

Community Participation Framework

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Cambodia: Rural Roads Improvement Project III

Prepared by the Ministry of Rural Development for the Asian Development Bank.

ABBREVIATIONS

ADB	–	Asian Development Bank
CPF	–	Community Participation Framework
DDIS	–	detailed design and implementation supervision
GRM	–	grievance redress mechanism
km	–	kilometer
MOU	–	memorandum of understanding
MRD	–	Ministry of Rural Development
PIC	–	project implementation consultant
PIU	–	project implementation unit
PMU	–	project management unit
ROW	–	right-of-way
RRIP	–	Rural Roads Improvement Project
SEO	–	social and environmental office
VDC	–	village development committee

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TABLE OF CONTENTS

	Page
I. INTRODUCTION.....	1
A. Project Description.....	1
B. Project Location	2
II. RATIONAL FOR COMMUNITY PARTICIPATION FRAMEWORK (CPF)	3
A. Guiding Principles of CPF	3
III. LEGISLATIONS AND POLICIES APPLICABLE	4
A. Relevant Cambodian Laws and Regulations.....	4
B. The 1993 Constitution of Cambodia.....	4
C. The 2001 Land Law	5
D. The Inter-ministerial Prakas on the Establishment and the functioning of the Village Development Committee (VDC)	6
E. ADB's SAFEGUARD POLICY STATEMENT	7
IV. PARTICIPATORY PROJECT PREPARATION.....	7
A. Dissemination of Information on project roads	7
B. Selection of Roads.....	8
C. Finalization of Alignment through participatory assessments	8
D. Main Stages in a Transect Walk.....	10
E. Census of Affected Persons.....	11
F. Information Dissemination on Process of Land Transfer	11
G. Submission of Written Confirmation by Landowners to PIU	11
V. IMPACTS AND MITIGATION MEASURES	12
A. Mitigation Measure Matrix.....	12
VI. IMPLEMENTATION ARRANGEMENTS.....	13
A. Key Agencies Involved.....	13
B. Major Tasks	13
C. Responsibility of Key Agencies	13
VII. GRIEVANCE REDRESS MECHANISM.....	16
VIII. MONITORING AND REPORTING PROCEDURES.....	16
IX. BUDGET	16

I. INTRODUCTION

A. Project Description

1. The Government of the Kingdom of Cambodia has requested Asian Development Bank (ADB) assistance for the Rural Roads Improvement Project (RRIP) III to rehabilitate about 360 kilometers (km) of rural roads in 5 provinces to paved condition. The rehabilitated roads will provide poor rural provinces with a safer, cost-effective, and climate resilient rural road network with all-weather connectivity to markets and other social services. The proposed project will also continue to support a sustainable road maintenance regime already initiated in the executing agency, the Ministry of Rural Development (MRD); a community-based road safety program; and an HIV/AIDS and human trafficking awareness and prevention program. The proposed project aims at continuing the initiatives of two upstream projects, RRIP¹ and RRIP II,² with an extended geographical coverage. The unique achievement expected from the proposed project is optimizing the capacity of MRD in project implementation, with minimal support from consultants.

2. By the early 1990s, years of civil war had left the country's road network severely deteriorated. Since 1992, with assistance from ADB and other multilateral and bilateral development partners, the Government focused on rehabilitating core national infrastructure required for the economy to develop in a sustainable manner. As of 2017, development efforts over the past 25 years have brought the paved national and provincial road network to about 5,980 km in length, which amounts to slightly over 38% of the total national and provincial road network. Among others, development partners have been contributed to the improvement of rural roads in Cambodia.

3. Despite these development efforts, the rural road network continues to deteriorate due to rapidly growing traffic. Typically, average daily traffic volumes of rural roads range from 200 to 3,000 passenger car units, depending on the road section. Current yearly growth rate of traffic is 4%–6%, and the growth rate by 2025 is forecast to increase by 7%–12% per annum, thus requiring more sustainable paved rural road network to accommodate future traffic. However, the Government budget for paving rural roads is not sufficient to meet the increasing traffic needs.

4. The proposed project is in line with the Government's Rectangular Strategy Phase III for 2014–2018 (the four overarching objectives of Growth, Employment, Equity, and Efficiency), which placed priority on stepping up the construction of national, provincial, and rural roads, particularly by targeting the paving of 300 km–400 km of additional roads per year with asphalt or concrete pavement.³ The paving of rural roads improves all-year and all-weather access to markets, farms, schools, pagoda, health centers and local community, which will contribute to achieve one of the impacts indicated in the strategy: “serve the needs of the population, promote economic development.” In this context, the proposed project is a core intervention in the transport sector of the country.

5. ADB's country partnership strategy for Cambodia for 2014–2018 emphasizes rural-urban-

¹ ADB. 2010. *Report and Recommendation of the President to the Board of Directors: Proposed Loan to the Kingdom of Cambodia for Rural Roads Improvement Project*. Manila (Loan 2670-CAM).

² ADB. 2014. *Report and Recommendation of the President to the Board of Directors: Proposed Loan and Administration of Grants to the Kingdom of Cambodia for Rural Roads Improvement Project II*. Manila (Loan 3151-CAM).

³ Royal Government of Cambodia. 2013. *“Rectangular Strategy” for Growth, Employment, Equity and Efficiency, Phase III*. Phnom Penh.

regional links.⁴ By increased connectivity between rural communities and urban growth centers, rural communities will benefit from improved access to markets and social services. Rehabilitating rural roads and making them more resistant to effects of climate change under the overall project will support inclusive economic growth, help ease poverty, and enhance social development and equity.

B. Project Location

6. The project covers a total 5 provinces of Cambodia which includes Kampong Cham; Kratie; Prey Veng; Svay Rieng, and Tboung Khmum. The 22 road sections have a total length of about 360 km. Table 1 presents the summary list of the project roads for RRIP III.

Table 1. Summary List of the Project Roads for RRIP III

No.	Province	No. of Roads	Length (km)
1	Kampong Cham	6	100.60
2	Tboung Khmum	5	61.10
3	Prey Veng	5	72.20
4	Svay Rieng	5	64.60
5	Kratie	1	61.30
Total		22	359.80

ADB = Asian Development Bank; km = kilometer.

Source: MRD, Cambodia. Revised March 2018.

7. The project location map is shown in Figure 1.

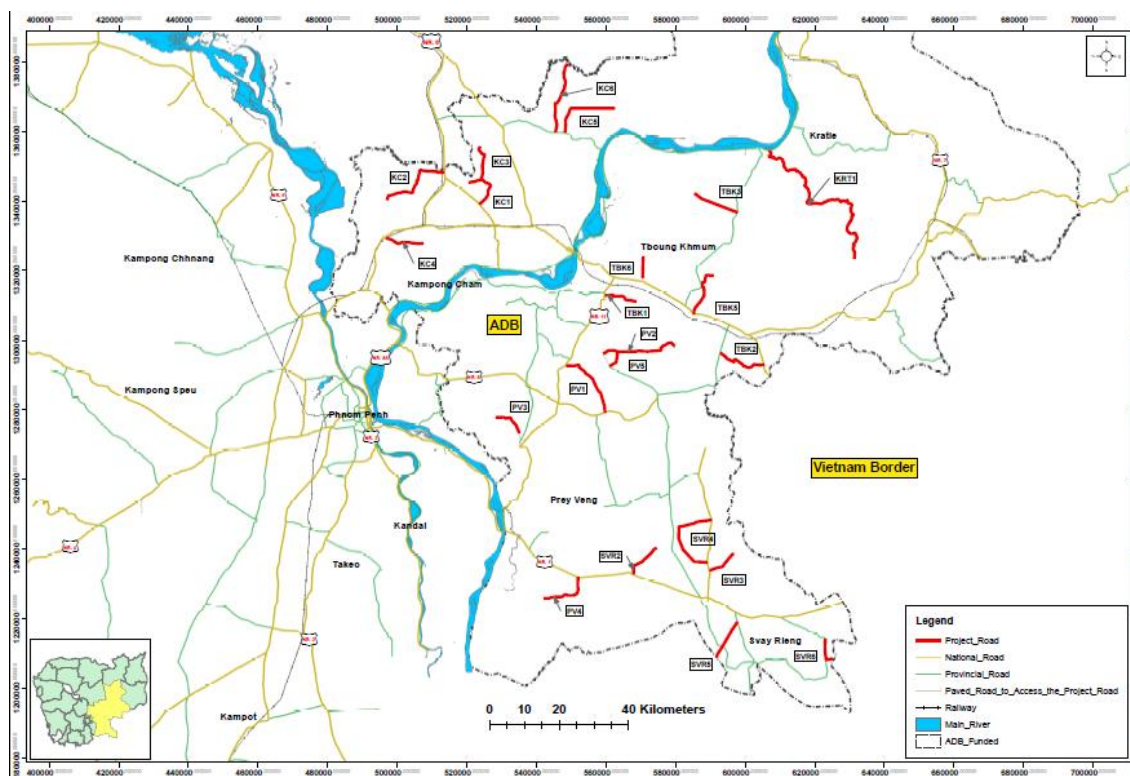


Figure 1: Project Map

⁴ ADB. 2014. *Country Partnership Strategy: Cambodia, 2014–2018*. Manila.

II. RATIONAL FOR COMMUNITY PARTICIPATION FRAMEWORK (CPF)

8. The components of the proposed project are (i) improved rural roads (about 360 km of rural roads rehabilitated into paved condition by double bituminous surface treatment and concrete); (ii) improved road asset management; and (iii) awareness of road safety and potential social problems strengthened.

9. The project design will utilize existing road pavement widths. The available width of the existing roads may not always be sufficient to accommodate the proposed improvements. However, the extent of impacts on land, structures and livelihood sources is expected to be minimal, as widening of the existing road widths is not envisioned. As such, no component of the project involves land acquisition, as it was designed to avoid any form of resettlement impacts. Voluntary land donation will be used if additional small strips of private land are required. Eminent domain will not occur in the event negotiations for land donation fail. Full oversight of the negotiation process will be in place. In the preparation stage, the alignment of the proposed project roads was finalized through community consultations held along the proposed roads.

10. This framework has been prepared based on the following:

- Review of the relevant national legislation and policies of Royal Government of Cambodia;
- Review of the ADB Safeguard Policy Statement (2009).

A. Guiding Principles of CPF

11. The basic principles guiding this framework are the following:

- there is meaningful consultation with landowners and any non-titled people on proposed project roads;
- voluntary donations do not severely affect the living standards of affected people and are directly linked to benefits for the affected people, with community sanctioned measures to replace any losses that are agreed through written record by affected people;
- any voluntary donation will be confirmed through verbal (consultations) and written record and verified by an independent third party;
- adequate local level project-specific grievance redress mechanism (GRM) is in place at the commune level;
- the project benefits will realistically offset the size of the donated land and assets;
- in case negotiations for voluntary land donation fail, eminent domain or other powers of the state will not be used;
- a maximum of 5% of land can be donated for the project
- for the vulnerable households no voluntary donation is accepted by the project;
- for households donating land, no physical or economic displacement will take place;
- minor affected assets such as fences, retainer and boundary walls will be rebuilt under the environmental management plan (EMP) budget to its pre-existing condition.

12. Voluntary land donation is not within the scope of the ADB Safeguard Policy Statement. However, to ensure that if minor land strips are required for some of the sections of the rural roads, land donation is carried out on a voluntary basis and that persons donating are not adversely impacted, proper due diligence and meaningful consultation will be conducted. The due

diligence and consultation will (i) verify that the donation is in fact voluntary and did not result from coercion, using written records and confirmation through an independent third party which is Village Development Committee (VDC) in every concerned village.

13. The steps for voluntary land donation are as follows:

- (i) disseminate information to all relevant stakeholders on project information and land donation concept;
- (ii) identification and verification of land and/or assets to be donated through screening and survey;
- (iii) raising awareness and undertake meaningful consultation and negotiation with displaced persons;
- (iv) obtaining signed agreement⁵ for land/asset donation; and
- (v) transfer of title for donated portion of land if applicable; and
- (vi) verification and monitoring by external monitor (ongoing).

14. To ensure transparency, written confirmation of voluntary donation will be submitted by the owners of land/asset affected by the project. The confirmation will be in the form of a Memorandum of Understanding (MOU), which will be done between the landowner(s) and the Ministry of Rural Development and will be verified by an independent third party.

15. To ensure legal possession of the land under consideration, a copy of the proof of the ownership, as applicable, shall be obtained by the MRD's project management unit (PMU) and/or project implementation unit (PIU). In case the land owner has unclear titles or is unable to provide proof of ownership, a committee comprising of the chief of the respective commune, a reputed senior citizen of the village, a member from the PIU will be assigned to verify the ownership of the concerned land owner on the land parcel or asset in question. The land donation will not be accepted if this verification is not successful.

III. LEGISLATIONS AND POLICIES APPLICABLE

16. The principles adopted for addressing voluntary donation in the project have been guided by the existing legislation and policies of the government, and the ADB's Safeguard Policy Statement. Prior to the preparation of the framework, an analysis of the existing national policies was undertaken.

A. Relevant Cambodian Laws and Regulations

17. The relevant major legal framework of the Royal Government of Cambodia comprises the 1993 Constitution of the country, the 2001 Land Law, and the 2010 Expropriation Law.

B. The 1993 Constitution of Cambodia

18. The 1993 Constitution of Cambodia sets out the basic principle for land acquisition. Article 44 of the 1993 Constitution states that: "All persons, individually or collectively, shall have the rights to own property. Only natural persons or legal entities of Khmer nationality shall have the rights 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."

⁵ Agreement here refers to Memorandum of Understanding

C. The 2001 Land Law

19. The 2001 Land Law is a comprehensive law that governs land and property rights in Cambodia. Based on the provisions of the 1993 constitution, it determines the regime of ownership of immovable properties that are defined as including land, trees and immovable structures. The rights and responsibilities of the government with respect to eminent domain are specified in the Land Law. The government can acquire private land for public purposes but must pay fair and just compensation in advance of the land acquisition. The Land Law, Article 5 states that “No person may be deprived of his ownership, unless it is in the public interest. An ownership deprivation shall be carried out in accordance with the forms and procedures provided by the law and regulations, and after the payment of fair and just compensation in advance.” Other provisions of the Land Law that are relevant to land acquisition, compensation and resettlement in the context of this project include:

- (i) Legal possession as defined by the Law is the sole basis for ownership, and all transfer or changes of ownership shall be carried out in accordance with the required general rules for sale, succession, exchange and gift or by court decision. (Article 6);
- (ii) Any regime of ownership of immovable property prior to 1979 shall not be recognized. (Article 7);
- (iii) Only persons or legal entities of Khmer nationality are entitled to own land in Cambodia; or to buy or sell land. (Article 8, 66);
- (iv) State public land includes, among other categories, any property: (a) that has a natural origin, such as forests, courses and banks of navigable and floatable rivers or natural lakes; (b) that is made available for public use such as roads, tracks, oxcart ways, pathways, gardens, public parks and reserved land; or (c) that is allocated to render a public service, such as public schools, public hospitals or administrative buildings. (Article 15);
- (v) Persons that illegally occupy, possess or claim title to state public land cannot claim any compensation. This includes land established by the government as public rights-of-way for roads and railways. Moreover, failure to vacate illegally occupied land in a timely manner is subject to fines and/or imprisonment. (Article 19);
- (vi) Ownership of lands is granted by the state to indigenous communities as collective ownership, including all the rights and protection enjoyed by private owners. The exercise of collective ownership rights are the responsibility of the traditional authorities and decision-making mechanism of the indigenous community, according to their customs and subject to laws such as law on environmental protection. (Article 26);
- (vii) No authority outside the community may acquire any rights to immovable properties belonging to the indigenous community. (Article 28);
- (viii) Persons with legally valid possession of land for five years (at the time the law came into effect) are allowed to be registered as the owner of the land (Article 30). Persons who (at the time the law came into effect) held legal possessions but had not yet completed the five years are allowed to remain in possession until they are eligible to be registered as the owner. (Article 31);
- (ix) However, temporary possession claims made by persons after the law comes into effect will not be recognized, rescinding a previous right under the 1992 Land Law for acquiring land by taking possession. (Articles 29,34);
- (x) Landless people may apply for land for residential and subsistence-farming purposes at no cost, as part of a social land concession scheme. The

- concessionaire may obtain ownership of this land after fulfilling conditions set out in a separate Sub-Decree on Social Land Concessions. (Articles 50, 51); and
- (xi) Acquisition of land through gift is permitted with the following conditions:
 - (a) the gift of immovable property is only effective if it is made in writing and registered with the Cadastral Registry Unit;
 - (b) once accepted, gifts or immovable property are irrevocable; and
 - (c) the donor may retain the right of usufruct in the property and the right of use and habitation of an immovable property. (Articles 80-84).

D. The Inter-ministerial Prakas on the Establishment and the functioning of the Village Development Committee (VDC)⁶

20. It regulates establishment and functioning of the VDC, coordination mechanism between the various levels of engagement in the development process, details roles and responsibilities and membership of the VDCs. To ensure a sustainable development through the maximized utilization of available resources and potentials, as well as to ensure full participation, unity, solidarity, transparency, effectiveness and ownership of self-development, the MRD hereby issues the circular to guide all relevant departments, Provincial and/or Municipal Departments of Rural Development (PDRD) and District/Khan Offices of Rural Development. Among others provides for the following:

- (i) All departments, project/programs implementation units under the MRD, nongovernment organizations (NGO) and international organizations implementing rural development projects/programs shall use the VDC as a facilitation mechanism for development activities;
- (ii) The Department of Community Development shall encourage relevant departments and projects/programs under the MRD to use VDC as a facilitation mechanism for village development activities';
- (iii) The PDRD shall encourage, collaborate and coordinate with relevant departments, NGOs, international organizations implementing development projects/programs to support and use VDC as a facilitation mechanism for village development activities.

21. To strengthen the capacity of the VDC in village planning, project formulation, project implementation, monitoring and evaluation at the village level, VDC shall receive training and capacity strengthening from relevant ministries, agencies, NGOs and international organizations through the coordination of the MRD and sub-national administrations.

22. The Prakas includes the following key provisions:

- (i) The VDC shall be established in each village and dependent to the Commune/Sangkat. The VDC shall be abbreviated as VDC. (Article 1)
- (ii) The VDC is a committee of the Commune/Sangkat and shall be in the structure and system
- (iii) of the Commune/Sangkat Council. (Article 2)
- (iv) The VDC has the following composition: Village Chief as Chairman; Deputy Village Chief as Vice chairman; Village Member as Secretary. (Article 3)
- (v) The commune/sangkat council shall be authorized VDC's to nominate some other people as the members in case of need and upon the request of the village chief. (Article 4)

⁶ Circular on the implementation of the Inter-ministerial Prakas No. 2391 PK, Dated 22 December 2010

- (vi) The VDC has the duties to assist the sangkat-commune council in the following tasks:
- To consult with people, communities and/or representatives of beneficiary groups in the village to analyze and identify problems and priority needs of people in order to integrate into the commune/sangkat Development plan and investment program;
 - To participate in implementing the commune/sangkat Development plan and investment program as instructed by the commune/Sangkat council;
 - To assist in the following-up, the monitoring and the evaluation of the implementation of the commune/sangkat Development plan and investment program in the village;
 - To promote and encourage people's participation in the development process and activities as well as to mobilize the resources in the village;
 - To encourage people's participation in maintaining public facilities in the village;
 - To disseminate the implementation progress of the commune/sangkat Development plan and investment program and their good experiences;
 - To assist the commune/sangkat council in coordinating with NGOs, IOs implementing projects/programs in the village;
 - To produce and submit reports on their activities to the commune/sangkat councils.

23. It encourages participation and nomination of women as members of the VDCs. Full Prakas unofficial translation in English is provided in Annex 1.

E. ADB's SAFEGUARD POLICY STATEMENT

24. The framework is also guided by the ADB Safeguard Policy Statement Safeguards Requirements 2 and 3 in laying down the basic principles for the project to follow.

IV. PARTICIPATORY PROJECT PREPARATION

25. Planning and preparation of each subproject road will include number of key tasks including (i) dissemination of project information to affected communities; (ii) participatory consultations including transect walks, FGDs and surveys; (iii) identification of vulnerable people and consultations with them; (iv) signing MOU between the donor and the MRD in case voluntary donation is applicable as per developed criteria. These steps will allow identifying and dealing with project-related social issues through community participation, including applicable cases of voluntary donation through full consultation and without adversely impacting affected persons.

A. Dissemination of Information on project roads

26. Information on the features of the list of roads under the RRIP III will be disseminated to the public. This information will be displayed at the notice boards of the *communes* and the concerned *villages*. The information to be displayed shall include (i) map of the proposed roads under the RRIP III, (ii) list of villages to be connected, (iii) length and type (link route or through route) of the roads, and (iv) contact persons of the PIU concerned.

B. Selection of Roads

27. The following criteria shall be adopted for selecting the project roads:
- (i) Adequate land width availability as specified in the requirements for rural roads according the national standards;
 - (ii) The proposed alignment involves no to very limited land loss; and
 - (iii) In case impacts are unavoidable, the impacts will be minimized through one or more of the following mechanisms:
 - Design modifications by narrowing the right-of-way (ROW) width, alignment shifts, and modifications in cross-sections etc, to the extent required from safety considerations and as applicable for specific section;
 - Voluntary donation of land/assets by the land/asset owner by means of MOU to the MRD; and
 - Vulnerable affected households comprising of the poor⁷, women headed households, disabled, elderly, landless, indigenous peoples (IPs) will not be asked to donate land or assets.
28. Roads for which no scope exists for addressing the social impacts through any of the mechanisms above shall not be taken up for financing.

C. Finalization of Alignment through participatory assessments

29. The participation of communities has started at the very initial stage of the RRIP III and will continue throughout the project lifecycle. Community will play a decisive role in the finalization of the alignment. To ensure full community participation, transect walk and consultations will be undertaken on each of the rural road alignment. Transect walks will be organized in close coordination with the concerned communes at village level and jointly with the VDCs, MRD SEO, the design consultants, the PIU.

30. Consultations will be carried out in a meaningful manner in accordance with the ADB Safeguard Policy Statement to obtain the full communities support to ensure sustainability. Participatory assessment and consultation methods used are both formal and informal, individual and grouped. Table below summarizes consultation methods to be used during preparation. MRD will record each discussion to document and consider suggestions provided by the VDCs, complaints made by the community to relevant staff of PIU, consultant or contractor in order to take decisions for the betterment of the project.

⁷ Poverty level as defined by the government for the relevant year.

Table 2: Participatory consultations to be used during project implementation

No.	Type of participatory consultations	Description	Frequency and timing of consultations	Expected results
1.	Transect Walk	<p>Transect walk will be carried out in all the project roads. The project team and key informants conduct a walk along the road, to listen, identify issues, and conditions, and to ask questions to identify possible solutions.</p> <p>Participants should include:</p> <ul style="list-style-type: none"> - Field level PIU staff - VDC - Commune Official - MRD SEO member - PIC - School teacher - Women representatives - Vulnerable groups - Advise sought from elderly people of the village 	A minimum of two transect walks to each selected road before and during construction	<p>Issues to be discussed include:</p> <ul style="list-style-type: none"> - A joint on-site inventory of the ROW, cross-checking and verification of the alignment - Land requirement beyond ROW - Affected assets requirement within the ROW - Identification of displaced people and vulnerable groups among them - Technical design features - Construction arrangement - Road safety - Environment features - Identification of grievances on ground and redressal of the same - Acceptance of the project and road alignment by the community
2.	Focus Group Discussions	Structured discussions with purposely selected groups of affected persons from villages, includes vulnerable people.	A minimum of two focus group discussions for each District	Key issues of rural roads. opinion, collect knowledge, identification of current situation, consultation, proposal to success the rehabilitation activities, availability of community participation, role of community and stakeholders and other potential impacts
3.	Socio-economic questionnaire survey using purposive sampling method	Specifically, prepared and field-tested questionnaire is used. Purposive Sampling is a method of selecting a sample with a purpose in mind. In a situation where a specific issue/ aspect or group of people is to be studied especially within a short period with limited resources, purposive sample method is applied. Special emphasis is made to focus the households along the road.	After finalizing the candidate road list in each DS division	Family status, farming activities, income from different sources, land ownership, use of technology, productivity and production, access to communication and communication patterns, access to information, services and transport, accessibility and affordability

MRD = Ministry of Rural Development; PIC = project implementation consultant; PIU = project implementation unit; ROW = right-of-way; SEO = social and environmental office; VDC = village development committee.

D. Main Stages in a Transect Walk

31. Preparation Stage:

- (i) The PIU will inform and invite the VDCs as well as the community regarding the transect walk with adequate advance publicity including by means of a formal notice at the *village notice boards*. The notice shall include: (i) salient features of the proposed improvement including maps to show the alignment; (ii) the date and time of the Transect Walk and the location where the Walk starts; and (iv) contact persons in the PIU and VDC concerned for further inquiry (name, designation, address, phone numbers, etc.)
- (ii) Collect the village/commune map and mark the proposed alignment
- (iii) Identify the landowners along the alignment from the commune/village records
- (iv) The VDC to identify a group of villagers (key informants) who will participate in the walk (This shall not prevent other villagers from participating in the Transect Walk.)
- (v) Distribute responsibility for recording information during the walk amongst VDC members, and key informants

32. Implementation Stage:

- (i) PIU representatives to inform the participants on the possible extent of improvements and how the Transect Walk and the subsequent consultation/survey will be conducted
- (ii) Participants to slowly travel along the alignment, observe the physical features along the alignment, and get as much information as possible from the villagers and the locals
- (iii) Make notes of all vital information gathered and record in detail such information on the village map. Information to be recorded on the village map will include sensitive locations such as major junctions, cultural properties, water crossings, forest locations with large numbers of trees, where additional efforts need to be taken before finalizing the design.
- (iv) Understand and make notes of the following **social aspects**: sites for additional land take requirement; encroachments; squatters; land categories impacted; land with traditional, customary rights; population characteristics including vulnerable groups; assessment of social impacts on land, structures (residential/commercial); other structures (temples/wells); trees, standing crops; common properties; livelihood and economic opportunities
- (v) Identify persons likely to get affected by the project and vulnerable groups among them
- (vi) The PIU to provide adequate responses on queries related to social issues, voluntary land donation process, possibility of alignment changes to minimize impacts, and engineering requirements to enhance safety of road users

33. Detailed instructions, formats and template to be used during Transect walk will be drafted and agreed at the preparation stage by MRD SEO and detailed design and implementation supervision (DDIS) consultants.

34. The DDIS consultants, based on the findings of the Transect Walk, will prepare the transect drawings for the road, reflecting the concerns of the community, to be duly considered during the detailed design stage. The PIU in turn will make sure that these suggestions and concerns are addressed, to the extent possible, in the project progress report and safeguards monitoring reports.

E. Census of Affected Persons

35. Following the formal consultation, the PIU with support of the DDIS will undertake a census of the identified affected persons to assess current socio-economic status of the affected persons including ownership of land/asset affected, and the overall project impact on each of the affected persons. The concerned VDC will facilitate the survey. Census questionnaires will be drafted and agreed with ADB at the preparatory stage. Based on the census, a database of all affected households will be prepared, which enables identification of vulnerable affected persons.

36. Based on the census data, the PIU, with support of the DDIS and in collaboration with the VDC, assess the vulnerability of affected persons (households). This assessment will be discussed with affected persons and then finalized. Thereafter a list of vulnerable affected persons will be formulated. This list will serve as benchmark for those whom the project cannot accept to voluntarily donate land or asset.

F. Information Dissemination on Process of Land Transfer

37. In addition to information dissemination required at each of the community participation activities detailed above, the PIU in coordination with the VDC shall make sure that the following information is known to the community concerned prior to the start of collection of MOU:

- (i) project details;
- (ii) responsible agencies;
- (iii) process of land transfer;
- (iv) list of affected persons who donate land/asset;
- (v) GRM; and
- (vi) likely construction schedule

G. Submission of Written Confirmation by Landowners to PIU

38. **Voluntary Donation:** The project recognizes that voluntary land donation has been standard practice adopted for rural road improvement projects in Cambodia. The entire process of land donation will emphasize the spirit of “free will”, minus any element of coercion. For this, individual verification to ensure that people are “volunteering” for donation of their land toward the project is mandatory.

39. **Written Confirmation of Voluntary Donation:** To ensure transparency, written confirmation of voluntary donation will be submitted by the owners of land/asset affected by the project. The confirmation will be in the form of a memorandum of understanding (MOU), which will be done between the landowner(s) and the MRD/PDRD and will be verified by an independent third party. In this case, the VDC concerned will be the third party. Format of the MOU will be agreed with ADB before initiating the process. To ensure legal possession of the land under consideration, a copy of the proof of the ownership, as applicable, shall be obtained by the PIU, with assistance from the VDC. In case the land owner has unclear titles or is unable to provide proof of ownership, the VDC concerned and the village community will be involved to verify the ownership of the concerned land owner on the land parcel or asset in question.

40. **Land Involving Traditional rights:** In case of impact on land involving traditional rights, the project will not take the road up for financing.

41. **Execution of Civil Works:** For the execution of civil works contracts under the project, the MRD will acquire or make available on a timely basis the land and rights to land, free from

any encumbrances. No section or part thereof under the civil works contract shall be handed over to the contractor unless the applicable provisions of the CPF have been complied with.

V. IMPACTS AND MITIGATION MEASURES

A. Mitigation Measure Matrix

42. A specific mitigation measures matrix is prepared to address the following categories of impacts caused by the project. The matrix ensures that affected persons are equally or better off after the project and are not adversely affected. Design modifications will be introduced to avoid and impacts on structures within ROW.

Table 3: Mitigation measures Matrix

Impact Category	Mitigation Measures	Responsibility
Loss of Agricultural Land (Very small strips)	<ul style="list-style-type: none"> - Willing transfer of land by means of MOU - Advance notice to harvest standing crops - For vulnerable affected persons no voluntary donation is accepted - For land involving traditional rights, the road will not be financed by the project 	VDC, PIU and Cadastral Administration Office
Loss of Structure	<ul style="list-style-type: none"> - For loss of boundary walls and fences, affected during construction, contractor will rebuild the affected structure as part of environmental management plan to pre-existing conditions; - For tenants, assistance to find alternative rental arrangements by VDC; 	PIU, Contractor and VDC
Loss of livelihood	<ul style="list-style-type: none"> - In case of permanent shops impacted, impact will be avoided through agreed technical solutions. If not possible, road will be dropped from financing; - For mobile vendors, project will help moving them back for the duration of construction in order to avoid business interruption and livelihood loss 	PIU, PIC, Contractor and VDC
Loss of Assets such as Trees, Well, and Ponds	<ul style="list-style-type: none"> - Willing transfer of the asset by means of MOU. - For vulnerable affected persons, the project will not accept donation. Impact will be avoided through agreed technical solutions as detailed above 	PIU, PIC, Contractor and VDC
Loss of community owned assets such as temple, wells, ponds, etc.	Civil works contract conditions to include provisions to obligate the contractor to implement appropriate mitigation measures for the temporary impacts include disruption of normal traffic, increased noise levels, dust generation, and damage to adjacent parcel of land due to movement of heavy machinery to be included the Civil Works Contract	PIU
Other unanticipated impacts	Unforeseen impacts will be documented and mitigated based on the principles in this framework. If required, ADB will be informed and project categorization will be revisited based on ADB concurrence and follow-up actions taken to mitigate these impacts	MRD/PIU, PIC, VDC

MRD = Ministry of Rural Development; MOU = memorandum of understanding; PIC = project implementation consultant; PIU = project implementation unit; VDC = village development committee

43. A set of documents for preparing and documenting the voluntary donation process include:
- i) Information to be disclosed; ii) Format for Recording of the Transect Walk; iii) Sample of Census Questionnaire; vi) Memorandum of Understanding for Voluntary Land/Asset Donation; vii) Land/Asset donation process and transfer of land title

VI. IMPLEMENTATION ARRANGEMENTS

A. Key Agencies Involved

44. The key agencies involved in implementation of this framework are as follows:
- (i) Social and Environment Office of MRD;
 - (ii) Project Implementation Unit with support of the Project Implementation Consultant
 - (iii) Village Development Committees
 - (iv) Ministry of Rural Development
 - (v) Cadastral Administration Offices

B. Major Tasks

45. Major tasks under the CPF and responsible agencies for them are summarized below.

Project stage	Task	Responsible agency
Project Design Stage	Dissemination of project Information	PIU, VDC, commune councils
	Finalization of alignment (Transect Walk, alignment shifts & incorporation of community suggestion)	PIU, DDIS consultants, VDC
	Consultations with Community/affected persons	PIU, DDIS consultants, VDC
	Census for Profile of affected persons and identification of vulnerable affected persons	PIU, MRD/SEO, DDIS consultants, VDC
	Establishing GRM	PIU, DDIS consultants
	Dissemination of process of voluntary donation, and grievance procedures	PIU, DDIS consultants, VDC
	Marking of Alignment Incorporating impact mitigation measures in progress and safeguards monitoring reports	MRD/SEO, PIU, DDIS consultants
	Collection of MOUs	PIU, DDIS consultants
	Advance notice to farmers with standing crops	PIU, VDC
Construction	Physical possession of land by MRD/PDRD	MRD/PDRD, Cadastral Administration Offices
	Redressal of grievances at local level	PIU, Contractor through local GRM
	Temporary impacts during construction	PIU, DDIS consultants, Contractor
	Monitoring progress of community participation	MRD/SEO, PIU, VDC

DDIS = detailed design and implementation supervision; GRM = grievance redress mechanism; MOU = memorandum of understanding; MRD = Ministry of Rural Development; PDRD = Provincial Department of Rural Development; PIU = project implementation unit; SEO = social and environmental office; VDC = village development committee.

C. Responsibility of Key Agencies

46. The following section provides detailed description of the responsibilities of the agencies

listed above:

1. Ministry of Rural Development Social and Environmental Office (SEO)

47. In order to ensure effective implementation of social safeguard process and compliance with the Government's legislation and ADB's Safeguard Policy Statement, procedures and documents, MRD social and environmental office (SEO) will:

- (i) coordinate all agencies involved in dealing with community participation process;
- (ii) organize the Transect Walk with the VDCs concerned and with participation of other relevant officials and stakeholders as needed;
- (iii) works with PIU and PIC in organizing community participation processes as mentioned in CPF;
- (iv) ensures timely and adequate record keeping and filing;
- (v) facilitate activities of PIU/PIC for better linkages with affected persons;
- (vi) collect the MOUs; and
- (vii) safeguards monitoring of the project.

2. Project Management Unit (PMU)

48. A dedicated project management unit (PMU) has been established in the MRD for the RRIP to carry out the day to day tasks in the overall implementation of the project. The MRD SEO will provide overall directions and guidance and participate in the public consultations and participatory assessments. The specific tasks of the PMU related to the project are as follows:

- (i) disseminate project information at various stages of the project implementation as envisaged in this framework;
- (ii) provide support to in making records and maps available before the Transect Walk
- (iii) participate in community participatory assessment and ensure community feedback and suggestion are considered during the detailed design, impacts avoided or at least minimized;
- (iv) ensure that Transect Walks and subsequent community consultation are properly conducted;
- (v) verify vulnerability of affected persons based on the criteria in this framework
- (vi) verify ownership of impacted land parcels through proof of ownership during census
- (vii) prepare the reports on implementing the CPF for review and endorsement to ADB;
- (viii) establish GRM at local level in coordination with the MRD SEO, including Grievance Redress Committee membership, record keeping etc.
- (ix) ensure community participation process is well documented and records are maintained and filed;
- (x) regularly monitor and report on social safeguards on a timely basis; and
- (xi) ensure that MOUs are signed between the affected persons and MRD/PDRD in the environment free of coercion and at "free will".

3. Detailed Design and Implementation Supervision (DDIS) Consultants

49. The detailed design and implementation supervision (DDIS) consultant reports to the PMU and will carry out the detailed engineering design of the subproject roads based on the community feedback and suggestion to avoid or minimize impacts, provide technical solutions during the Transect Walks. Based on the detailed engineering design, and guided by this framework, they will carry measurements required for finalizing title transfers as needed. Among others, the DDIS will:

- (i) prepare detailed design drawings;
- (ii) participate in the transect walks;
- (iii) finalize alignment through community participation giving proper consideration to road safety and scope for future growth; and
- (iv) along with VDC, identify land to be additionally required and land/asset ownership including customary rights in tribal areas (if any).

4. Village Development Committees (VDCs)

50. The Village Development Committees will:

- (i) display the project information at the communes' offices or in the places proposed by the communities during the consultations;
- (ii) disseminate project information to the community in coordination with the PIU;
- (iii) facilitate finalization of alignment during Transect Walk along with PIU and commune and Cadastral Administration Office as needed;
- (iv) encourage community participation during Transect Walk and consultations;
- (v) organize consultations involving community and affected persons to disclose Transect Walk output;
- (vi) facilitate the survey of profiles of affected persons;
- (vii) facilitate identifying vulnerable affected persons and their verification;
- (viii) facilitate finalization of procedure for land transfer;
- (ix) act in a capacity of third party validator and counter-sign the MOU to verify free will and no coercion during voluntary donation;
- (x) facilitate consultation by the civil works contractor with community prior to mobilization of machinery if needed;
- (xi) ensures community supervision of the mitigation measures during implementation and its progress in coordination with PIU; and
- (xii) act as an entry point local GRM at the respective village level and facilitates timely recording and resolving complaints in close coordination with PIU, DDIS consultant, and contractor

5. Ministry of Rural Development (MRD)

51. The Ministry of Rural Development (MRD) is the executing agency for the project; at the provincial level, the PDRD in each of the five project provinces will be the contact points. The project will be implemented by the MRD under the overall guidance of the Project Director of the PMU and assisted by the Project Manager.

52. MRD will ensure SEO is adequately staffed and equipped to perform its duties under this framework.

6. Cadastral Administration Offices

53. The Cadastral Administration Offices in the provinces under the Ministry of Land Management, Urban Planning and Construction will ensure the data on title owners is verified against the government cadastral data as well as the transfer of titles in favor of MRD is conducted in accordance with the national legislation

VII. GRIEVANCE REDRESS MECHANISM

54. The overall purpose of a Grievance Redress Mechanism (GRM) is to reduce risks for the project, offer communities an effective platform for expressing concerns, and achieving solutions to their concerns that will promote a constructive relationship between the people/local communities, project implementers including contractors, and other stakeholders. A GRM is essential to ensure that the local people including women, project beneficiaries, affected persons, if any, and low-income households will have access to project benefits during implementation and operation stage in all project outputs/activities. In this context, a project level GRM will be available to allow appeals against any disagreeable decision, practice or activity.

55. A GRM system or organization has already been set up in Cambodia for ADB-funded projects. The existing GRM procedures and organizational structure will be used during the implementation of the proposed project as specified in the initial environment examination formulated for the project.

56. Care will be taken to prevent grievances rather than going through a redress process by ensuring active consultation with and participation of affected persons. If grievances still arise, all attempts will be made to resolve informally at the local level.

VIII. MONITORING AND REPORTING PROCEDURES

57. The MRD PIU shall be responsible for supervision of the framework implementation and the internal monitoring throughout the implementation of the project. The PIU shall collect the data as per the monitoring indicators adopted and report them to the MRD SEO. The data shall be later consolidated and presented in the regular safeguards monitoring reports and submitted to ADB.

58. In addition, VDCs, which is an independent legally constituted community body, will be the independent third-party monitor for the implementation of the CPF. Regular feedback will be sought from VDC and incorporated in the regular monitoring reports submitted to ADB.

IX. BUDGET

59. The MRD as an executive agency will make sure the budget for the implementation of the mitigation measures in this framework is timely allocated based on the project financing plan. While the details of the budget will be estimated at the detailed design stage and reflected in the progress reports, the essential budget items include:

- (i) cost of project information booklets/leaflets to be disseminated to the affected persons;
- (ii) cost associated with organizing Walk Transects, consultations and surveys;
- (iii) printing materials as needed;
- (iv) printing of advance notices; and
- (v) cost of land title transfers as relevant;

60. In addition to the above, the EMP budget will include costs associated with rebuilding the minor affected assets such as fences, retainer walls, boundary walls, etc.



ក្រសួងអភិវឌ្ឍន៍ជនបទ

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

សារាចរណែនាំ

ស្តីពី

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ស្តីពីការបង្កើត និងការប្រព្រឹត្តទៅរបស់គណៈកម្មាធិការអភិវឌ្ឍន៍ភូមិ

(គ.អ.ក.)

ឆ្នាំ ២០១១

Contents

	Page
1-Circular on the Implementation of the Inter-ministerial Prakas No. 2391 PK, Dated 22 December 2010	23
2-Annex	
1. Inter-ministerial Prakas on the Establishment and the functioning of the Village Development Committee	27
2. Decision on the accreditation of the Village Development Committee	30
3. Deka on the Working Procedure and Roles, Duties of the Village Development Committee	32
4. Internal Regulations of the Village Committee (Sample)	35

KINGDOM OF CAMBODIA
NATION-RELIGION-KING

Unofficial
Translation

Ministry of Rural Development
No: 0098/11 MRD

Phnom Penh, 27 April 2011

CIRCULAR

on

The Implementation of the Inter-ministerial Prakas No. 2391 PK, dated 22 December 2010 of the Minister for Interior and the Minister for Rural Development on the Establishment and the Functioning of the Village Development Committee

The Royal Government of Cambodia has established the Village Development Committee (VDC) with the Decision No. 02 S.S.R dated 11 January 1999 on the Establishment of the Provincial/Municipal Rural Development Committees. The meeting of the Council of Ministers on 26 March 2010 has decided to integrate the structure, roles and responsibilities of the VDC into the current structure and system of the Commune/Sangkat Council and given the duty to the Ministry of Interior and the Ministry of Rural Development (MRD) to determine together the procedure of the establishment and the functioning of the VDC.

The Minister for Interior and the Minister for Rural Development have issued the Inter-ministerial Prakas No. 2391 PK, dated 22 December 2010 on the establishment and the functioning of the VDC.

To ensure a sustainable development through the maximized utilization of available resources and potentials, as well as to ensure full participation, unity, solidarity, transparency, effectiveness and ownership of self-development, the MRD hereby issues the circular to guide all relevant departments, Provincial/Municipal Departments of Rural Development (PDRD) and District/Khan Offices of Rural Development as follow:

I. The composition of the VDC

1. The Selection of Additional Member

The PDRD shall collaborate and coordinate with village chief for the selection of additional 04 to 08 members of VDC by encouraging the women membership as much as possible.

The VDC member shall be chosen from:

- Former VDC member;
- Representative of the sub-committees, committees or beneficiary groups present in the village (i.e. Road, Water and Sanitation, Credit, Rice Bank...etc.).

The member of the VDC shall have the following qualification and criteria:

- Khmer Nationality;
- Ability to read and write Khmer;
- Age of at least 18 years old;
- Having the permanent residence in the village;
- Having time, will and volunteering to contribute to the village development.

2. The loss of the VDC membership

The VDC members shall lose their membership due to any of the following circumstances:

- Death;
- Mental disability;
- Resignation;
- Being found guilty of a misdemeanor or felony;
- Being not a permanent resident in the village;
- Violation of the VDC's internal regulations.

In any aforementioned circumstances, the PDRD shall collaborate and coordinate with village chief to select a substitute. The village chief shall make a request to Commune/Sangkat Council to issue the decision recognizing the new member of VDC.

II. The Functioning of the VDC

To ensure the successful functioning of the VDC:

A. The Department of Community Development shall

- Coordinate with the PDRD in order to collect and manage VDC's data;
- Follow up and monitor the process of collaboration of the PDRD with the village chief and the Commune/Sangkat Council;
- Monitor and evaluate the functioning of the VDC;
- Annually review the strengths and weaknesses of VDC.

B. The PDRD shall

- Collaborate and coordinate with the Commune/Sangkat Council in issuing a decision recognizing VDC members (Annex 2);
- Collaborate and coordinate with the Commune/Sangkat Council in issuing a Deka on the additional working procedure, roles and responsibilities of the VDC (Annex 3);
- Provide guidance to the VDC on the formulation of the internal regulations (annex 4);
- Collaborate and coordinate with the Commune/Sangkat Council to monitor the functioning of the VDC;
- Coordinate with Commune/Sangkat Council to collect and manage VDC data;
- Facilitate with Commune/Sangkat Council to establish the working office for the VDC in each village;
- Monitor and evaluate the functioning of all VDC in the province/capital and include the result in the monthly report of the PDRD;

III. The Use of the VDC

- All departments, project/programs implementation units under the MRD, NGOs and IOs implementing rural development projects/programs shall use the VDC as a facilitation mechanism for development activities.
- The Department of Community Development shall encourage relevant departments and projects/programs under the MRD to use VDC as a facilitation mechanism for village development activities.
- The PDRD shall encourage, collaborate and coordinate with relevant departments, NGOs, IOs implementing development projects/programs to support and use VDC as a facilitation mechanism for village development activities.

IV. VDC Capacity Strengthening

To strengthen the capacity of the VDC in village planning, project formulation, project implementation, monitoring and evaluation at the village level, VDC shall receive training and capacity strengthening from relevant ministries, agencies, NGOs and IOs through the coordination of the MRD and sub-national administrations.

A. Department of Community Development

- Mobilize resources to support and strength the VDC capacity;

- Conduct VDC training need assessment;
- Formulate training lessons/courses to response to the need of VDC and local communities;
- Provide Training of Trainers to PDRD and to District/Khan Offices of Rural Development;
- Monitor and evaluate training activities and capacity of the VDC.

B. PDRD

- Mobilize the support to strengthen the PDRD's staff, District/Khan Offices of Rural Development so they can efficiently provide the training to the VDC;
- Provide training and capacity building to the VDC;
- Coordinate with development partners to provide training and capacity strengthening to the VDC.

To effectively and efficiently implement the circular on the implementation of the inter-ministerial Prakas No. 2391 PK, dated 22 December 2010 of Minister of Interior and Minister of Rural Development on the establishment and the functioning of the VDC, the Department of Community Development and all PDRD shall disseminate the aforementioned Prakas to all provincial/municipal administrations, relevant departments, District/Khan Offices, Commune/Sangkat, NGOs, IOs and other development partners for their awareness and implementation.

The Ministry of Rural Development hopes and believes that all departments, project/program implementation units under the Ministry and all development partners implementing rural development activities in the Kingdom of Cambodia will contribute in the successful implementation of this circular.

Minister

CC:

- Ministry of Interior
- Office of the Council of Ministers
- Cabinet of Samdech Techo Prime Minister
- Council for Agricultural and Rural Development
"for information"
- All provincial/municipal administrations
- All departments under the MRD
- All PDRDs
"for implementation"
- Archives/Chronicles

Annex I

KINGDOM OF CAMBODIA
NATION-RELIGION-KING

**Unofficial
 Translation**

Ministry of Interior
 Ministry of Rural Development
 No: 2391 PK

Inter-ministerial Prakas
On
The Establishment and the Functioning of the Village Development Committee

Deputy Prime Minister, Minister for Interior
Minister for Rural Development

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No.NS/RKT/0908/1055 dated 25 September 2008, on the Nomination of the Royal Government of Cambodia;
- Having seen the Royal Kram No. 02/NS/94 dated 20 July 1994, promulgating the Law on the Organization and the Functioning of the Council of Ministers;
- Having seen the Royal Kram No. NS/RKM/0196/08 dated 24 January 1996, promulgating the Law on the Establishment of the Ministry of Interior;
- Having seen the Royal Kram No. NS/RKM/0196/12 dated 24 January 1996, promulgating the Law on the Establishment of the Ministry of Rural Development;
- Having seen the Royal Kram No.NS/RKM/0301/05 dated 14 March 2001, promulgating the Law on the Administrative Management of the Commune/Sangkat;
- Having seen the Royal Kram No.NS/RKM/0508/017 dated 24 May 2008, promulgating the Law on the Administrative Management of the Municipality, Provinces, Cities, Districts, Khans;
- Having seen the Sub-Decree No. 16 SD dated 20 December 1993, on the Organization and the Functioning of the Ministry of Interior;
- Having seen the Sub-Decree No. 78 SD dated 01 December 1997 on the Organization and the Functioning of the Ministry of Rural Development;
- Having seen the Sub-Decree No. 51 SD dated 21 June 2001 on the Amendment of the Sub-Decree No. 78 SD dated 01 December 1997 on the Organization and the Functioning of the Ministry of Rural Development;
- With reference to the Decision of the Meeting of the Council of Ministers of 26 March 2010;
- With reference to the Decision of the Meeting of the National Committee for Sub-national Democratic Development (NCDD) dated 30 November 2010;

HEREBY DECIDES

Article 1.-

The Village Development Committee shall be established in each village and dependant to the Commune/Sangkat. The Village Development Committee shall be abbreviated as VDC.

Article 2.-

The VDC is a committee of the Commune/Sangkat and shall be in the structure and system of the Commune/Sangkat Council.

bri

Article 3.-

The VDC has the following composition:

- | | |
|------------------------|------------------|
| - Village Chief | as Chairman |
| - Deputy Village Chief | as Vice-chairman |
| - Village Member | as Secretary |

Article 4.-

The Commune/Sangkat Council shall be authorized to nominate some other people as the VDC's members in case of need and upon the request of the Village Chief.

Article 5.-

The Commune/Sangkat Chief shall issue the decision recognizing the composition of the VDC after the approval of the Commune/Sangkat Council.

Article 6.-

The VDC has the duties to assist the Sangkat-Commune Council in the following tasks:

- To consult with people, communities and/or representatives of beneficiary groups in the village to analyze and identify problems, priority needs of people in order to integrate into the Commune/Sangkat Development Plan and Investment Program;
- To participate in implementing the Commune/Sangkat Development Plan and Investment Program as instructed by the Commune/Sangkat Council;
- To assist in the following-up, the monitoring and the evaluation of the implementation of the Commune/Sangkat Development Plan and Investment Program in the village;
- To promote and encourage people's participation in the development process and activities as well as to mobilize the resources in the village;
- To encourage the people's participation in maintaining the public facilities in the village;
- To disseminate the progress of the implementation of the Commune/Sangkat Development Plan and Investment Program and their good experiences;
- To assist the Commune/Sangkat Council in coordinating with NGOs, IOs implementing projects/programmes in the village;
- To produce and submit reports on their activities to the Commune/Sangkat Councils.

Article 07.-

The Ministry of Interior and the Ministry of Rural Development shall support the Municipal/Provincial Administration and Commune/Sangkat Administration in establishing, training and building the capacity of the VDC.

Article 08.-

The Commune/Sangkat Councils shall issue Deka to determine the working procedure, roles and actual additional duties of the VDC.

Article 09.-

All provisions that contradict this join Prakas shall be considered null and void.

Article 10.-

The Administration of Municipality, Province, District, Khan, Commune/Sangkat and other relevant entities under the responsibility of the Ministry of Interior and the Ministry of Rural Development shall efficiently implement this decision from the date of its signature.

Phnom Penh, 22 December 2010

Deputy Prime Minister
Minister for Interior

Rural Development

Minister for

CC:

- Ministry of the Royal Palace;
- General Secretariat of the Senate;
- General Secretariat of the National Assembly;
- General Secretariat of the Royal Government;
- Cabinet of Samdech Akka Moha Sena Padei, Prime Minister
- Members of NCDD
- Relevant Ministries and Institutions
"for information"
- Archives-Chronicles

Kingdom of Cambodia
Nation-Religion-King

Annex2

Province:.....
District:.....
Commune:.....
No:S.S.R

Unofficial
Translation

**Decision
On**

The accreditation of theVillage Development Committee

TheCommune/Sangkat Council

- Having seen the Royal Kram No. NS/RKM/0301/05 dated 19 March 2001 promulgating the Law on the Administrative Management of the Commune/Sangkat
- Having seen the Sub-Decree No. 22SD dated 25 March 2002 on the Decentralization of Power, Roles and Duties to Commune/Sangkat Councils
- Having seen the Inter-Ministerial Prakas No. 2391 BR.K, dated 22 December 2010 on the establishment and the functioning of the VDC
- Upon the request of Chief ofVillage, dated.....;
- Upon the result of the meeting of theCommune/Sangkat Council, dated.....;

HEREBY DECIDES

Article 01.-

To accredit theVDC with the composition as follow:

1. Mr/Ms:.....Chairman
2. Mr/Ms:.....Vice-chairman
3. Mr/Ms:.....Secretary
4. Mr/Ms:.....Member
5. Mr/Ms:.....Member
6. Mr/Ms:.....Member
7. Mr/Ms:.....Member
8. Mr/Ms:.....Member
9. Mr/Ms:.....Member
10. Mr/Ms:.....Member
11. Mr/Ms:.....Member

Article 02.-

The VDC has the duties to assist Commune/Sangkat Council as follow:

- Consult with people, communities and/or representatives of beneficiary groups in the village in order to analyze and identify problems and prioritized needs of people to be integrated into the Commune/Sangkat Development Plan and Investment Program.

- Participate in implementing the Commune/Sangkat Development Plan and Investment Program under the guidance of the Commune/Sangkat council;
- Assist in following-up, monitoring and evaluating the implementation of the Commune/Sangkat Development Plan and Investment Program in the village;
- Promote and encourage people to participate in the development process and activities as well as to mobilize the existing resources in the village;
- Encourage people to participate in maintaining the existing facilities in the village;
- Disseminate the implementation progress of the Commune-Sangkat Development Plan and Investment Program and their good experiences;
- Assist the Commune/Sangkat Council in coordinating with NGOs and IOs in the implementation of projects in the village;
- Report its activities to the Commune/Sangkat Council.

Article 03.-

All provisions which contradict this decision shall be considered null and void.

Article 04.-

All individuals as specified in the article 01 and all concerned stakeholders shall implement this decision in an effective manner from the date of its signature.

Date:

Chief ofCommune/Sangkat Council

(Signature and Seal)

Name:.....

CC:

- Salakhet
- Salasrok.....
- PDRD
- "for information"
- Archives/Chronicles

Kingdom of Cambodia
Nation-Religion-King

Annex 3

Province:.....
District :.....
Commune:.....
No:S.S.R

Unofficial
Translation

**Deka
On**

The Working Procedure and Roles, Duties of the Village Development Committee

The.....Commune/Sangkat Council

- Having seen the Royal Kram No...NS/RKM/0301/05, dated 19 March 2001 promulgating the Law on the Administrative Management of the Commune/Sangkat;
- Having seen the Sub-Decree No. 22 SD, dated 25 March 2002 on the Decentralization of Power, Roles and Duties to the Commune/Sangkat Councils;
- Having seen the Inter-Ministerial Prakas No. 2391 BK, dated 22 December 2010 on the Establishment and the Functioning of the VDC;
- Having seen the Circular on the Implementation of the Inter-ministerial Prakas No. 2391 PK, dated 22 December 2010 of the Minister for Interior and the Minister for Rural Development on the Establishment and the Functioning of the Village Development Committee;
- With the approval of the Council's meeting dated

HEREBY DECIDES

Article 1.-

The composition of Village Development Committee(VDC) of.....consists of 07 to 11 persons as follow:

- | | |
|--------------------------------------|---------------|
| 1. Chief of the village | Chairman |
| 2. Deputy Chief of the village | Vice-chairman |
| 3. Village Member | Secretary |
| 4. 04 to 08 villagers | Members |

Article 02.-

The establishment and the accreditation of the VDC's sub-committees:

- Commissions or sub-committees and other beneficiary groups which have been established in the village shall be under the umbrella of the VDC;
- Existing or ongoing activities, projects/programs in the village, including those initiated by development partners, shall be included in each sub-committee of the VDC according to the type and criteria of their activities;
- The VDC shall appoint its members to chair the sub-committees that it establishes.
- In the case a commission, a sub-committee or a beneficiary group has already been established in the village, the VDC shall accredit this commission, sub-committee or beneficiary group as under the VDC's umbrella.
- In case of need, the VDC shall establish other sub-committees such as road maintenance sub-committee, well maintenance sub-committee, water use sub-

committee, credit sub-committee, village health and sanitation sub-committee, or children and women sub-committee.

Article 03.-The preparation of the VDC's internal regulations

- The VDC shall meet for the adoption of its internal regulations.

Article 04.- The meeting of VDC

- After the Commune/Sangkat Council issues the decision on the accreditation of the VDC, the latter shall convene the first meeting within 15 days at the very latest to adopt the internal regulations and to determine the tasks for its members;
- The VDC shall have a monthly meeting.
- In case of need, the VDC's chairman shall call for other meetings to discuss issues related to the village development activities
- The VDC shall organize consultation meetings with the people, community or beneficiary group of the village in order to identify and analyze the village's prioritized needs to be included in the Village Development Plan.

Article 05.-Roles and Responsibilities of VDC's Member

The Chairmanshall responsible for

- The coordination of all activities of the VDC;
- Leading the VDC in the preparation of the Village Development Plan, the projects formulation, the determination of the working schedule and the monitoring of the project implementation;
- Leading the VDC in the discussion and consultation with other agencies and ensuring a good relationship with their representatives;
- the participation or appointment of the VDC's representative to participate in the meetings of the Commune/Sangkat Council upon the invitation of the latter;
- Presiding over the VDC's monthly meeting and other meetings as required;
- Presiding over the meeting with people of the village to prepare the annual village development action plan;
- Leading the VDC in implementing, following-up, monitoring and evaluating all development activities in the village;
- Leading the VDC in managing, maintaining and controlling the existing resources in the village and external resources;
- Reporting all development activities in the village to the Commune/Sangkat Council.

The Vice-chairman shall be responsible for

- Assisting by the Chairman in all tasks delegated by him/her and performing all duties in his/her absence.

The Secretary shall be responsible for

- The preparation of the agenda for the VDC's meeting;
- Taking note/report of the meetings or other activities of the VDC;
- Assisting the VDC members in carrying out their duties
- Preparing the invitation letter and the place for the meeting;
- Keeping and updating record of material inventory and the VDC's financial account;
- Managing and updating the village data.

Members shall be responsible for

- Assisting the Chairman, the Vice-chairman and the Secretary in all tasks;
- Chairing sub-committees as decided by the VDC.

Article 06.-The VDC's additional roles and duties:

The VDC shall:

- Consult the people in the village in order to identify the village's needs and priorities to be integrated in the Commune/Sangkat Development Plan;
- Participate in identifying the priorities of the Commune/Sangkat Development Plan upon the invitation of the Chairman of Commune/Sangkat Council;
- Participate in and follow-up the execution of the plan and the budget of their own village;
- Cooperate and coordinate with the existing sub-committees in the village to ensure the effective village development process;
- Participate in the monthly meetings of the Commune/Sangkat Council and report to the Commune/Sangkat Council on the achievements and problems which are relevant to the village development;
- Coordinate and exchange information with the line entities, private sector, NGOs and villagers;
- Participate in the district integration planning workshop;
- Collect, prepare, manage and update economic and social data of the village;
- Participate in cooperating, coordinating and implementing the development activities of NGOs, development projects or programs in the village;
- Produce for the Commune/Sangkat Council the monthly report on the VDC's working activities and the village development process.

Article 07.-

Any provision that contradicts this decision shall be considered null and void.

Article 08.-

The persons as identified in the article 1 shall efficiently implement this decision from the date of its signature.

Date:.....

Chairman
the Commune/Sangkat Council
(Signature and seal)

(Name:.....)

CC:

- Salakhet.....
- Salasrok.....
- PDRD
- "for information"
- Archives/Chronicles

Unofficial
Translation

Annex 4

SAMPLE

Internal Regulations of the Village Development Committee (VDC)

Chapter 1

The Goal

Article 1. The Village Development Committee (VDC) has the role to assist the Commune/Sangkat Council in leading and facilitating the village development works in the view to improve the livelihood of the villagers.

Chapter 2

The Working Procedure

Article 2. The Chairman of the VDC is the lead facilitator of the works of the VDC. In case of absence, the chairman shall provide a written authorization to the vice-chairman to act as the acting chairman.

Article 3. The VDC shall meet to determine its working procedure and schedule.

Article 4. All the VDC's members shall implement the duties and responsibilities given by the VDC. In case a member does not implement the duties as given, the Chairman shall provide the concerned member with necessary guidance.

Article 5. All the VDC's members shall have enough time for village development activities. In case a member is not able to fulfill his/her duties from 1 to 3 month in a row, he/she shall request leave to the chairman in order that the Chairman shall provide the concerned member with necessary guidance.

Article 6. The VDC's member shall obey the internal regulations. In case a member violates the internal regulations or causes harm to the community interest, the Chairman shall appeal for guidance.

Chapter 3

The Meeting

Article 7. The VDC's Chairman shall preside over the meeting. In case of absence, he/she shall authorize the vice-chairman to substitute him/her. The Secretary shall make the meeting minute or report.

Article 8. The VDC's Chairman shall inform to all members verbally or in writing at least 3 days prior to the meeting. In case a member could not participate in a meeting, he/she shall request leave verbally or by writing at least one day before the meeting.

Article 9. All member of VDC shall participate in the meeting upon the invitation of the Chairman. The meeting quorum shall be more than a half of the total. In case a member is absent from the meeting without permission three times, the Chairman shall provide the concerned member with necessary guidance.

Article 10. The Chairman shall invite other beneficiary groups to participate in the meeting. The representatives of those groups shall be authorized to provide comments and suggestions but have no right to vote.

Article 11. A valid decision shall only be made by the absolute majority of the present members. In case of split of votes, the vote of the meeting Chairperson shall be preponderant.

Article 12. The VDC shall organize meetings in its office. In case a VDC has no office, the Chairman shall consult with the members to find the appropriate meeting place.

Chapter 4

The Conditions of Resignation and the Termination of Membership

Article 13. The member of the VDC has the rights to resign from the VDC. A member who wishes to resign shall produce to the Chairman a written letter which clearly states the reasons of the resignation.

Article 14. In case a member causes serious damage to the community benefit, the VDC shall be convened to adopt an official request of the termination of the membership of the concerned member from the Commune/Sangkat Council.

Chapter 5

The Amendment of Internal Regulations

Article 15. The VDC shall amend its internal regulations with the absolute majority vote. The amendment of the internal regulations shall be made with the presence of at least two third of the VDC's members.