Committee (PGRC) through the Provincial Governor's Office. The aggrieved IP, or his/her representative, will have the opportunity to present their case in a face-to-face meeting. The PGRC may consider any compelling and special

circumstances of the affected IP to make a decision. The GDR will send a representative, as a non-voting member, to provide an explanation for the rejection of the complaint at the second step by the GDR. The decision of the PGRC must be reached on a consensus basis and will be final and binding except for in the case where the complaint is related to the Government's policy. Decisions on government's policy related to land acquisition and resettlement are made by the IRC. The PGRC will have 40 working days from the date of receipt of the complaint to make a final decision. The decision of the PGRC will be sent to the IRC through the GDR for endorsement before remedial action is taken.

If the aggrieved IP is not satisfied with a resolution decision made at any of the above steps, they can bring their case to the Provincial/Municipal Court at their own cost as per the Law on Expropriation. If the aggrieved person wins the case, their tribunal fee will be reimbursed by the project.

6.2.2 Grievances related to Labor & Community Safety and Health

If the IP are involved in the sub-project as a contracted worker (engaged by sub-project' contractors) and they wish to submit their complaints related to labor and working conditions, they can lodge a grievance using the Redress Procedure for Complaints related to Labor and Working Conditions described in section 10.2 of the Labor Management Procedures (Annex 2of ESMF), which was summarized in Section 6.4.2 of the Stakeholder Engagement Plan.

6.2.3 Grievances related to Sexual Exploitation and Abuse, or Sexual Harassment

In case the IP wishes to submit a grievance related to sexual exploitation and abuse, or sexual harassment, or violence against children, they can lodge their grievance using the Redress Procedure for Complaints related to SEA/SH described in section 6.4.3 (Redress Procedure for Complaints related to SEA/SH) of the project' Stakeholder Engagement Plan.

6.2.4 Grievances related to any other aspects that are not covered in the above GRM

If environmental factors, such as elevated levels of dust or increased noise during evening hours, negatively impact the living or business activities of IPs, several channels will be established for their convenience. These channels may include:

- **PMU GRM focal point's telephone;**
- **Local IP leaders;**
- **Contractor's hotline:** to report cases that they think contractors can timely address them (contact detail of Contractors will be posted at construction sites, and distributed to IPs (through Sub-project Information Booklet) during consultations, and posted at public billboards of Commune/Sangkat offices, pagodas; and
- **Commune/Sangkat offices**

7. IMPLEMENTATION ARRANGEMENTS, MONITORING AND REPORTING

7.1 Implementation Arrangements

MoWRAM and MAFF will be responsible for implementing this IPPF. In particular, MoWRAM will be responsible for Project Component 1 which involves design, construction, and operation of the reservoir and irrigation system. MAFF will be responsible for Project Component 3. MAFF will engage IPs who farm inside the target command area and help them improve crop production, income and land-based livelihoods activities.

Within MoWRAM, the Project Director (PD) at MoWRAM will be responsible for providing overall guidance, policy advice, conducting internal coordination, discussing and resolving issues at project level – in association with relevant government agencies where needed. The Project Manager (PM) at MoWRAM will provide day-to-day support to the PD and will be responsible for ensuring that the IPPF will be followed. The PM will oversee the work of the ESOs and ensure proper screening of IP groups will be carried out for each sub-project, and steps for IP screening and targeted social assessment described in this IPPF are followed. Within MoWRAM, the ESOs will be responsible for carrying out day-to-day activities set forth in this IPPF.

- **A Social Officer** will be appointed full-time within MoWRAM's PMU (in addition to an Environmental Officer) to provide guidance to Provincial PDWRAM in conducting consultation with affected IP in respective subprojects. The Social Officer will be also in charge of IP issues and serve as a GRM focal point for social issues. MoWRAM needs to inform the WB of the IP screening results and steps that MoWRAM will take in case IPs are present in the sub-project area. When IPs are found in the sub-project, MoWRAM will engage IP consultants to work closely with PMU's IP Specialist and PDWRAM to conduct targeted Social Assessment and prepare IPPs. PMU's IP specialist and IP consultants will visit the sub-project sites and work closely with PDWRAM, local authorities, relevant agencies, NGOs, particularly local IP leaders and IP members, including vulnerable groups of affected IP communities, to conduct targeted Social Assessment.
- **An Environmental Officer** will be on board full-time with PMU and is responsible establishing a baseline of farming practices – focusing on the current use of chemical inputs by target IPs and ensure integrated pest management program (including training, field demonstration, follow-up support) is appropriately implemented to ensure chemical inputs are used appropriately as recommended under the IPM program which is designed for the target IP.

Within MAFF, the Project Manager at MAFF will be responsible for providing overall guidance, policy advice, conducting internal coordination, discussing and resolving issues at project level – in association with relevant government agencies where needed. The Project Manager (PM) at MAFF will provide day-to-day implementation support under Project Component 3 and will be responsible for ensuring that the IPPF will be followed for activities carried out under Project Component 3.

- **A Social Officer** will be appointed full-time within MAFF PMU and will be in charge of IP and gender issues. For IP issue, the Social Officer will be responsible to ensuring that IPs who are present in the command area are consulted in a manner that is meaningful (See Definition) and ensure agricultural technologies that are introduced under Component 3 are culturally appropriate to the beneficiary IPs. For gender issues, the Social Officer will be responsible for conducting gender analysis for the IP present in the project area and prepare gender action plan to promote gender equality among the target IPs.
- **An Environmental Officer** will be on board full-time with PMU and is responsible establishing a baseline of farming practices – focusing on the current use of chemical inputs by target IPs and ensure integrated pest management program (including training, field demonstration, follow-up support) is appropriately implemented to ensure chemical inputs are used appropriately as

recommended under the IPM program which is designed for the target IP.

7.2 Capacity Building

Since both MOWRAM and MAFF are new to ESF, and have not been familiar with requirements of ESS7, they may not be able to conduct meaningful consultation from initial years of project implementation. In the first year, these specialist will be trained by the WB task team on ESF with a particular focus ESSs that apply to this project to enable newly appointed ES specialists at both MOWRAM and MAFF to provide appropriate support. Where needed, IP consultant will be engaged to provide additional support to PMUs' specialist, particularly in the initial years of project implementation.

Since independent ES monitoring consultants will be engaged by PMU at MoWRAM, feedback from this consultant, alongside internal monitoring results, will provide regular feedback to PMU on how IPPF/IPP is carried out so that adjustment/improvement could be made appropriately and timely.

7.3 Monitoring

The application of this IPPF and preparation and implementation of sub-project IPPs will be monitored internally by the MoWRAM. Adverse impact on IPs (if any) due to land acquisition will be monitored by GDR and MoWRAM as part of implementation arrangement set forth in Section 8.1.2 of project's Resettlement Policy Framework (RPF).

Within MoWRAM, the ESOs or the Detailed Design Implementation and Supervision (DDIS) will be responsible for conducting quarterly monitoring activities of the activities set for under all subproject IPPs. Monitoring of IPPF/IPP implementation will focus on assessing the compliance of IPP implementation against the followings:

- IP screening process and results;
- Quality of targeted Social Assessment and adequacy of IPPs prepared based on targeted SAs;
- Information disclosure;
- Functioning of project's GRM (as customized to the respective IP groups present in each subproject area to ensure the GRM is culturally appropriate to the local IPs);
- Development activities carried under IPPs (based on development needs of IPs);
- Results and impacts of IPPs (in ensuring the affected IP receive socioeconomic benefits of the project that is culturally appropriate, gender and intergenerational inclusive, and contributing to achieving the objective of the WB's ESS7).

In addition to internal monitoring, the project will encourage IPs in subproject areas to participate in monitoring and evaluation of IPP implementation process and implementation outcome which affects them. During targeted SA exercise, feedback and suggestions from IPs will be solicited as to how they wish to participate in monitoring and evaluation of IPP activities.

MOWRAM will provide a quarterly IPP implementation report to the World Bank. These results will be incorporated into MoWRAM's consolidated Environmental and Social Compliance Report (ESCR) (See Annex 5 for Indicative Indicators for Internal Monitoring of IPP implementation).

7.4 Reporting

MoWRAM's ESOs will ensure feedback from affected and interested IP, as well as grievances submitted by affected IPs, are resolved timely and effectively, and that resolution results are reported timely back to the aggrieved IPs. The method of reporting back depends on the stakeholders, and as follows:

- For stakeholders at national level, email and/or official letter will be used to report back to stakeholders following consultations and/or workshops. The content of the report will summarize what comments, suggestions, concerns that have been received, by whom and when, and how such comments, suggestions, concerns were considered;
- For stakeholders at local level, follow-up meetings/consultations will be conducted to informed stakeholders know on how comments, suggestions, concerned were considered;
- For Indigenous Peoples, project’s responses to their comments, suggestions, concerns are reported back to them in subsequent face-to-face consultations – in line with the project’s SEP and the IPPF, including how the project had considered and addressed their concerns through concrete actions to be carried out during subproject implementation process and through IPP implementation.

Grievances of all project IP will be reported back to them through project’s GRM channels within the timeframes specified for each step of the above GRM procedure.

8. COSTS AND BUDGET

8.1 Costs

Indicative costs for IPPF implementation are estimated during project preparation (See Figure 6 below) for the purpose of budget planning. The actual costs of IPPF implementation depend on the number of IPPs, including scope and activities to be carried out under each IPP, during project implementation. The estimated cost below may be updated once the list of subprojects is finalized. Costs incurred as compensation payment for land acquisition and associated impacts are covered by counterpart funds and are estimated in the project’ Resettlement Policy Framework (RPF).

8.2 Budget

The budget for implementing IPPF/IPP will be allocated from counterpart funding (See Figure below. implementation, based on infrastructure construction sub-projects that will be identified/confirmed during project implementation, this budget plan will be updated to ensure funding is sufficiently planned annually to ensure timely and effective activities in Figure below.

Figure 2 – Key activities and costs for supporting IPPF implementation (in US Dollars)

| No. | Key activities | Stakeholders involved | Estimated costs (per province x 7) | Sub-Total (Counterpart Budget) | Sub-Total (WB finance) | Total |
|-----|---|---|---|-----------------------------------|---------------------------|----------------|
| 1 | Recruitments of IP consultants to conduct targeted SA | <ul style="list-style-type: none"> MoWRAM (oversight) ESO (implement) | 3,000 x 7 | 21,000 | - | 21,000 |
| 2 | Recruitment of bilingual facilitators to support consultations as part of SA | <ul style="list-style-type: none"> MoWRAM ESO (implement) | 1,000 x 7 | 7,000 | - | 7,000 |
| 3 | Conduct targeted Social Assessment and Prepare sub-project IPPs | <ul style="list-style-type: none"> MoWRAM (oversight) ESO (lead) IP Consultant (implement) | 5,000 x 7 | 35,000 | - | 35,000 |
| 4 | Conduct mitigation measures, development activities, and relevant activities, as part of IPP (based on the needs of consulted IPs, e.g. trainings for IP on good agriculture practices such as Integrated Pest Management, water saving technology (e.g. alternative wet dry, fertilizer needs assessment/ application, alternative job that is not land based for income generation activities which are culturally appropriate, etc.) | <ul style="list-style-type: none"> MoWRAM (lead) Consultant (implement) | 5,000 x 7 | 35,000 | - | 35,000 |
| 5 | Monitoring and Evaluation, Reporting | <ul style="list-style-type: none"> MoWRAM (oversight) ESO (implement) | 2,000x7 | 14,000 | - | 14,000 |
| 6 | Staff allowance | <ul style="list-style-type: none"> MoWRAM (oversight) ESO (implement) | \$35 x 7 staffs x 10 days x 7 provinces | 17,150 | - | 17,150 |
| 7 | Transport | | 1,000 x 7 | 7,000 | - | 7,000 |
| 8 | Data collection | | 1,000x 7 | 7,000 | - | 7,000 |
| 9 | Others | | 500 x 74 | 37,000 | - | 37,000 |
| 10 | Contingency (10% of above 9 items) | | | | | 18,015 |
| | | | | | Grand-Total | 198,165 |

Annex 1: Summary of Consultation during Project Preparation

A. Consultation at subprojects levels (4-7 October 2022)

Two consultations were conducted with potentially affected households and provincial stakeholders in Mondulakiri and Kratie Provinces:

In Mondulakiri province

Consultation approach

POTENTIAL AREA OF INFLUENCE OF SELECT SUBPROJECTS

- **Step 1:** Upstream flooding impact estimated based on a) maximum flood level (existing functioning reservoirs), or b) use of Digital Elevation Modeling (DEM) to estimate (e.g. for Srea Thom Reservoir)
- **Step 2:** Potential flooding impacts for future reservoir estimated based on topographical survey (to be completed in 1.5 months) to define scope of potential inundation impact (upstream) and impact downstream
- Meanwhile, water modeling being undertaken to calculate how much water to be retained upstream (considering precipitation, water infiltration, runoff...) to estimate water quantity to be restricted to downstream
- During this time, consultation focuses on potential upstream impacts and other ES risks and impacts during construction during design, pre-construction, construction stages)
- Consultation with downstream population will be done when impacts (based on analysis from step 2) become available (operational stage)

E&S RISKS AND IMPACTS INITIALLY IDENTIFIED

- Preliminary E&S risks and impacts are presented to consulted participants for double-check/validation with respective governmental agencies at provincial level.
- Preliminary E&S risks and impacts and other relevant social broad issues (typical at project level) were also presented and consulted with NGO (NGO Forum, Cambodian Indigenous Peoples Organization, IUCN, WWF...), including issues such as IP customs and habits, development needs, fauna and flora...

MEETING AT PROVINCIAL LEVEL

- There should be a **map that clearly indicate** the boundary of impact of subproject (physical structure and water flooding impact)
- Need to **raise awareness of workers** on protected area management law, any prohibitions/cautions related to wildlife
- Need to **inform Phnom Pricy Wildlife Sanctuary** before construction activities.
- Need to **conduct a meaningful consultation with IP community** at all proposed sub-project areas on **potential underground heritage sites** and other **spiritual sites**.
- If land acquisition is required, **land for land option** is preferred
- **Previous experience** showed that when irrigation scheme is **not built as a complete system**, farmer broke dike to get water into their field

MEETING AT VILLAGE LEVEL

- Villagers have **long expected** reliable irrigation to support farming, livestock, domestic water use, especially during dry season
- Most households in the village would **not be directly affected** since they live around 4 to 5 Km away.
- About **10 households** (2ha to 4ha each) who farm in existing dike will be affected when flooded
- **New pastureland** for livestock need to be identified as alternative during dry season (in Oh-Chor and Srae Pok).
- It seems **no collectively owned IP land** and **significant spiritual sites** of the community are affected based on the flooded area of the existing reservoir
- **Accurate flooded area** due to new upgraded reservoir **not yet confirmed** (pending result from topographical survey to be completed in the next 2 months)
- **No physical heritage** are located in the proposed subproject area (based on current consultation)
- **No gender issues envisaged** among community member (male and female have their own role and responsibility in their family).
- **No significant SEA/SH cases** so far due to regular awareness raising done by local authorities and police.
- **Quality of underground water not good** (water is hard)

In Kratie province

MEETING AT PROVINCIAL LEVEL

- Subproject should be **designed as a complete irrigation system** to facilitate **effective O&M** when handed over to local authority and Farmer Water Users Community (FWUC).
- **Around 20 households living adjacent to the existing reservoir that need to be informed** in advance if spillway height is raised (1-2m) to increase water retention capacity.
- **No significant case of SEA/SH so far** thanks to regular awareness raising done by local authorities and police.
- Expect temporary **job opportunity for local women**.
- Since **land conflicts are common** in the reservoir area, reservoir area and associated canals **need clear zoning/ demarcation/ boundaries, to avoid encroachment**.
- Some **spiritual sites of IP could be existent**, should be careful during subproject design, and ES screening.
- **No physical heritages envisaged** based on flooding impact of the existing reservoir (**to be confirmed when** flooded area of subproject become available in the next two months)
- **PDAFF will prepare agriculture extension plan** for the target areas.

MEETING AT PROVINCIAL LEVEL

- Might be some issues related to **land in catchment areas** and at **reservoir boundary**.
- There are **a few physical cultural sites** in Svay Chrum commune
- Local IP have some intangible culture practices such as **guardian forest, graves** and other **believes**.
- **Risk of forest destruction due to flooding** and/or **forest conservation due to construction activities and illegal fishing** by construction workers

- Svay Chrum reservoir is a tributary from Preak Te connected to Mekong. Project will **likely help increase the habitat for critical species within the reservoir**. Some short-term impacts anticipated during construction. Currently, **no impact envisaged on critical biotic species and herbal plants**, etc.
- Risk of **contractors discharging wastewater into agricultural land, water and/or public places** that might have serious impacts on environment and community.

MEETING AT PROVINCIAL LEVEL

- **Fishery habitat** should be carefully considered. There are different species of fishes that lays egg in different ways while floating and in place. **Fishway should be designed** for reservoir, weir, barrage to avoid obstruction to migratory species
- **Need to inform Community Fishery (CFi)** for clear identification of CFI's management zone **to avoid impact on CFI's core zone**.
- **Suitable job** should be arranged for **people with disabilities**
- **ESMP implementation** should be enforced
- Practical **training should be provided to worker** on health/sanitation and natural resource protection
- **Unexploded Explosive Ordnance** is potential near reservoir area (about 5km from Svay Thrum Reservoir). Will share UXO map for subproject areas.
- **Should involve women labour** in the project.
- **Concerned about water quality control and sanitation**, especially **domestic water** use.

MEETING AT COMMUNE LEVEL

- **Participants (Bunong and Kuoy IPs) appreciated proposed subproject** that supports the development of their community. The community is willing to support as needed.
- Suggests having a **praying ceremony** (with wine and buffalo) **before construction** ground-breaking take place
- Thmei village chief **suggested to protect a spiritual house** at Oh Chro Noal bridge
- Chro Noal village **suggested to protect a spiritual house of banyan tree** 150m from North of Chro Noal village
- Should **provide training to or awareness raising for immigrant workers** to ensure they **understand the local IP culture, protect natural resource and IP's spiritual sites**.
- **No remarkable impact on natural habitat** (fauna and flora) envisaged within the proposed subproject area.
- **No impact on physical heritage anticipated** in proposed subproject area.

B. Consultation with NGOs at national level (11-12 October 2022)

- IPs should be **informed sufficiently and in advance** of project's ES risks and potential impacts, particularly those related to their livelihoods – for meaningful feedback
- Important to share project's information, particularly project's **ES risk and impacts with people in upstream and downstream area** to solicit their **feedback**
- Important to **check carefully IP's potential sacred sites**, such as trees, rocks... that IP may worship
- Carefully **check if the IP and other farmers are farming in potentially inundated area**
- **If farmers occupy state managed land** and have used the occupied land for 5 years or more without government's actions in taking the land back, **land occupied are considered farmers' land** (Law on Land) 2001).

- Project should **develop an action plan to timely address the concerns** of affected peoples
- **Due attention should be given to** areas where properties of local people are located and are **subject to flooding**
- A **warning system needed** (e.g. emergency preparedness plan) to enable people to relocate/evacuate as needed;
- Attention paid to **plantation owned and operated by private companies, farming activities, and potential conflicts/dispute** between them (land use planning)
- **Soil properties** should be studied carefully to avoid water loss due to seepage/infiltration (Stung Treng Province)
- **Cropping pattern, crops varieties** should be studied carefully to see if it is suitable to farmers' current cultivation practices/ needs/ future market
- At farm level, attention to **potential water shortage** among paddy fields within a command area (due to water **distribution and/or coordination** among rice farmers)
- Inventory of land titles should be done to understand if the land located in the beneficiary command areas are owned by local farmers, or there are also lands owned by people who farm
- **Possibility of urbanization** that may happen **near subproject to take advantage** of the improved access to water access offered by the project
- **Assessment of water needs** is needed to farm level (e.g. what is farmers' need: one/two/three crops per year, and how additional crop will be used (e.g. home consumption, selling of surplus).
- **Explore market for existing crop** (e.g. rice variety, cash crop...)
- **Home labor, and labor force, labor market** to cultivate additional crops
- **Attention to mining activities upstream** (e.g. contamination of water downstream during dry season).

Consultation with CIPO (Cambodian indigenous peoples organization)

- IPs typically **are interested in having collective land** (rather than individually owned land)
- **Spiritual forest land/burial land** is very important to them
- Some **still practice slash-and-burn/** shifting agriculture → land rotation every 4-5 years
- IP may **grow various type of crops** (under shifting agriculture) – more than 200 type of crops, still do hunting
- IP may **not rely on outside market** since their farming activities are mainly **self-supplied** and rely on forest for non-timber forest products (NTFP)
- IP may **prefer highland farming** rather than farming in the plain area
- **Land speculation** is widespread (e.g. for tourism, industrial development)
- Project should try to **avoid affecting IP's collective land** (CIPO is having a project that facilitate collective land titling in Mondulkiri province)
- There is a high **demand for organic products** (high-end market) that project may consider (as part of agri-business effort) to promote. This demand is still **high at district level**
- **Focus on support for IP youth, young entrepreneur**
- Ensure **Water Users Community/Group** has **IP as representatives**

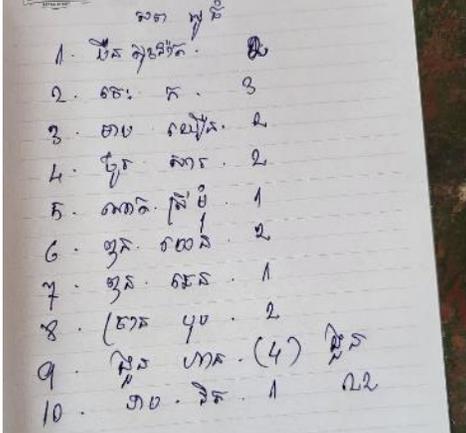
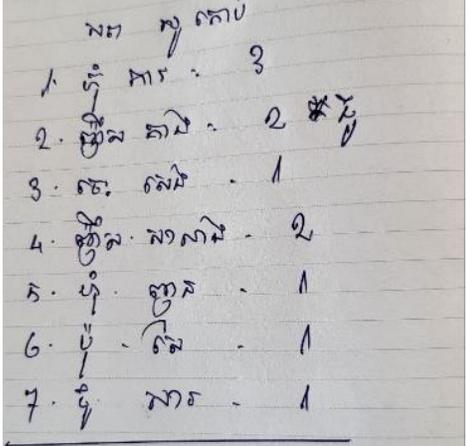
C. Consultation at Bunong IP people (11 and 12 of May, and 16 May 2023)

- **Round 1 (11 and 12 May 2023)**

The ground truth method has been used for Svay Chrum reservoir from 11 to 12 May, 2023 with the participation of key indigenous elders of Svay Chrum village and Chro Naul village, IP's community

leaders, local authorities, MWS' staffs and Kratie PDWRAM in order to collect information from direct observation and further focus discussion on two target sites of graveyards: OU KORB and OU THOM, potentially located in the subproject's Svay Chrum reservoir that used by villagers from Svay Chrum village and Chro Naul village for burial. The information and data from this ground truth will be used in next public consultation at subproject of Svay Chrum reservoir.

• **Field observation and focus discussion:**

| No. | Photos | Activities | Remark |
|---------------------------------|---|---|---|
| Svay Chrum village, 11 May 2023 | | | |
| 1 |  | Meeting with key indigenous elders, IP community leader in Svay Chrum village, local authority and Kratie PDWRAM. | The meeting was confirmed and recorded about target households has their relative's tombs in two target graveyards of participants' discussion and phone call for confirming. |
| 2 |  | The record book 11 May, 2023 of Svay Chrum village chief of the households has their relative's tombs in the Ou Thom graveyard. | There are only 10 households in Svay Chrum village have their relative's tombs with a total amount of recognized tombs is 20, and 2 unnamed tombs. 7 tombs are buried since 70s decade. |
| 3 |  | The record book 11 May, 2023 of Svay Chrum village chief of the households has their relative's tombs in the Ou Korb graveyard. | There are only 7 households in Svay Chrum village have their relative's tombs with a total amount of 11. 9 tombs are buried since 70s decade. |

| | | | |
|----------|---|--|---|
| <p>4</p> |  | <p>Ground Truth Observation. On entrance access road to Ou Thom graveyard.</p> | <p>Ground truth observation guided by indigenous elders, chief of village and Kratie PDWRAM.</p> |
| <p>5</p> |  | <p>Target tombs observation in Ou Thom graveyard</p> | <p>Individual recognized and unnamed tombs were indicated by indigenous elders, chief of village.</p> |
| <p>6</p> |  | | <p>Two separated tombs in upper part of Ou Thom graveyard are. Named Ta Ngoun tomb.</p> |

| | | | |
|-----------|---|--|---|
| <p>7</p> |  | | <p>Unnamed tombs marked in red ticks</p> |
| <p>8</p> |  | | <p>Discussion on raising graveyard ground as an option.</p> |
| <p>9</p> |  | <p>Ground Truth Observation. On entrance access road to Ou Koub graveyard.</p> | <p>Ground truth observation guided by indigenous elders, chief of village and Kratie PDWRAM.</p> |
| <p>10</p> |  | <p>Target tombs observation in Ou Koub graveyard</p> | <p>Individual recognized and unnamed tombs were indicated by indigenous elders, chief of village.</p> |

| | | | | |
|---------------------------------------|---|--|--|--|
| |  | | <p>Ground Truth Observation. On entrance access road to the new Ou Da graveyard.</p> | <p>Ground truth observation guided by indigenous elders, chief of village and Kratie PDWRAM.</p> |
| |  | <p>Ground truth observation at Ou Da graveyard</p> | <p>The Ou DA graveyard area was preserved for Svay Chrum Bunong community burial with a preserved area of 2ha belonging to the collective land title. 500 m from the Svay Chrum village, Outside of subproject reservoir area.</p> | |
| |  | | <p>Discussion on new Ou Da graveyard are potential for future burial.</p> | |
| <p>Chro Naul village, 12 May 2023</p> | | | | |

| | | | |
|----|--|--|---|
| 11 |  | Meeting with key indigenous elders, IP community leader of Chro Naul village, local authority and Kratie PDWRAM at Thmey commune hall. | The meeting was confirmed and recorded about target households has their relative's tombs in the Ou Koub graveyard of participants' discussion and phone call for confirming. |
| 12 |  | The group focus discussed on households has their relative's tombs at Ou Koub. | There are only 4 households in Chro Naul village have their relative's tombs with a total amount of recognized tombs is 6. |
| 13 |  | Checking for meeting venue at Svay Chrum. | An appropriate venue of an IP's community hall for next public consultation meeting proposed by IP group. |

Summary of information:

- Ou Thom graveyard area, there are 10 households of Svay Chrum village have 20 tombs, and 2 unnamed tombs (7 tombs are buried since 70s decade);
- - Ou Koub graveyard area, there are 7 households of Svay Chrum village have 11 tombs, and 4 hrs. of Chro Naul village have 6 tombs (specific name of household will be confirmed);
- - Ou Da graveyard area is a preserved area of 2ha for Svay Chrum Bunong community burial;
- - Total of households have relative's tomb: 21; and
- - Total tombs in both graveyard areas: 39.

Suggestion from focus discussion:

- The proposed agenda for the next consultation meeting are two possibilities alternative: (1) Raising existing tombs and graveyard ground above subproject water level; and (2) relocation the existing tombs to the Ou DA graveyard.
- Villages and local community proposed to arrange the meeting on May 16, 2023, at 2:30pm. at Svay Chrum Bunong community hall, with key target participant of 21 affected households from Svay Chrum village and Chro Naul village.

- Kratie PDWRAM, suggests to provide information about the meeting for arrangement at least two days before the meeting.
- Indigenous elders, suggest project should provide clear technical options for both alternatives of raising tomb and graveyard ground above water level; or/and tombs relocation with compensate condition for traditional ceremonies.

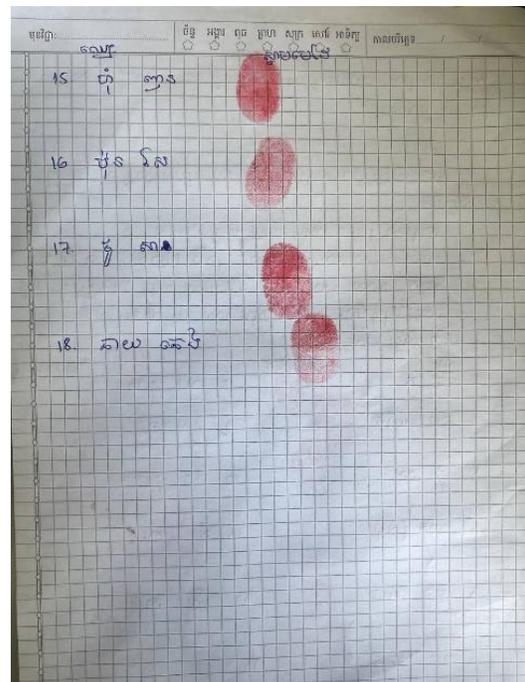
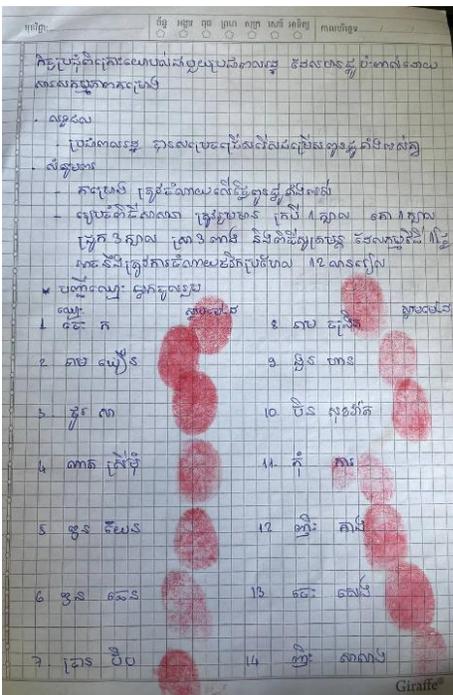
• **Round 2 (16 May 2023)**

Based on Round 1 (11 and 12 May), round 2 focus on consultation with directly affected households. During the consultation, 3 options were proposed:

1. Building polder and pumping the graveyard areas. None of HH prefers this option.

2. Relocation of tombs to New area (Ou Da). The IP leader said that relocation is strictly prohibited for Bunong IP. He added that in his generation and his parents and grandparents' generations, relocation of tomb is bad luck and Bunong IP have never do that. He also open to other villagers to have their opinions about relocation. He asked if the younger generation than him preferred to relocate; it is his/her personal decisions and opinions. Finally, after group discussion, none of affected households present at the meeting preferred relocation option.

3. Backfill aims to raise the level of graveyard areas above the submergence water level. All affected households preferred this option. But, they have strongly suggested that "BEFORE backfill the graveyards or having construction activities at the subproject; an IP ceremony (haft day) and Buddhism ceremony (haft day) must be organized. The IP ceremony must have one buffalo, one cow, three pigs, and other offerings. For full day ceremony, a cost of about 3,000 USD is estimated. The people suggested the amount necessary for the above ceremony should be paid to IP leaders and the village chief who will lead/host the ceremony before any construction/impact could take place. All expense record will be disclosed to all people. Below is the summary of the results and their thumb print.



Annex 2: IP Screening Form

When to do screening: When infrastructure to be rehabilitated is known.

Secondary Data: Check the Commune Database and/or Ministry of Planning (MoP) and Ministry of Rural Development (PMU)'s IP database for presence of IP groups in identified villages passing through the identified road sections.

Primary Data/Field Work: Check directly with key informants (such as commune and village chiefs as well as local people) whether there are IPs along, or in connection with, each subproject area. If no IPs are found, document this in the ESMP and no further steps are needed.

Checking Against WB Criteria: If IPs are found based on primary and/or secondary data, assess whether they meet all four WB criteria (also see Annex 3).

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

(b) Collective attachment to geographically distinct habitats, ancestral territories, or areas of seasonal use or occupation, as well as to the natural resources in these areas; and

(c) Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture; and

(d) A distinct language or dialect, often different from the official language or languages of the country or region in which they reside.

Who will do the screening: DDIS Consultants or ESO.

Table 1: IP Screening Information

| Province/ District/ Commune/ Village | Name of IP Group | Number of Households | Fulfil WB Criteria 1 (Y/N) and <u>explain</u> – see Annex 3 | Fulfil WB Criteria 2 (Y/N) and <u>explain</u> – see Annex 3 | Fulfil WB Criteria 3 (Y/N) and <u>explain</u> – see Annex 3 | Fulfil WB Criteria 4 (Y/N) and <u>explain</u> – see Annex 3 |
|---|---------------------|-------------------------|--|---|---|--|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

Assessment Summary:

- If no IP groups are found, or if IP groups are found but do not meet WB criteria, carefully document the process in the ESMP.
- If IP groups are found, provide a summary as to potential impacts and risks. Proceed to hire a (national) consultant, or DDIS, to assist with preparation of Social Assessment and IPP.

Annex 3: Guidance on WB Criteria to Determine IP

This Annex helps to explain the four criteria used by the WB to determine whether a given group should be considered an Indigenous Group/Indigenous Peoples.

The World Bank’s ESS7 notes that the term “IP” is used in a generic sense to refer exclusively to a distinct social and cultural group possessing the following characteristics in varying degrees:

| |
|--|
| <p>1. As members of a distinct indigenous social and cultural group and recognition of this identity by others</p> |
| <p>Questions and Factors to Consider (in addition to those outlined in the legal framework or commune database)</p> <ul style="list-style-type: none"> • Do IPs identify themselves as an Indigenous community or a traditional community or around a distinct cultural identity? • You can ask: What does it mean to you to be an IP? How would someone outside of your community describe who you are, especially distinguishing features as a community? Do others recognize them as belonging to those groups? • <i>Note:</i> When asking if others would recognize them, it is not about being described as “indigenous” but whether others would recognize their distinctness as per the characteristics under ESS7. |
| <p>2. Collective attachment to geographically distinct habitats, ancestral territories, or areas of seasonal use or occupation, as well as to the natural resources in these areas;</p> |
| <p>Questions and Factors to Consider</p> <ul style="list-style-type: none"> • <i>Note: for the purposes of this question, it is not relevant whether IP groups have collective title to the land or not, given that the number of IP groups with collective land title is still very low in Cambodia.</i> • How long has the community lived on that land? Do members of the community have historical knowledge of these ancestral lands? Is there anthropological, ethnographic or legal data that can validate? Do they consider that land to be their ancestral or traditional land? Have they moved from their traditional lands? • Is the community using the land and resources in accordance with their customary laws, values and traditions? |
| <p>3. Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture</p> |
| <p>Questions and factors to consider:</p> <ul style="list-style-type: none"> • Are there traditional leaders or a traditional leadership structure? If so, how do they work with other levels of government? Does the community have an internal decision-making process? • What are the main modes of economic activity? Has this changed over time? How have these changes, if at all, impacted their identity, other cultural practices, traditional knowledge, language, etc.? • Does the community have traditional education/learning systems, cultural systems or health systems that are distinct from those of Khmer society? |
| <p>4. A distinct language or dialect, often different from the official language or languages of the country or region in which they reside.</p> |
| <p>Questions and factors to consider:</p> <ul style="list-style-type: none"> • What is the language or dialect of the community? • Does the community speak and understand Khmer? • Does the community have traditional education systems, using their own languages, teaching and learning methods? |

Annex 4: Guidance Questions for targeted Social Assessment

If IP groups are identified, these guiding questions may be helpful when conducting Social Assessment.

| PROFILE OF THE LAND USED BY IP GROUPS | |
|--|---|
| 1. | Describe the land used by IP groups that is near, or in some way connected to, the infrastructure being rehabilitated. What is the land type (public, state, communal, private, etc.)? Are there pressures on this land? |
| 2. | Who else, legally or illegally, uses the land used by IPs for their livelihoods or any other use? |
| 3. | Are there, or have there been, any conflicts relating to this land? If so, conflict between whom? |
| 4. | How long has the IP community lived on that land? Do members of the IP community have historical knowledge of these ancestral lands – have these boundaries changed? Why? Is there anthropological, ethnographic or legal data that can validate? |
| 5. | How are livelihoods attached to these lands? Do IPs rely on land and natural resources for housing, water, traditional subsistence, economic development, dress, traditional medicines, etc.? |
| 6. | Is there a likelihood that reservoir/irrigation rehabilitation will attract outsiders to lands that IPs have collective attachment to and/or are used by IPs, or that it may exacerbate pressures on these lands? |
| DESCRIPTION OF THE IP GROUPS | |
| 7. | How many people are there in the IP group? Please describe the IP group, including their name, heritage and how many people/households. |
| 8. | Would you please give us some information about your IP group? What kind of activities go on in your village on a normal day? How does your group (e.g. women, elderly, farmers) experience life? |

| | |
|------------|---|
| 9. | Which languages are spoken by the IP group? Do they speak Khmer language? |
| 10. | Are there any cultural or religious items/artifacts/areas connected with the subproject being rehabilitated/upgraded? Where? What is the belief/practices? |
| 11. | Has there been migration into this commune or the surrounding area? If so, where from, and why? |
| 12. | What is the main source of livelihoods for the IP group? What about for people in the commune? |
| <u>13.</u> | Are there traditional leaders or a traditional leadership structure within the IP group? If so, how do they work with local and other levels of government? |
| <u>14.</u> | Does the IP community have an internal decision-making process? How are representatives chosen? How do women, youth, elders, persons with disabilities participate? |
| <u>15.</u> | What are the main jobs/livelihoods for the IP community? |

| <u>16.</u> | Does the community rely in whole or in part, traditional medicines and health practices? Has this changed over time? What are the factors for this change? | | | | | | | | | | | | | | | | | | | | | | | | |
|--|---|----|------------|----|------------|--|--|--|--|------------------------------------|--|--|--|---|--|--|--|--|--|--|--|--------------------------|--|--|--|
| <u>17.</u> | Does the community have traditional conservation practices which they rely on? If so, how do they (both past and present) deal with climate change, disasters, habitat or wildlife loss? | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>18.</u> | Has there been any conflict or tension over the following issues during the past years with the IP community and other local communities? With outsiders? | | | | | | | | | | | | | | | | | | | | | | | | |
| POTENTIAL IMPACTS TO IP GROUPS | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>19.</u> | Is the subproject (reservoir, barrage, weir, irrigation canal, water distribution system, being rehabilitated near or within any of the following areas? | | | | | | | | | | | | | | | | | | | | | | | | |
| | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 15%;">Yes/No</th> <th style="width: 15%;">NA</th> <th style="width: 10%;">Don't know</th> </tr> </thead> <tbody> <tr> <td>Land IP group has collective attachment to (for example for cultural, spiritual or livelihood reasons)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Medicinal plants used by IP groups</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Non-timber forest products area used by IP groups</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Important trees or natural landmarks of importance to IP group</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Other (Specify)</td> <td></td> <td></td> <td></td> </tr> </tbody> </table> | | Yes/No | NA | Don't know | Land IP group has collective attachment to (for example for cultural, spiritual or livelihood reasons) | | | | Medicinal plants used by IP groups | | | | Non-timber forest products area used by IP groups | | | | Important trees or natural landmarks of importance to IP group | | | | Other (Specify) | | | |
| | Yes/No | NA | Don't know | | | | | | | | | | | | | | | | | | | | | | |
| Land IP group has collective attachment to (for example for cultural, spiritual or livelihood reasons) | | | | | | | | | | | | | | | | | | | | | | | | | |
| Medicinal plants used by IP groups | | | | | | | | | | | | | | | | | | | | | | | | | |
| Non-timber forest products area used by IP groups | | | | | | | | | | | | | | | | | | | | | | | | | |
| Important trees or natural landmarks of importance to IP group | | | | | | | | | | | | | | | | | | | | | | | | | |
| Other (Specify) | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>20.</u> | Are there any people in your IP group who are very poor/dependent/supported by others and/or considered vulnerable in any way? | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>21.</u> | What types of social support networks exist within your IP community? Could you explain us when a person needs support, what types of contributions are provided to those in need? | | | | | | | | | | | | | | | | | | | | | | | | |

| | |
|------------|---|
| | |
| <u>22.</u> | What do you think would be the positive effects of reservoir/barrage/weir/canal rehabilitation for your IP group? |
| | |
| <u>23.</u> | What do you think would be the negative effects of reservoir/barrage/weir/canal rehabilitation for your IP group? |
| | |
| <u>24.</u> | In your opinion, what is the main problem related to temporary roads and bypasses during rainy and dry seasons that your IP group faces? According to you, how can this problem be resolved? |
| | |
| <u>25.</u> | What do you see as the main problem with the traffic safety risks along work sites facing your IP group? How do you think can this problem be solved? |
| | |
| <u>26.</u> | In your opinion, what is the main problem related to temporary worker camp sites that your IP group faces? According to you, how can this problem be resolved? |
| | |
| <u>27.</u> | If there were opportunities for jobs in civil works, would men and women in your group be interested? |
| | |
| <u>28.</u> | What is the best way to provide information to your group? What is the best way for you to share information with project planners? Does the project's proposed SEP fulfil the needs of your group? |
| | |
| <u>29.</u> | Is the project's proposed GRM adaptable to the needs of your IP group? How would this GRM need to be adapted? |
| | |
| <u>30.</u> | Is there anything else you would like to talk about, or want me to know? |
| | |

Annex 5: Indicative Indicators for Monitoring

1. Monitoring indicators should assist the project to assess progress of the Indigenous Peoples Plan (IPP) and whether mitigation measures are effective, resulting in desired outcomes. This enables the project to respond to any issues and manage change accordingly.
2. Indicators that show implementation progress are called process indicators and give some certainty that the project is proceeding according to plan.
3. Indicators that measure whether the IPP mitigation measures are successful are called outcome indicators and reflect the results of the process.
4. It is important that an appropriate number of indicators be included in the monitoring plan. Too few may leave gaps in critical areas. Too many may overburden the collection process, and diminish quality. Use the minimum but necessary number of monitoring indicators to ensure adequate IPP implementation and expected outcomes.
5. Some examples of process and outcome indicators are shown below. They are not an exhaustive list, and should be selected as required.

| Example of Process Indicators | |
|--------------------------------------|--|
| Demographic baseline | <ul style="list-style-type: none"> • The numbers of affected Indigenous Peoples (IP) by category of impact, gender, age, habitat (village etc.), income, status and position • Number of households with handicapped, elderly or invalid members • Number of female headed households • Number of vulnerable households (poor, elderly) • Number of households by ethnic group • Number of births and deaths |
| Consultation and participation | <ul style="list-style-type: none"> • Number of consultation and participation activities that occur—meetings, information dissemination, brochures; flyers, training • Percentage of IP women as participants; number of meetings exclusively with IP women • Percentage of vulnerable IP groups represented / attending meetings; number of meetings exclusively with vulnerable IP groups. • Languages used at meetings • Good faith negotiations—recording of process, participants, locations, correspondence • Broad community support—record of processes, participants, locations and agreement obtained • Consultation and participation progress against plan and budget |
| Mitigation measures | <ul style="list-style-type: none"> • Progress of implementation of mitigation / beneficial measures against plan • Number of activities that occur/completed—such as construction, livelihood restoration, disbursements, training • Percentage progress against timelines and budget |

| | |
|--|---|
| Grievance redress | <ul style="list-style-type: none"> • Total number of people/groups using the grievance redress procedure. • Number of distinct people/groups. Any IP group with significantly more grievances? • How many times has a household submitted the same grievance? • Number of grievances resolved? • Length of time taken to be resolved? • Types of grievance categories and prevalence |
| Implementation problems | <ul style="list-style-type: none"> • Identified delays — (days, cost) due to personnel, capacity, insufficient funds, etc. • Number of times implementation schedule revised |
| Example of Outcome Indicators | |
| Consultation and participation program | <ul style="list-style-type: none"> • Awareness of IP issues among implementing stakeholders in each sector • Awareness of IPP mitigation and beneficial measures amongst recipients • Awareness of project details amongst stakeholders • IP perception of effectiveness, cultural appropriateness and inclusiveness of consultation measures • Attendance at consultation and participation activities Level of involvement by IP and representatives in the design and implementation of consultation and participation |
| Enhanced dignity of IP groups, integrity of traditional kinship networks and livelihood patterns | <ul style="list-style-type: none"> • Changes in religious/cultural practices • Changes in cultural governance • Participation in cultural governance (by gender, status) • Number of people (age and sex) who can speak national language and/or local dialect • Changes in condition of schools, community buildings, temples structures • Numbers of religious/cultural events and persons (monk shamans, priests etc.) • Participation in cultural/religious events (by gender, time/resources allocated) |
| Livelihoods and living standards | <ul style="list-style-type: none"> • Major asset inventory—e.g. vehicle, phone, tools, kitchen equipment • Changes in patterns of IP occupation, production, and resource use • Changes in income and expenditure patterns among IP households • Savings • Change in food used by IP—amount, nutrition source • Cost of living changes—market prices etc. • Changes in key social parameters—gender roles of production • Vulnerable groups—status, relative income, livelihood • Education—literacy and numeracy level in national/ethnic language • School attendance of IP children (by sex and age) • Key health indicators of IP (by gender, age) |

Annex 6: Outline for Subproject Information Booklet (SIB)

SUB-PROJECT INFORMATION BOOKLET

1. SUB-PROJECT BACKGROUND

- 1.1 Project description
- 1.2 Project outcome:
- 1.3 Project beneficiaries:

2. SUB-PROJECT ACTIVITIES

3. ENVIRONMENTAL AND SOCIAL RISKS AT SUBPROJECT

- 3.1 Social risks and impacts
- 3.2 Environmental, Health and Safety risks and impacts:

4. MITIGATION MEASURES

5. COMPENSATION PRINCIPLES FOR AFFECTED LAND AND NON-LAND ASSETS

6. GRIEVANCE REDRESS MECHANISM

7. PREPARATION OF ENVIRONMENTAL AND SOCIAL DOCUMENTS

8. STAKEHOLDER ENGAGEMENT AND INFORMATION DISCLOSURE

For more information, please contact

Name:

Telephone:

Email:

Facebook:

Website:

Telegram:

Annex 7: Ethnic Groups in Cambodia

| No. | Province | Ethnic minority groups (≥ 100 people) | Group Number | Ethnic minority group (<100 people) | Group Number |
|-----|------------------|--|-----------------|--|-----------------|
| 1 | Battambang | Jarai, Stieng, Ja'ong | 3 | Kavet, Kleung, Kuoy, Kreung, Lun, Stieng, Ja'ong, Kroul, S'och, Kajrouk | 10 |
| 2 | Siem Reap | Jarai, Stieng, Ja'ong | 3 | Kavet, Kleung, Kuoy, Kreung, Bunong, Kroul, S'och, Kajrouk, Mon | 9 |
| 3 | Kampong Speu | Jarai, Souy | 2 | Kavet, Kleung, Kuoy, Kreung, Lun, Stieng, Ja'ong, Kroul, S'och, Kajrouk | 10 |
| 4 | Pursat | Jarai, Poar | 2 | Kavet, Kleung, Kuoy, Kreung, Stieng, Ja'ong, Kroul, S'och, Kajrouk | 9 |
| 5 | Banteay Meanchey | Jarai | 1 | Kavet, Kleung, Kuoy, Brao, Stieng, Ja'ong, Kroul, S'och, Kajrouk | 9 |
| 6 | Kampong Chhnang | Jarai | 1 | Kavet, Kleung, Kuoy, Kreung, Lun, Tumpoun, Stieng, Ja'ong, Kroul, Radae, S'och, Kajrouk | 12 |
| 7 | Phnom Penh | Jarai, Kavet, Kleung, Stieng, Ja'ong | 5 | Kuoy, Kreung, Lun, Bunong, Brao, Tumpoun, Kroul, Radae, L'moon, Mel, Souy, S'och, Kajrouk, Mon, Kachok | 15 |
| 8 | Stung Treng | Kreung, Lun, Bunong, Brao | 4 | Jarai, Kleung, Tumpoun, Stieng, Ja'ong, S'och | 6 |
| 9 | Kampong Cham | Jarai, Kavet, Stieng, Ja'ong | 4 | Kleung, Kuoy, Bunong, Brao, Kroul, Radae, Mel, S'och, Kajrouk, Mon | 10 |
| 10 | Kandal | KJarai, Kleung, Stieng, Ja'ong | 4 | Kavet, Kuoy, Lun, Bunong, Brao, Tumpoun, Kroul, Radae, L'moon, Souy, S'och, Kajrouk, Mon | 13 |
| 11 | Kratie | Jarai, L'moon, Khonh | 3 | Kavet, Kleung, Lun, Brao, Ja'ong, Poar, Souy, S'och, Kajrouk (Mel) | 9 |
| 12 | Mondulkiri | Stieng, Kroul, L'moon | 3 | Jarai, Kavet, Kuoy, Kreung, Brao, Tumpoun, Ja'ong, Mel, S'och, Kajrouk | 10 |
| 13 | Prey Veng | Jarai, Stieng, Ja'ong | 3 | Kavet, Kleung, Kuoy, Kroul, Radae, S'och, Kajrouk (Mel) | 7 |
| 14 | Kampot | Jarai, Ja'ong | 2 | Kavet, Kleung, Kuoy, Lun, Bunong, Stieng, Khonh, S'och, Kajrouk | 9 |
| 15 | Takeo | Jarai, Ja'ong | 2 | Kavet, Kleung, Kuoy, Bunong, Stieng, L'moon, S'och, Kajrouk (Mel) | 8 |
| 16 | Ratanakiri | Bunong | 1 | Kleung, Kuoy, Lun, Stieng, Ja'ong, Kroul, L'moon, Souy | 8 |

| | | | | | |
|----|----------------|-------|---|--|----|
| 17 | Preah Vihear | Jarai | 1 | Kavet, Kleung, Bunong, Brao, Tumpoun, Stieng, Ja'ong, Kroul, L'moon, S'och, Kajrouk | 11 |
| 18 | Kampong Thom | Jarai | 1 | Kavet, Kleung, Bunong, Stieng, Ja'ong, S'och, Kajrouk | 7 |
| 19 | Preah Sihanouk | Jarai | 1 | Kavet, Kleung, Kuoy, Kreung, Brao, Tumpoun, Stieng, Ja'ong, Kroul, Mel, S'och, Kajrouk | 12 |
| 20 | Svay Rieng | Jarai | 1 | Kavet, Kleung, Kuoy, Stieng, Ja'ong, S'och, Kajrouk, Kachok | 8 |
| 21 | Koh Kong | - | 0 | Jarai, Kavet, Stieng, Ja'ong, S'och, Kajrouk | 6 |
| 22 | Oddar Meanchey | - | 0 | Jarai, Kavet, Kleung, Kuoy, Bunong, Stieng, Ja'ong, S'och, Kajrouk | 9 |
| 23 | Kep | - | 0 | Jarai, Kavet, Stieng, S'och | 4 |
| 24 | Pailin | - | 0 | Jarai, Kleung, Kuoy, Stieng, Ja'ong | 5 |
| 25 | Tboung Khmum | - | - | Stieng | 1 |

Source: MRD 2020