

# **SECONDARY EDUCATION IMPROVEMENT PROJECT (SEIP) IN CAMBODIA**

Project Number: P157858

## **ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK** (FINAL VERSION from MoEYS) (November 2016)

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## LIST OF ACRONYMS

<b>ADB</b>	Asian Development Bank
<b>ARAP</b>	Abbreviated Resettlement Action Plan
<b>CERD</b>	International Convention on the Elimination of All Forms of Racial Discrimination
<b>CMDG</b>	Cambodia Millennium Development Goals
<b>CNCW</b>	Cambodia National Council for Women
<b>CRS</b>	Community Resettlement Subcommittees
<b>C/S</b>	Commune/ Sangkat
<b>CSO</b>	Civil Society Organizations
<b>DFAT</b>	Department of Foreign Affairs and Trade (formerly, AusAID)
<b>DIA</b>	Designated Implementing Agency
<b>EA</b>	Environmental Assessment
<b>ECOPs</b>	Environment Code of Practice
<b>EMP</b>	Environmental Management Plan
<b>ESIA</b>	Environmental and Social Impact Assessment
<b>ESMF</b>	Environmental and Social Management Framework
<b>ESMP</b>	Environmental and Social Management Plan
<b>ESOM</b>	Environmental and Social Operation Manual
<b>FPIC</b>	Free, Prior and Informed Consultation
<b>GAP</b>	Gender Action Plan
<b>GDCC</b>	Government Donor Consultative Committee
<b>GDR</b>	General Department of Resettlement
<b>HIV</b>	Human Immunodeficiency Virus
<b>ICCPR</b>	International Convention on Civil and Political Rights
<b>ICESCR</b>	International Convention on Economic, Social and Cultural Rights
<b>IDA</b>	International Development Association
<b>IP</b>	Indigenous Peoples
<b>IPP</b>	Indigenous Peoples Plan
<b>IPM</b>	Integrated Pest Management
<b>IPPF</b>	Indigenous Peoples Planning Framework
<b>IRC</b>	Inter-Ministerial Resettlement Committee
<b>KfW</b>	Kreditanstalt für Wiederaufbau Development Bank
<b>M&amp;E</b>	Monitoring and Evaluation
<b>MEF</b>	Ministry of Economy and Finance
<b>MOE</b>	Ministry of Environment
<b>MLMUPC</b>	Ministry of Land Management, Urban Planning and Construction
<b>MOWA</b>	Ministry of Women's Affairs
<b>MOWRAM</b>	Ministry of Water Resources and Meteorology
<b>NERUDP</b>	North Eastern Region Urban Development Project
<b>NGO</b>	Non-Government Organizations
<b>NDF</b>	Nordic Development Fund
<b>NPA</b>	National Protected Area
<b>NP-SNDD</b>	National Program for Sub-National Democratic Development

<b>O&amp;M</b>	Operation and Maintenance
<b>OM</b>	Operation Manual
<b>OP/BP</b>	Operation Policy / Bank Policy
<b>PA</b>	Protected Area
<b>PAH</b>	Project Affected Households
<b>PAP</b>	Project Affected Persons
<b>PESA</b>	Preliminary Environmental and Social Assessment
<b>PFA</b>	Protected Forest Area
<b>PMO</b>	Project Management Office
<b>RAP</b>	Resettlement Action Plan
<b>RGC</b>	Royal Government of Cambodia
<b>ROI</b>	Region of Influence
<b>RF</b>	Resettlement Framework
<b>RSS</b>	Regional Safeguards Secretariat
<b>SIA</b>	Social Impact Assessment
<b>SMMP</b>	Social Management and Monitoring Plan
<b>TA</b>	Technical Assistance
<b>TOR</b>	Terms of Reference
<b>TWG-G</b>	Technical Working Group on Gender
<b>USAID</b>	United States Agency for International Development
<b>USD</b>	United States Dollar
<b>WBG</b>	World Bank Group
<b>WCCC</b>	Women's and Children's Consultative Committee

## PREFACE

This safeguard document called the Environment and Social Management Framework (ESMF) is prepared for Secondary Education Improvement Project (SEIP) dedicated for Cambodia. It is developed on a basis of outcomes from the Social Assessment (SA) as a standalone document, an environmental assessment, and other two safeguard instruments, Indigenous Peoples Policy Framework (IPPF) and Resettlement Policy Framework (RPF). It is nationwide project, covering 25 provinces. This ESMF will be applied to all investments to be financed by the World Bank (WB) Group for technical and/or financial support from the Project.

The Project comprises two components as specified in Section I of this document. The Project will be executed by the Ministry of Education, Youth, and Sport (MoEYS) who has established Project Management Committee (PMC) to manage the implementation. The Project implementation will be mainly carried out by Department of General Secondary Education; Department of Teacher Training; and Department of Construction with support from other relevant departments and sub-national level offices of MoEYS. Safeguard implementation will be carried out by the PMC and respective agencies.

This document is considered a living document and shall be modified and updated in line with the changing situation or scope of the activities. Close consultation with the World Bank and clearance of the ESMF will be necessary.

## **1. PROJECT DESCRIPTION**

### **1.1 Country and Sector Context**

1. Despite a decade of robust growth, Cambodia is still one of the least developed countries in Southeast Asia. Approximately 20 percent of its population earns less than US\$1 per day, and about 24 percent of Cambodian citizens live below the poverty line. Daily life is characterized by vulnerability due to poverty, the existence of landmines, disability, and a high incidence of mortality and morbidity, the effects of which are exacerbated by the lack of effective social safety nets. One quarter of all households is headed by females, and 59 percent of the population relies on agriculture for their livelihood. The Royal Government of Cambodia (RGC) and the donor community are working together to address many of these issues, and some success has been realized over the past five years. During this time, poverty has been reduced by more than 60 percent in Phnom Penh and 44 percent in other urban areas. However, poverty reductions were significantly smaller in rural areas – about 22 percent.

2. Realizing education's potential to spur growth is a priority for Cambodia. The country's National Strategic Development Plan and Rectangular Strategy call for creating a competitive economy through knowledge and innovation. To lay a strong foundation, the Education Strategic Plan (ESP) focuses on two key issues: achieving universal access to high-quality basic education and promoting equal educational opportunities to increase income and employment.

3. As a result, Cambodia has expanded access to education over the last 20 years. Net primary enrollments increased from 83.8 percent in 1992 to 96.4 percent in 2012, and net secondary enrollments increased, from 16.6 percent in 2000 to 35.1 percent in 2012. Additionally, girls have equal access to educational opportunities: the Gender Parity Index for net enrollment in 2011/12, which is the quotient of the number of females by the number of males enrolled at a given stage of schooling, was 0.99 in primary, 1.13 in lower secondary, and 1.05 in upper secondary. Household data from the Cambodia Social and Economic Survey further confirms that primary and secondary net attendance rate also have improved overtime, regardless of place of residence, gender, or wealth (World Bank 2013).

### **1.2 Relationship to CAS and ESP**

4. This project is closely related to the objectives of the Country Assistance Strategy (CAS), which was last updated in May 2008, as well as the emerging Interim Strategy Note (ISN), now called Country Engagement Notes (CEN). The CAS proposed to build strong foundations for sustainable development and poverty reduction by investing in good governance, physical infrastructure, human capital, and the private sector.

5. The proposed interventions are also aligned with the Bank's twin goals of eradicating extreme poverty and increasing shared prosperity. The literature on human capital has documented the positive correlation between human capital investment and social and economic development. Investments in education significantly contribute to poverty eradication and wealth creation, as higher educational attainment significantly increases the probability of getting a paid job and has a large and positive impact on monthly wage earnings. This well-known contribution laid the foundation for one of the landmark pledges at the 2000 UNESCO-sponsored World Education Forum in Dakar that provided a sustainable and well-integrated sector framework – Education for All – that clearly linked education with poverty elimination and social and economic development.

6. Since the Dakar forum, international evidence has shown that access to and permanence in the education system, while necessary, are not sufficient to achieve reduced poverty and greater shared growth. Education systems need to be of sufficient quality to ensure that their graduates acquire the basic, soft, and sector-specific skills needed to function efficiently and effectively on the

job, adapt as workers or managers in a rapidly evolving technological society, and innovate and compete as entrepreneurs not only in developing new products but also in adopting those produced elsewhere.

7. In addition to be aligned to the Bank's twin goals, the proposed project also complements various on-going interventions to implement Teacher Policy Action Plan (TPAP) by development partners, such as the United Nations Children's Fund (UNICEF), Japanese International Cooperation Agency (JICA), Swedish International Development Agency (SIDA), Asian Development Bank (ADB), and the European Commission (EC). Specifically, ADB is processing the new program on the expansion of upper secondary education with strong focus of math and science. JICA is also preparing their new loan for upgrading 6 Regional Teacher Training Centers to Teacher Education College so as to improve pre-service training for lower secondary teachers. In addition, UNICEF, EC and SIDA implement capacity development program for existing primary school teachers.

8. **Education Strategic Plan (ESP) 2014 – 2018** intends to continue to give highest priority to equitable access to high quality education, especially basic education (grade 1 to grade 9), in order to realize the National Education for All (EFA). ESP 2014-18 also gives a great emphasis on expanding early childhood education, non-formal education, technical and vocational training and opportunities to access secondary and post-secondary education through the continued and improved partnership among the government, development partners, private sector, non-governmental organizations, communities and parents.

### **1.3 Project Development Objectives**

9. The PDO is to expand lower secondary education of a minimum standard in target areas, and to provide immediate and effective response in case of an Eligible Crisis or Emergency. This will be achieved through two main components: (i) Improving Lower Secondary Education to Meet Standards through: provision of School Improvement Fund (SIF), upgrading lower secondary teachers, and improving school facilities; and (ii) Strengthening Project Management, Monitoring and Evaluation.

### **1.4 Project Description and Components**

10. Overall, the project is designed to expand lower secondary school access and improve its quality. The project improves the effectiveness of teachers by supporting MoEYS' Teacher Policy Action Plan (TPAP), which aims to professionalize the teaching force in Cambodia. This project in particular will support the upgrading of lower secondary school teachers who do not currently hold a bachelor's degree in the subject area they teach. Moreover, the project will support the development of sub-national school management structures by providing additional support to 100 schools, their respective District Offices of Education (DOEs), and Provincial Departments of Education in all the 25 provinces and capitals. Project support will increase school-based management and financial capacity to achieve school-specific development needs as well as build the monitoring and evaluation systems at subnational education offices.

11. The project will have two components. Sub-components 1.1 and 1.2 will use results-based financing to support the achievement of MoEYS secondary school standards through three interlinked dimensions: (i) strengthening school-based management and (ii) upgrading teachers. For each sub-component, there will be one or two Disbursement-Linked Indicators (DLI) with time-bond targets. These three components will make up the package (or packages) that will be sent to MEF for special arrangement approval. Investment Project Financing will be used for Sub-component 1.3, improving school facilities and Component 2: (i) project management and monitoring and evaluation (M&E) and (ii) Program for International Student Assessment (PISA) for Development.

12. Component 1: Improving Lower Secondary Education to Meet Standards (US\$32.6 million equivalent). This component aims to support the goals of the ESP and the TPAP through the



establishment of 100 effective lower secondary schools (i.e., schools that meet LSSES) that can provide lessons to MoEYS as it increases expenditures in the sub-sector. This component targets approximately 8 percent of total lower secondary schools nationwide. This component will be implemented using a holistic approach, targeting national, sub-national and school levels. This will be achieved through three sub-components: (i) strengthening school based management through the provision of the School Improvement Fund (SIF) at the POE, DOE and school levels; (ii) upgrading qualification of lower secondary school teachers (especially in math, physics, biology, chemistry, Khmer, and History subjects)<sup>1</sup> and school directors to bachelor's degrees; and (iii) improving school facilities through construction and rehabilitation of 100 existing schools and construction of 30 new schools to provide enabling conditions for effective teaching and learning. The selection of the 100 existing schools and 30 new schools were: (a) need-based and drawn upon an extensive school mapping exercise; (b) based on schools that exhibit a strong community commitment to the project concept and willingness to meet the project's preconditions for selection; and (c) located in rural and remote areas. Component 1.1 targets only 100 existing schools and Component 1.3 targets both 100 existing schools and 30 new schools, while Component 1.2 targets teachers nation-wide with preference given to teachers and school directors/deputy directors from the 130 target schools. Each of these overlapping subcomponents are detailed below.

13. **Sub-component 1.1: Strengthening School-Based Management (approximately US\$15.8 million equivalent through DLI approach).** This subcomponent aims to support capacity development of POEs, DOEs and the 100 targeted Lower Secondary Schools to strengthen service delivery in efforts to: (i) strengthen school management through school development planning, monitoring/assessment of teachers and student performance, and community participation; and (ii) support teachers in improving teaching and classroom management practices, including lessons plan, workbooks, test items, and student assessment/feedback. To achieve the goals of this sub-component, the project will finance (1) SIFs<sup>2</sup> at the POE, DOE and School-levels as well as (2) activities that capacity build staff members at each of these levels.

14. **Sub-component 1.2: Upgrading Teachers (US\$8.1 million equivalent through DLI approach).** Working through the national structure of TPAP, this subcomponent aims to upgrade the qualifications of 2,000 teachers and 310 school directors and deputy directors to bachelor's degrees. The first cohort to be upgraded will be the teachers and directors from the 100 target schools (see sub-component 1.3). The remaining teachers will be upgraded based on national needs identified by TPAP, thus creating a spillover effect. The proposed sub-component activities will focus on demand side scholarships, covering tuition costs and stipends (i.e., transportation and accommodation costs).

15. **Sub-component 1.3: Improving School Facilities (approximately US\$13.2 million through IPF traditional approach).** To complement the two above sub-components, this sub-component will support the physical improvement of 130 target Lower Secondary schools to expand access. This will include: (i) construction and rehabilitation of 100 existing schools<sup>3</sup> and (ii) construction of 30 new schools in the communes lacking a lower secondary school. The schools will cover all 25 provinces in 78 districts. The construction plan of the 130 selected schools will include

<sup>1</sup> The teacher upgrading in math and science connects to the *Cambodia Industrial Development Policy, 2015-2025*, specifically as it relates to the areas of STEM.

<sup>2</sup> The operational guidelines will describe: (i) the process of school self-assessment, planning and budgeting, monitoring and review; (ii) procurement of goods, services; and works; (iii) financial management; (iv) transparency and public reporting; (v) and teacher allowance procedures.

<sup>3</sup> The selection of the 100 existing schools will be based on: (i) schools that exhibit a strong commitment to the project concept and are willing to meet the project preconditions for selection; and (ii) schools with high drop-out rates, low enrollment rates and high student/teacher ratios. The selection of the 100 existing schools excludes the more affluent and/or well-endowed schools (e.g. schools with sufficient teachers, flagship schools in the provincial center, etc.) or schools that receive supports from other donor programs.

teacher accommodations where needed and will be carried out through community participation construction method. The selection of the schools will be need-based and draw upon the school mapping exercise undertaken by MoEYS.

16. The MoEYS survey team visited 30 school locations in eight provinces in September 2016. The main objectives of the visit were to: i) site screen the school locations, ii) inform concerned parties – POEs (41), DOEs (33), School Support Committees, local authorities, students (304), parents/and communities (212) – about the project and assess their commitment to the project to improve learning outcomes. The team noted high level of enthusiasm from the sites visited. The team mentioned that visits to the remaining sites is estimated to be completed by October 2016 and the full need analysis will be completed by January 2017.

17. It was agreed that a standard MoEYS school design will be adopted for school facilities and will follow the successful model used and lessons learned in previously financed World Bank education projects - the Flood Emergency Rehabilitation and Cambodia Education Sector Support Projects. All construction will be permanent structures, with minimum expected lifespan of 25 years, meeting the requirements of the MoEYS School Construction Guidelines, which are described in detail in the Community Construction Manual (CCM). It was agreed that the technical specifications of the standard MoEYS school design would be reviewed by IDA mission by TBD. The updated CCM incorporates environmental safeguards aspects, a more cost effective school construction design to be implemented in rural areas and inclusion of protection against strong wind.

18. **Component 2: Strengthening Project Management and Monitoring and Evaluation (approximately US\$3.9 million equivalent million through IPF traditional approach).** This component will cover grant management as well as strengthen monitoring and evaluation capacity in the MoEYS. This component will also finance activities to support the PISA for Development (PfD) to strengthen assessment capacity of MoEYS in preparation for PISA 2021.

19. This component will also support day-to-day implementation, coordination and management of project activities on planning and execution, financial management, procurement, supervision and reporting, internal and external audits, third party verification for DLIs, environmental and social safeguards management, and monitoring and evaluation. These activities will ensure efficient program management and early identification of corrective measures to solve implementation problems. In addition, this component will provide necessary office equipment, vehicles, training/workshops, logistics, and operational costs to relevant MoEYS departments. Furthermore, the project will provide critical and strategic TA and capacity building to support and strengthen relevant departments at all levels during implementation, including TA to TPAP in order to ensure a strong pedagogical component in the upgrading curriculum of each service provider and for on-the-job training at the school level.

## **2. RELEVANT PROJECT ENVIRONMENTAL AND SOCIAL CONTEXT**

20. The environmental and social assessment carried out by the MoEYS's consultants in March and April 2016 suggests that significant social and environmental impacts are not anticipated. The Bank safeguard team (Senior Social Development Specialist and environmental safeguard specialist of the World Bank) was able to participate in social and environmental assessment exercise in one of the target province, Kampong Speu. The findings of the assessments were reported in separate reports from the consultants. The ESMF will be applied during the project implementation (including Site Specific EMPs and Abbreviated RAPs) of the subprojects in all target provinces. Where specific locations of the sub-projects are known and adverse social and environmental impacts are likely anticipated, Site Specific EMPs and Abbreviated RAPs would be prepared to mitigate the impacts.

21. **Environmental issues:** The project will involve civil works where locations will be unlikely to

be identified prior to project appraisal, the expected civil works will include: (i) construction/rehabilitation of 100 existing schools<sup>4</sup> and (ii) construction for 30 new schools in the communes without LS schools. The target schools will cover 25 provinces in 78 districts. The construction may potentially affect the environment temporarily in different ways. For example, environmental concerns can stem initially from poor building design and planning, delayed of construction works, lack of construction camp maintenance, storage and handling of construction wastes and hazardous materials, and drainage system. The lack of clear practical plans for environmental management will create opportunities for inappropriate disposal of solid waste materials and could lead to lack of controls of noise, vibrations and dust which can create a nuisance for individuals/students and communities. Protected areas, sensitive ecological nature such as wetlands, streams or forest areas, archeological sites, and protected areas, road right of way (if proposed school construction located near road) are take into consideration during design and implementation of the project. Because the civil works involve the construction of school buildings, mitigation measures will be addressed in the updated ESMF and generic EMP. Site specific EMPs will be prepared only when the project locations are identified.

22. Given that the proposed school construction and teacher/student facilities will be built on the existing school premises and the environment impact are the impacts are known and likely to be minimal, the project is assigned environmental category B. A full scale Environment Impact Assessment (EIA) is not required. This ESMF (and ECOPs), specifically the EMP applied for the project has been prepared to reflect the proposed construction as well as findings from field visit and lessons learned from previous secondary education supported sector project (SESSP). Outcomes of the environmental assessment during field visit carried out by the MoEYS's consultants reveal that no major environmental impacts are of concern. Some minor and site specific issues may occur during construction such as dust, noise and debris, and disposal of construction waste. The generic EMP that is prepared for this project aims at mitigating these impacts. A good construction practices and closed supervision is critical in many category B projects, for instance education sector project. The ESMF includes checklist and screening forms for MoEYS to assess the impacts before granting the facilities to local communities. Other information and communication tools such as leaflets or brochures would be prepared and to be applied by the project for effective consultation and public disclosure.

23. **Indigenous Peoples.** The project will be implemented in the provinces where indigenous people communities exist. In the context of SEIP and based on environmental and social impact assessment (ESIA), the indigenous peoples in the project areas are likely to receive a long term project benefits through the support on (i) construction of lower secondary school buildings in their communes presently without lower secondary schools (LSS); and/or (ii) construction of classrooms in the overcrowded lower secondary schools (e.g. two-shift schools); and/or (iii) construction of accommodation for math and science teachers in LSS (Component 1.3); and (iv) improve quality of teaching through improve the teaching force (Component 1.2). However, they may be negatively affected by (i) inequitable access to newly built schools due to distance from their community to school and transport/road issues and (ii) possible land acquisition, either voluntary or involuntary, for new school construction or expansion. With regard to Component 1.2, indigenous teachers or teachers who are living in the remote indigenous village may have lesser opportunity to receive “scholarship for teacher” to update their skill equivalent to bachelor level compared with other teachers who are living in the urban or less remote rural area. Thus, Indigenous People Planning (OP/BP4.10) is triggered because of the presence of indigenous peoples in the project area (nationwide). Therefore, the Indigenous People Planning Framework has been prepared as part of

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<sup>5</sup>As per Article 23 of the Land Law, “An indigenous community is a group of people that resides in Cambodia whose members manifest ethnic, social, cultural and economic unity and who practice a traditional lifestyle, and who cultivate the lands in their possession according to the customary rules of collective use.

this ESMF document and based on outcome of ESIA. After social screen is conducted among the selected target school and scopes of social impacts on indigenous peoples are clearly defined the Indigenous People Plan will be developed based.

24. **Resettlement issues:** Under Component 1, the project will finance rehabilitation of existing structures or new construction for lower secondary schools buildings as well as accommodation facilities for teachers. Most of the proposed construction sites will be located in the existing primary school or lower secondary school compound. Even if there will be need for new land, construction sites will be pre-selected in the land publicly owned by local communes and assessed using a comprehensive screening will be conducted. There has been no target school selected prior to appraisal thus the potential of land acquisition that could lead to physical or economic displacement and land donation as part of the implementation of the project activities remain unknown. It is likely that unexpected resettlement impacts may occur during implementation of the project. A Resettlement Policy Framework (RPF), therefore, has been prepared in the event that resettlement occurs due to the implementation of the project. Screening criteria and relevant protocols have been included as part of the RPF. The RPF includes (i) a framework for voluntary land donations and procedures to undertake due diligence in case where land will be or has already been acquired prior to Bank-financing for sites supported by the project and (ii) the policies and procedures for preventing or mitigating adverse impacts related to involuntary land acquisition and resettlement as a result of proposed construction of school facilities.

### **3. REGULATORY AND INSTITUTIONAL FRAMEWORK**

#### **3.1 Cambodia Regulatory Frameworks**

##### **Cambodia Constitution 1993**

25. **The** 1993 Constitution of Cambodia has established two governing principles pertaining to land acquisition.

- i. Article 44 states that: All persons, individually or collectively, shall have the right to ownership. Only Khmer legal entities and citizens of Khmer nationality shall have the right to own land. Legal private ownership shall be protected by law; and
- ii. The right to confiscate properties from any persons shall be exercised only in the public interest as provided for under the law and shall require fair and just compensation in advance.

26. Some protection for vulnerable groups is also specified in the Constitution in Article 73: “The State shall give full consideration to children and mothers. The State shall establish nurseries, and help support women and children who have inadequate support” and Article 74: “The State shall assist the disabled and the families of combatants who sacrificed their lives for the nation”.

##### **Land Law 2001**

27. The rights to land and property in Cambodia are governed by the 2001 Land Law, which is primarily based on the provisions of the 1993 Constitution. It defines the scope of ownership of immovable properties, such as land, trees and fixed structures.

28. The Land Law, Article 5, states, “No person may be deprived of his ownership, unless it is in the public interest. Any ownership deprivation shall be carried out in accordance with the governing procedures provided by law and regulations, and after the payment of fair and just compensation in advance.”

29. Other provisions of the Land Law that are relevant to land acquisition, compensation and resettlement are:

- i. Legal possession is the sole basis for land ownership as defined by law, and all transfers or changes of rights 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. Article 15 states that "the following properties are included as public properties of state and public legal entities: a) any property that has a natural origin, such as forests, courses and banks of navigable and floatable rivers or natural lakes and seashores; b) that is made available for public use such as quays of harbours, port, railways, railways station and airports; or, c) any property which is made available, either in its natural state or after development, for public use such as roads, tracks, oxcart ways, pathways, gardens or public parks and reserved lands;
- iv. Article 18 states that "the following are null and void and cannot be made legal in any form whatever: (a) any entering into possession of public properties of State and public legal entities and any transformation of possession of private properties of State into ownership rights that was not pursuant to the legal formalities and procedures that have been stipulated prior to that time, irrespective of the date of creation of possession or transformation; (b) any entering into possession of private properties of State, through any means, that occurs after this law comes into effect;"
- v. Article 19 states that "any persons whose land title or factual circumstance fall within the scope of Article 18 of this law shall not have the right to claim compensation or reimbursement of expenses paid for the maintenance or management of immovable property that was illegally occupied;"
- vi. Any illegal and intentional or fraudulent acquisition of public properties of state or of public legal entities shall be penalized pursuant to Article 259 of this law;
- vii. The penalties shall be doubled where any occupation of public properties cause damages or delay to works undertaken in the general interest, especially the occupation of roadway reversed land;"
- viii. Ownership of immovable properties described in Article 25 is granted by the state to indigenous minorities<sup>5</sup> as collective ownership. This collective ownership includes all of the rights and protections as enjoyed by private owners. The exercise of collective ownership rights shall be subject to the responsibility of traditional authorities and decision-making mechanisms of the indigenous community, according to their customs and subject to the laws of general enforcement related to immovable property such as the law on environmental protection. (Article 26);
- ix. 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 possession 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);

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<sup>5</sup>As per Article 23 of the Land Law, "An indigenous community is a group of people that resides in Cambodia whose members manifest ethnic, social, cultural and economic unity and who practice a traditional lifestyle, and who cultivate the lands in their possession according to the customary rules of collective use.



- x. Any beginning of occupation for possession shall cease when this law comes into effect (Article 29). After this law comes into force, any new occupant with title to an immovable property belonging to the public bodies or private persons shall be considered as illegal occupant and shall be subject to the penalties provided in Article 259 of this Law (Article 34);
- xi. Article 38 states that "in order to transform into ownership of immovable property, the possession shall be unambiguous, non-violent, publically known, continuous and in good faith;" and
- xii. Landless people may apply for land for residential and subsistence farming purposes at no cost, as part of a social land concessions 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).

### **The Expropriation Law**

30. The Expropriation Law defines the procedures for acquiring private property for the national or public interest.

- i. Article 2: the law has the following purposes: (a) ensure reasonable and just deprivation of a legal right to ownership of private property; (b) ensure payment of reasonable and just prior compensation; (c) serve the public and national interests; and (d) further development of public physical infrastructure;
- ii. Article 7: Only the state may carry out an expropriation for use in the public and national interest;
- iii. Article 8: The state shall accept the purchase of the remaining part of real property left over from an expropriation at a reasonable and just price at the request of the owner of land/or the holder of rights in the expropriated real property, if he is no longer able to live near the expropriated scheme or build a residence or conduct any business; and
- iv. Article 22: Stipulates the amount of compensation to be paid to the owner of and/or holder of rights in the real property, which is based on the market value of the real property or the replacement cost as of the date of the issuance of the *Prakas*<sup>6</sup> on the expropriation scheme. The market value or the replacement cost shall be determined by an independent commission or agent appointed by the expropriation committee.

31. The Law on Expropriation launched in 2010 provides principles, mechanisms, and procedures of expropriation, and defining fair and just compensation for any construction, rehabilitation, and public physical infrastructure expansion project for the public and national interests and development of Cambodia. The Expropriation Law which is largely consistent with the main principles of the Bank's Involuntary Resettlement Policy (OP 4.12) will be adopted by the SEIP for required appropriation of ownership of immovable property or the real right to immovable property of a physical person or legal entity or legal public entity, which includes land, buildings, and cultivated plants, and for construction, for rehabilitation or for expansion of public physical infrastructure.

### **Sub-decree on Environmental Impact Assessment Process (EIA), 1999**

32. The sub-decree is to determinate and Environmental Impact Assessment upon every private and public project or activity and determine the size of the proposed project (s) and activities

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<sup>6</sup> A "Prakas" is a ministerial or intra-ministerial decision signed by the relevant minister(s). A parkas must conform to the Constitution and to the law or sub-decree to which it refers.

including existing and on-going activities in both private and public prior to undertaking the process of EIA. This sub-decree also encourages public participation in the implementation of EIA process and taking into account of their conceptual input and suggestion for re-consideration prior to the implementation of any project.

#### **Sub-decree on Air Pollution Control and Noise Disturbance, July 2000**

33. Article 1: The purpose of the sub-decree is to protect the environment quality and public health from air pollution and noise pollution through and curb and mitigation activities.

34. Article 7: The standard of noise emission from various sources like vehicle, manufacturing place and the standard for minimum noise emission for public and residential areas shall be specified in the Annex 5, 6 and 7 of this sub-decree.

35. Article 12: This article stated that “The discharge or leakage or various flammable substance, fuel-oil, radio active or chemical substance into the atmosphere, water and soil shall be strictly prohibited”.

#### **Sub-decree on Solid Waste Management, April 1999**

36. The purpose of this sub-decree is to regulate the solid waste management with proper technical manner and safe way in order to ensure the protection of human health and the conservation of biodiversity. This sub-decree applies to all activities related to disposal, storage, collection, transport, recycling, dumping of garbage and hazardous waste.

#### **Sub-decree on Water Pollution Control, April 1999**

37. This sub-decree is to regulate water pollution control in order to prevent and reduce the water pollution of public water areas so that the protection of human health and the conservation of biodiversity should be ensured. It applies to all sources of pollution and activities that cause pollution of public water areas.

38. Article 8: Disposal of solid waste or any garbage or hazardous substances into public water areas or into public drainage system shall be strictly prohibited.

39. Article 9: The discharge of sewerage from dwelling and public buildings into public water areas without passing through public sewerage system or other treatment system shall be strictly prohibited.

#### **Other Relevant Policies**

40. The private ownership of land was re-established in 1989, and confirmed in 2001. The Land Law (Article 4) enables Cambodians to register the land they occupy with the local Cadastral Administration Office, whereupon a certificate of land title is granted. Issuing land titles is a lengthy process and most offices have a major backlog of applications. People are given a receipt and until the official title deed is issued, this receipt is accepted as a proof of real occupant of the land for land purpose or sale.

41. **Sub-Decree on Social Land Concession, March 2003.** This provides for allocations by the State for private land for the purposes of the alleviation of landlessness and poverty, including the replacement of land lost in the context of involuntary resettlement.

42. **Circular No. 02** dated on February 26<sup>th</sup>, 2007 Stated clearly that i) illegal occupant of state land has no right to compensation and can be punished in accordance to the land law 2001 and ii)

illegal occupant who are poor, landless and part of vulnerable group can be provided a plot of land.

43. **MEF Circular No.006** on the Resettlement Implementation Procedure for development projects dated on April 2<sup>nd</sup>, 2014. This new circular instructed clearly the administrative management and role and responsibility of all relevant Implementing Agency and Provinces in implementing the resettlement for development project. The Circular give mandate to General Department of Resettlement (GDR) of Ministry of Economy and Finance and secretariat to Inter-ministerial Resettlement Committee to review and approve the resettlement plan prior to submit to funding agency for final review. GDR also is responsible for coordinating implementation of RP and other resettlement issues.

### 3.2 Regional and International Regulatory Factors

44. Cambodia is a signatory to a number of international instruments that protect the rights of indigenous peoples<sup>7</sup>, as well as the Convention on Biological Diversity (1992), which recognizes the role of indigenous people in protecting biodiversity. In 1992, the Cambodian Government ratified the International Covenant on Economic, Social and Cultural Rights. This includes the rights to practice specific culture and the rights to means of livelihoods, NGO Forum on Cambodia.

45. **UN Declaration on the Right of Indigenous People** was adopted by the United Nations General Assembly in September 2007. Many countries in the world including Cambodia have voted in favor of this nonbinding declaration.

46. **International Convention on the Elimination of all Forms of Racial Discrimination (“ICERD”)**, Article 5(e) 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 the provision of free primary education irrespective of gender, ethnicity or any other consideration. Article 13 further commits the State Party to make secondary education generally available and accessible to all, including through the progressive introduction of free education, and to working towards the provision of equal access to tertiary education, including through the provision of free secondary education. Government of Cambodia ratified the ICESCR in 1992.

47. **UN Convention on the Rights of the Child (Article 28 - Right to Education)**, rectified by the Cambodia Government in 1992: Every child has the right to an education. Primary education must be free. Secondary education must be available to every child. Discipline in schools must respect children’s dignity. Richer countries must help poorer countries achieve this.

### 3.3 Applicable Bank Safeguard Policies Triggered by The Project

48. The proposed SEIP will be funded through a Bank financial intermediary, the IDA, and proposed site-specific projects may have either significant or potential, yet unknown, environmental and social impacts. Consequently, the appropriate safeguard instrument is an ESMF. The ESMF provides an overarching safeguards policy guideline document governing the approach, processes and specific instruments to be used during site-specific project appraisal and includes any one of the safeguards policy classifications described above (i.e., Category A, B or C).

49. **Environmental safeguard policy (OP/BP4.01) is triggered.** The project is not expected to have any major environmental impacts and is therefore classified as a Category “B” project. OP/BP 4.01 is triggered and only partial assessment is required. The MoEYS has prepared ESMF (and ECOPs), generic EMP, IPPF and RPF for this project. The project implementation will be nationwide,

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<sup>7</sup> This includes the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the United Nations Declaration on the Rights of Indigenous People and more generally the Universal Declaration of Human Rights.



and specific sites for constructing lower secondary schools, additional classrooms, and accommodation facilities for teachers will be drawn on the findings of the school mapping exercise, based on representativeness of unique characteristics of ethnic minorities, political, social, cultural, religious, and environmental settings of the proposed sub-project areas country. The 130 targeted schools have not yet been selected and approved by the MoEYS and thus screening for site specific environmental impacts and site specific EMPs have not yet been conducted. In addition, scope of construction of each target school is also unknown". It is expected that about 90% of project sites will be located within the existing school premise. In the case where new land needs to be obtained for school construction, either local authority (commune in particular) or Provincial Committee for Land Management and Urban Planning, MoEYS through Provincial Department of EYS will provide the legal endorsement. When locations are identified and negative impacts are likely to be anticipated, specific instruments such as EMP, IPP and RPP would be developed. Specifically, the process will be as follows: (i) upon the identification of new sites, school directors, school committees, and commune authorities will jointly conduct comprehensive screening to confirm the identified location is environmentally and socially safe and sound for construction; and (ii) where legal title on land for the construction of the proposed sub-project is not available, the commune authority (or district level) will endorse the screening results and issue an official letter to certify the land use. EMP will be incorporated in the bidding document to inform the contractors/community their role and responsibility to comply with the safeguard instruments.

50. **Indigenous People Policy (OP/BP4.10) is triggered.** Likely, the SEIP may have potential impact on indigenous peoples and their community due to construction of new schools and school facilities may exist in their communities and opportunity to grant "scholarship for teachers". An Indigenous People Planning Framework (IPPF) has been prepared based on outcomes of ESIA and as part of this ESMF. At later stage, once target schools are selected and scope of impacts are clearly defined the Indigenous People Plan (IPP) will be developed.

51. **Involuntary Resettlement Policy (OP/BP4.12) is triggered.** The SEIP may have potential land acquisition, either voluntary or involuntary, and other physical and economic impacts on peoples living within or nearby the schools. Resettlement Policy Framework (RPF) has been prepared based on outcomes of the ESIA and as part of this ESMF. Also unexpected resettlement impacts may occur during construction of school facilities. At later stage, once target schools are selected and technical design and specifications are finalized the Resettlement Action Plan (RAP) for the selected target school, where there is resettlement impact, will be developed.

## 4. POTENTIAL ENVIRONMENTAL AND SOCIAL IMPACTS

52. At this stage, scope of environmental and social impact is unknown because the 130-targeted schools have not yet been approved by the MoEYS and thus screening for social impacts have not yet been conducted. In addition, scope of construction of each target school is also unknown. Potential environmental and social impacts arising from the Project were identified by comparing target school initiatives and/or activities with the surrounding environmental and social context and based on previous MoEYS implementing project of similar nature, the SESSP (P144715). Geographic and demographic information was sourced from primary and secondary sources as well as consultations with relevant stakeholders. Followings are potential environmental and social impacts and its mitigation measures.

### 4.1 Environmental Impacts and Mitigation Measures

53. The project's Environmental Category is rated as "B", which three policies are triggered: OP/BP 4.01; OP/BP 4.12 and OP/BP 4.10. An independent Environmental and Social Assessment conducted by MoEYS's consultants in April and May 2016 suggested that there are no significant social and environmental safeguards are associated, and no land acquisition; loss of lands and/or resettlement concerns are anticipated. A majority of school construction will be carried out within the existing school premises. Where some locations are new (30 districts), MoEYS will seek (legal)

endorsement on land from local/or relevant authorities. The project will ensure the use of vacant and idle land owned by the Government that is free from all encumbrances, habitation, dispute, claim or controversy.

54. **Environmental aspect.** The Project's potential impacts on the environment are deemed to be minor, site-specific, and reversible in nature, and for which mitigation measures can be readily designed. This was ratified by an Environmental Assessment (EA) that was conducted by MoEYS in April 2016. Given the nature and small scale of the proposed civil works under the project, a full scale Environmental Assessment report was not considered necessary. However, there are likely to be some concerns relating to inconveniences or nuisances to surrounding areas during construction. For the purpose of enhancing environmentally-friendly measures and mitigating any adverse impacts caused by the construction activities, an Environmental and Social Management Framework (ESMF) including a generic Environmental Management plan (EMP and ECOPs) have been prepared. EMP (ECOPs) will be included in the requisite bidding documents. Where specific locations of sub-project are known and where adverse environmental impacts are likely anticipated, site specific EMPs will be prepared for each sub-project site.

55. The ESMF suggests a revised screening form (based on MoEYS's version) for sub-projects and includes relevant information on the management of environmental and social issues in the project. The EMP cover mitigation measures for generic impacts on school construction and operations related activities, and the provisions for chance finds procedures for addressing physical cultural resources encountered during implementation. The ESMF and EMP contain contractor specifications to address environmental issues, including construction dust and noise control, waste management, site management, safety controls, provision of clean water and sanitation facilities, unexploded ordinance removal, and asbestos containing material demolition management. The ESMF and EMP have been reviewed by the Bank team and shared with Inter-Ministerial Resettlement Committee (IRC) for feedback. Similarly, the instruments were reviewed and cleared by Regional Safeguard Secretariat (RSS) in November 2016. The instruments were publicly disclosed on 25<sup>th</sup> November 2016 in Phnom Penh on the MoEYS's public information board (in Khmer language), as well as on the Bank's InfoShop website on 25<sup>th</sup> November 2016.

56. **Social aspect.** The Bank's OP/BP 4.10 on Indigenous Peoples and OP/BP 4.12 were triggered. The proposed construction sites under the project have been identified and includes areas inhabited by non-Khmers or "Indigenous People" as defined in OP/BP 4.10. Land acquisition is not involved, but likely in the form of voluntary donation. A Social Assessment (SA) was conducted in April 2016 to evaluate the project's potential positive and adverse impacts on the IP communities and to examine project alternatives. Field visits to a sample provinces (Kampot, Kampong Speu, Banteay Meanchey, and Rattanakiri) were conducted, and free, prior and informed consultations with IP communes were conducted during this SA exercise. An Indigenous People's Planning Framework (IPPF) has been prepared and was disclosed on 25<sup>th</sup> November 2016 in Phnom Penh on the MoEYS's public information board (in Khmer language) and on 25<sup>th</sup> November 2016 in Washington D.C. on the InfoShop website.

## 4.2 Safeguard Arrangements and Documents and Related Procedures

57. The following safeguard documents have been prepared:

- (i) *ESMF*: For all subprojects, screening shall be carried out by the MoEYS' Department of Construction with assistance from School Committee and Commune/Sangkat Councils using the screening criteria specified in the ESMF (Table 2: Screening process of each subproject). All the subprojects will be screened through the process described in Table 1 below. The screening results will be documented and kept for review by the World Bank. This is to ensure that the proposed construction activities will not create adverse effect on

the local environment and communities. The screening process is also to determine whether land acquisition is required and whether the indigenous people groups are present in the project area. An Abbreviated RAP will be prepared based on RPF if result of screening is found to have resettlement impact and land acquisition. The same will be prepared for site specific EMP. Indigenous Peoples Plan will be developed based on IPPF after project specific sites are chosen in the target province of Rattanak Kiri and Kampong Speu where IP exist.

- (ii) *EMP*: To mitigate the potential impacts during construction, generic EMP are establish for all subprojects. One the location of all construction sites are known, the site specific EMP is recommended to be prepared and applied for specific sub-projects. The site specific EMPs will form the basis of contractual obligations to be carried out by the school contractors/and MoEYS's site supervisors. Contracts for school construction will include specific clauses for environmental protection based on the specific technical guidelines that are included in the site specific EMP. The field engineer under supervision of the DoC of MoEYS/Project Supervision Consultant will supervise and monitor the contractor performance in line with the EMP's provisions. The monitoring results will be sent to Project authorities who will also conduct an independent monitoring periodically as part of their implementation responsibility. Relevant technical guide lines will be applied as needed. The EMPs will be applied by contractors to address and mitigate the identified environmental and health impacts that may result from the civil work activities. The EMPs provide a set of impact mitigation measures and good engineering practice, monitoring and reporting requirements.
- (iii) *RPF*: A RPF was developed for the Project and covered i) scope of resettlement impacts and land acquisition and voluntary land donation, ii) objectives, key principles and entitlement, and iii) implementing procedure. It lays ground principle for ARAP preparation.
- (iv) *IPPF*: An IPPF was developed and covers the following aspects: (a) the types of programs and subprojects likely to be benefited by IP; (b) summary of social assessment and scope of IPPF; (c) objectives and legal frameworks; (d) a framework for ensuring free, prior, and informed consultation with the affected Indigenous Peoples' communities at each stage of project preparation and implementation; (e) institutional arrangements and grievance procedure; (f) monitoring and reporting arrangements, including mechanisms and benchmarks appropriate to the project; and (g) disclosure arrangements for the IPPF.

#### **4.3 Institutional Capacity for Environmental and Social Safeguards Implementation**

58. MoEYS recognizes the importance of environmental protection and social impact mitigation and has made consistent commitments to addressing safeguard concerns based on its experience in the previous project implementation. MoYES will assign responsible site Engineers to monitor the implementation of the EMP throughout the life of the project. He/she will collaborate closely with the safeguard Technical Advisor (TA), and liaise with relevant Ministry representatives (MoE, MCFA) as necessary. He/she will be responsible for producing a brief monthly EMP Monitoring report which will be attached to the project's regular progress reports.

*Training: Training on safeguard operations for DoC/other relevant departments of MoEYS and school committee and contractors involved in the project implementation will also be provided as part of capacity building program under the project. This includes increasing awareness for senior management and knowledge exchange information and activities between MoEYS of RGC.*

*Supervision, monitoring, and reporting: PMC will prepare a semi-annual report on the overall safeguard performance of the Project. The technical audits, including safeguard performance, will be carried out annually by an independent auditor. The assigned Bank's supervision mission team will also monitor the safeguard performance of the Project. However, it is suggested that site supervisors of MoEYS report safeguard implementation on monthly basis to DoC of MoEYS for necessary action.*

59.

60. The safeguards TA will provide support to the work of the Engineer. The TA provide capacity building and training programs for MoEYS officials at national, provincial and district level on topics such as solid waste management. It is expected that the Engineer and, training to the extent possible, other relevant project stakeholders will participate in those training.

61. Throughout the process, MoEYS will be the responsible institution for environmental management and should be assisted by an environment safeguards. In addition, the staff in the construction team or school construction committee will work to not only ensure the quality of construction, but also to minimize the environmental, archaeological and paleontological impacts of all construction activities.

62. The Safeguard instruments are subject to public disclosure (both in English and Khmer) at MoEYS's website and at project sites, in DoEYS's provincial offices, and Bank's info Shop.

**Table 1 Summary of operational policies and their implication for sub-projects.**

OP/BP No.	Summary of Safeguard and Other Operational Policies	Triggered (Y/N) and How	Implication
4.01	<p><b>Environmental Assessment:</b> the Environmental Assessment (EA) covers impacts on the natural environment (air, water and land); human health and safety; physical cultural resources; and transboundary and global environmental concerns.</p> <p>Social aspects (involuntary resettlement, indigenous peoples) as well as natural habitats, pest management, forestry, and safety of dams are covered by separate policies with their own requirements and procedures.</p>	<p><b>Y</b></p> <p>For the construction of schools and teacher's accommodations, the proposed sub-projects may have some environmental and social direct, indirect or cumulative impacts locally and at the regional level. This OP/BP will thus be triggered.</p>	<ul style="list-style-type: none"> <li>(i) The SEIP qualifies to be Category B type, which a full EIA is not required. ESMF and generic EMP/ECOPs was prepared.</li> <li>(ii) An ESMP is prepared for the entire locations in 25 provinces.</li> <li>(iii) ESMP document will be publicly available at MoEYS's and Bank's website.</li> <li>(iv) Site specific EMP would be prepared if locations are known, and site specific issues would be anticipated.</li> <li>(v) ECOPs was prepared for monitoring the construction works.</li> </ul>
4.10	<p><b>Indigenous Peoples:</b> These are defined to be a distinct, vulnerable, social and cultural group possessing a number of characteristics including collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories.</p>	<p><b>Y</b></p> <p>The presence of Indigenous Peoples may occur in some site-specific project areas. In view of this, the OP is triggered.</p>	<p>An Indigenous Peoples Planning Framework (IPPF) has been developed as a component of this ESMF.</p>
4.12	<p><b>Involuntary Resettlement:</b> this policy aims to address and mitigate risks of physical relocation, loss of land and other assets, sources of incomes and means of livelihood by local people due to proposed sub-projects. The policy also applies to the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.</p>	<p><b>Y</b></p> <p>Although not estimated to be significant, there may be minor land acquisition and complementary relocation and resettlement of project affected households (PAH) due to construction, and land acquisition for new school or expanded school.</p> <p>An RPF has been prepared to guide the proposed site-specific projects. This OP will thus be triggered.</p>	<ul style="list-style-type: none"> <li>(i) A Resettlement Framework (RF) developed for the Component 1 proposed site-specific projects and appended to this ESMF</li> <li>(ii) Each site-specific project will prepare an ARAP/RAP to address all issues related to [potential] relocation and compensation of communities affected by the proposed sub-project</li> <li>(iii) Grievance Redress Mechanism will be defined as part of the ARAP/RAP for each site, taking into consideration the local context.</li> </ul> <p>The ARAP/RAP document for each site-specific project will be disclosed locally, at the national level as well as on the MoEYS'S website and the World Bank's Info Shop.</p>

**Table 1 (Cont'd.)**

OP/BP No.	Summary of Safeguard and Other Operational Policies	Triggered (Y/N) and How	Implication
17.50	<b>Consultations and Disclosure Requirements:</b> whenever the Bank requires an EA and/or Resettlement Instrument (RI), the proposed borrower prepares an EA report and/or RI report as a separate, free-standing document, publically available to project-affected groups and local CSO/NGOs.	<b>Y</b>  The SEIP has been classified as a Category "B" project and an ESMP, IPP and ARAP/RAP studies will be required for any site-specific project prepared through feasibility stage. This OP will be triggered.	Preparation of feasibility and design studies under Component 1 require:  (i) Communication strategy for site-specific projects which will include Grievance Redress Disclosure Mechanisms.  (ii) Consultations will be conducted during the ESMP, IPP and ARAP/RAP studies and views of PAPs and stakeholders will be reported in the documents.  (iii) ESMP, IPP and ARAP/RAP final documents will be accessible to, and in a form, manner and language understandable to PAPs and local CSO/NGOs.



#### 4.4 Social Impacts

63. Besides obvious issues associated with noise, emissions and dust related to construction activities, there are likely to be a number of adverse social impacts and risks associated with the proposed construction of school facilities, including civil engineering and physical works for communities, different populations, and contractor's employees.

##### Core Labor Standards

64. Where different populations are inducted into the workforce by civil works contractors, subcontractors and other providers of goods and services, consideration must be given to compliance with local and national labor laws and relevant core labor standards. With respect to labor and working conditions of women, there must be compliance with core labor standards which includes prohibition of any form of discrimination against women during hiring and providing equal work for equal pay for women and men. Other workforce considerations as a result of the proposed sub-projects development which may have impact on human resources policies (i.e., working relationship, working conditions and terms of employment, workers' organizations, non-discrimination and equal opportunity, retrenchment and grievance mechanism), protecting the workforce (i.e., child labor and forced labor), occupational health and safety, workers engaged by third parties, and supply chain are applicable in varying degrees due to differences in local context.

##### Land Acquisition and Resettlement

65. Experience from similar Projects undertaken by MoYES suggests that no major relocation or resettlement would be required, as the construction works would be implemented in the existing school campus and on public land for new school construction. During screening for selection of target school the MoEYS team will make sure that potential private land acquisition and resettlement will be avoided or minimized. Physical displacement and impacts on livelihood will be avoided.

66. Although no involuntary resettlement is expected during sub-project implementation, it is possible that local communities and households elect to make a voluntary donation of affected land without compensation. Voluntary Land Donation (VLD) will be accepted when small areas of private land and assets where the affected users of the assets and land have agreed to give their land and other assets as a voluntary contribution to the project and he/she is the project beneficiary. No individual or family will lose more than **5%** of their land, or other assets worth more than **400,000 Riels**. Smallholder of residential land with area of 300m<sup>2</sup> or lesser will not be allowed for VLD. Additionally, land portion to be voluntarily donated shall be free of house, structures or other fixed assets. Voluntary donation for the construction of office building, for instance, will not be allowed. PAP and PAH must be able to decline a request to donate land for the purpose of infrastructure and receive compensation instead. The process of consultation with potential land or asset contributors should be conducted in an open and transparent manner by the Resettlement Working Group at Commune Level with decisions regarding voluntary contributions based on free, prior and informed consultation with PAP and PAH. Local authorities must document the consultation process and agreement as part of the Project implementation.

##### Indigenous Peoples

67. In the context of SEIP, the indigenous peoples in the project areas are likely to receive a long term project benefits through the support on (i) construction of lower secondary school buildings in their communes presently without lower secondary schools (LSS); and/or (ii) construction of classrooms in the overcrowded lower secondary schools (e.g. two-shift schools); and/or (iii) construction of accommodation for math and science teachers in LSS (Component 1.3); and (iv) improve quality of teaching through improve the teaching force (Component 1.2). However, they may be negatively affected by (i) inequitable access to newly built schools due to distance from their community to school and transport/road issues and (ii) possible land acquisition, particularly for 30

new school constructions. With regard to Component 1.2, indigenous teachers or teachers who are living in the remote indigenous village may have lesser opportunity to receive “scholarship for teacher” to update their skill equivalent to bachelor level compared with other teachers who are living in the urban or less remote rural area.

68. Indigenous People (IP) account for most ancient inhabitants in the highland areas. Their religion in Cambodia and whole way of existence for centuries has been founded on their relationship with natural resources and the environment. IP traditions and practices include:

- Customary lands and forests form the basis of upland minorities' livelihoods, including their spiritual lives;
- Belief systems have traditionally been animist in nature – that is the respect for spirits dwelling in mountains, lakes, trees and other natural objects;
- Traditional upland society is based on a powerful relationship with the land. Each village has its own customary lands and forests, with certain areas, whereas:
  - Some areas used for collecting and hunting;
  - Some areas used for cultivation; and
  - Some areas venerated as the dwelling places of spirits.
- The customary method of cultivation is rotational swidden agriculture. In this system, a small plot (chamkar) is cultivated for a few years before being left to fallow so that the forest can regrow, while the family moves on to another plot within the customary village lands;
- Once the original plot has regained its fertility, the farmer can return to it and the cycle repeats. Using this method, the upland forests have remained largely in balance for centuries. Despite the rather negative view sometimes held about swidden agriculture, the consensus in the literature is that it is actually a highly evolved, very efficient style of farming, which in areas of low population density is sustainable; and
- After cultivating the land, the old-growth forest ecosystem is the next most important resource in the highlanders' subsistence system, providing a wide range of forest products and foodstuffs.

69. The Khmer majority generally considers a set of indigenous people as “Khmer Loeu” who are distinctive in their cultural and economic practices. These groups generally exhibit most or all of the characteristics of potential vulnerability:

- Close attachment to ancestral territories and resources;
- Reliance on subsistence modes of production;
- Self-identification or identification by others as distinctive groups;
- Use of a language different than prominent or official languages within the country; and
- Reliance on customary cultural and socio-economic institutions.

70. There is potential that IP may not receive equitable benefits from the proposed sub-project initiatives and/or activities. They may be excluded from local decision-making processes that discuss strategies and approaches for the proposed civil engineering sub-projects. In addition, companies



working in indigenous communities may not be aware of or respectful of local culture and traditions.

71. The World Bank will undertake a screening early in the project preparation phase, to determine whether IP are present in, or have collective attachment to, the project area. If, based on the screening, the World Bank concludes that IP are present in, or have collective attachment to, the project area, OP/BP 4.10 is triggered and the procedures described in the IPPF will be followed. This includes the requirement that the borrower undertakes a social assessment to evaluate the project's potential positive or adverse effects on the IP, and to examine project alternatives where adverse effects may be significant. The breadth, depth, and type of analysis in the social assessment are proportional to the nature and scale of the proposed project's potential effects on the IP, whether such effects are positive or adverse. The social impact assessment (SIA) should be integrated into the sub-project's ESMP as described in the ESMF and results used to develop the Social Management and Monitoring Plan (SMMP).

72. The World Bank's policy on IP requires a process of free, prior and informed consultation (FPIC) leading to broad community support from indigenous peoples benefiting from, or affected by, World Bank-financed target school. The principle of FPIC recognizes indigenous peoples' inherent and prior rights to their lands, territories and resources and respects their legitimate authority and requires processes that allow and support meaningful choices by IP about their development path. The borrower needs to use consultative methods appropriate to the social and cultural values of affected IPs' communities and their local conditions and, in designing these methods, gives special attention to the concerns of Indigenous women, youth, and children and their access to development opportunities and benefits.

73. As discussed in the IPPF, the screening process can also be used to identify other vulnerable groups and individuals that could be affected by target school, including by potential exclusion from involvement in target school activities. Such vulnerable groups could include religious minorities, refugees and displaced communities. Vulnerable individuals could include landless, widows headed household, disabled headed household who make family main income, elderly headed household who make family main income and without other means of support and the poor under the national poverty line. The vulnerability of each household will depend on their impacts and socio-economic profile that will be assessed during the Socio-Economic Survey and the Detail measurement survey.

74. Special attention will be paid to IP's to ensure that Cambodian and World Bank legal protections are applied during implementation of World Bank-funded target schools and projects, and project activities will not negatively impact the livelihood and traditions of IPs.

#### **4.5 Gender Considerations**

75. Another aspect to improving the development impact of the Cambodia SEIP, the Project will be to ensure that gender-mainstreaming considerations are included in the project design and feasibility studies. Developing an understanding of gender issues as they relate to the SEIP proposed construction of school facilities is necessary condition to ensuring a gender-responsive project design.

76. The Cambodia SEIP Project preparation provides a critical entry point for mainstreaming gender and related aspects. Once selected target school locations are known, it will be important to have good baseline information on gender and social relations to be able to identify gender issues and to assess the local enabling environment. A gender-responsive social assessment will provide essential information for identifying potential impacts on different populations (i.e., ethnic minorities and vulnerable groups – women and female/male youth and children, men, the elderly and disabled, etc.) in relation to their health and safety and well-being concerns.

## 5. ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK

77. The World Bank-funded SEIP will cover 25 provinces and capital. There will be improvement of school facilities within 100 existing schools (i.e. additional building or classroom, improve latrine, teacher accommodation etc.) and construction of 30 new lower secondary schools. At present stage, the list of target schools was proposed by PoEYS to MoEYS for selection and approval. All proposed target schools will conduct further review and consideration, particularly in relation to potential environmental and social impacts and mitigation measures. As such, the ESMF is guided by the WBG *Environmental Assessment* safeguard instruments (OP/BP 4.01) and, specifically, operational policies (OP/BP 4.10 and 4.12).

78. The purpose of the ESMF is to manage potential adverse impacts by establishing a guidance document which will inform the RGC, MoEYS and related departments to administer mutually agreed sets of environmental and social safeguards procedures and measures. The ESMF will facilitate necessary environmental and social management (including risk management of environmental and social impacts) procedures and measures of proposed target schools which may be financed by the SEIP Project, and whose technical design and location is unknown and may change during project implementation. The ESMF comprises the guidance document required for the ESMP and other planning instruments (i.e., IPP, ARAP or RAP) to be applied at project appraisal and formulation when detailed feasibility studies and technical design details become available. The ESMF is a guidance and decision-support tool for the MoEYS, stakeholders and different populations.

79. The ESMF is to ensure that (a) the Project activities do not create or result in significant adverse impacts on the local community and environment, (b) the environmental and social impacts mitigation plan is carried out effectively to mitigate such impacts, and (c) possible complaints from the local government authorities and community are minimized. To achieve these objectives, the following actions and implementation arrangements have been undertaken:

- All proposed subprojects shall be screened through the process described below. The subproject administrator (DoC) has conducted the screening (between mid of August and mid of September 2016 on 70 existing schools and 30 new schools) under close consultation with the subproject owners (School Principle/DoEYS). The screening results have been documented and properly kept for review by the World Bank.
- Based on the result of screening, the detailed designs of schools or teacher/student facilities have been adjusted to avoid or minimize negative environmental and/ or social impacts.
- Appropriate mitigation measures (the site specific EMPs, which will be carried out once location of the buildings are known) will be included in the bidding document and contract document by DoC; compliance with the contractors will be monitored in the field by the Site Engineer under close supervision of the MoEYS (or represented by Project Supervision Consultant); performance of the contractor will be documented and properly kept for review by the WB.
- The project will be implemented using the existing RGC organizational structure and institutional arrangements, particularly within MoEYS. The MoEYS is responsible for overall technical supervision, execution and management of the project. The Department of Construction (DoC) will be responsible for the day to-day implementation, supervision of the construction of civil works activities and operation of the project.

80. The screening procedures: The screening process is to ensure that proper mitigation measures are prepared and carried out effectively to avoid adverse impacts on the affected population, natural environment and cultural heritage. If the subproject is located in or near protected areas or other critical habitats or cultural property, an Initial Environmental Examination (IEE) for the subproject with specific focus on the impacts of the natural habitats and cultural property and including mitigation measures will be prepared and carried out in close cooperation with DoC and

other concerned agencies and in consultation with the WB.. Steps and actions for the screening are presented in Table 2.

**Table 2: Screening Process for Each Subproject**

Screening check list	Yes	Actions to be undertaken
Involves land acquisition, relocation, indirect loss of access and assets, and has adverse impacts on ethnic minorities	Y	Site engineers (DoC) will consult IRC and apply the technical guidelines and policy frameworks. If the impacts are significant (impacts on above 10% of PAH's total asset holding), IRC will seek WB clearance before selection of the subproject. Extensive consultation with affected population is expected during the planning and implementation development of (abbreviated) RAP.
Scale of the civil works is larger than those identified involves new construction	Y	Site engineers (DoC) will consult IRC to apply appropriate guidelines. If the impacts are significant, IRC will seek WB clearance before selection of the subproject.
The project site is located in or less than 50 m away from protected areas, areas of cultural heritages or involves the use of large amounts of toxic chemicals or herbicides	Y	Site engineers (DoC) will consult involved agencies to ensure that the mitigation measures are adequate to address the issues. Specific requirements provided in the EMP may be applied to minimize the potential impacts. A standard clause should be included in all construction contracts regarding the procedures to be followed in the event culturally significant sites are found.
Fully comply with the assumptions specified above and a contractor will be hired to carry out the works	Y	Site engineers (DoC) will apply the proposed EMP of the Project (TableA.1) and prepare a specification plan for the subproject, including those measures to mitigate the impacts during construction, community consultation, and the public disclosure plan. A technical guideline on the environmental measures (TEG) is provided and training will be provided to DoC and project staff will be necessary. MoEYS includes the environmental requirements in the bidding/contract document and ensures compliance of the contractors during the bidding process. Site engineers will closely monitor the contractor performance and document it in the supervision/progress report. Recommendations that are useful to increase efficiency and effectiveness of the mitigation plan should be provided.
IPs are present or have collective attachment to the affected areas.	Y	IPP

## 5.1 Description of Proposed Sub-Projects

81. To address the issue of overcrowded schools and to expand lower secondary education access, the project will support the physical improvement of 130 target LSS schools. This will include: (i) rehabilitation of 100 existing schools<sup>8</sup> and (ii) construction for 30 new schools in the communes without LS schools. The target schools will cover 25 provinces in 78 districts. The selection of the schools will be need-based and draw upon the extensive school mapping exercise undertaken by MoEYS. This sub-component meets the secondary school standards of: student and student services; facilities and environment; teaching and learning materials. The rehabilitation/construction activities will include new or renovated classrooms (approximately 650), age appropriate furniture, teacher accommodations, teacher lounges, water and sanitation facilities, and accessibility standards for physically disabled children. Water supply (wells or water tanks) will be provided for the latrines, and for hand washing in schools where there is no existing water supply.

## 5.2 Screening and Approval

82. Environmental and social screening is designed to identify and document potential impacts arising from proposed sub-projects. The environmental and social screening informs decision-makers about the need to implement measures or actions [if any] which avoid, minimize, mitigate or compensate for adverse impacts. Sub-projects are categorized according to the screening procedure. The procedure classifies projects into one of three WBG environmental assessment categories (A, B, and C) depending on the type, location, sensitivity and scale of the project and the nature and magnitude of its potential environmental and social impact. As described in Section 44, a fourth category is applied to sub-projects which are not well formulated and where the environmental and social impacts are largely unknown, in this case, an ESMF is applied. Department of Construction (DoC) of the MoEYS is in charge of environmental and social screening with assistance from school committee and commune/Sangkat Councils and using tools as specified in Annex 4 of Appendix 1 (Social Screening Checklist Form) and Annex 2 of Appendix 2 (Screening for Indigenous Peoples).

83. Once the location and type of investment is identified then, a site-specific ESMP can be prepared as well as other safeguards measures (i.e., ARAP/RAP, IPP). The SEIP Project Component 1 construction of target school facilities have been classified as Category “B” projects but, subject to further investigation may be reclassified as WBG “A” or “C” category projects (see Section 44). The MoEYS PMC is responsible for proposed sub-projects identification and screening (see Appendix A2 and A3) and ensuring that adequate environmental and social safeguards performance instruments are implemented. Once proposed sub-project locations are identified, the PMC will prepare proposed sub-project(s) descriptions, conduct environmental and social screening of proposed sub-project(s), and assess requirements for necessary environmental and social management measures and plans (i.e., ESMP, IPP, and ARAP/RAP, ECoPs)<sup>9</sup>.

84. The MoEYS PMC should conduct environmental and social due diligence for each proposed sub-project, including: (i) sub-project description; (ii) identification of sub-project area of influence; (iii) establish an environmental and social baseline as the benchmark for identifying and comparing potential impacts from proposed sub-project; (iv) assessment of environmental and social impacts and risks of a proposed sub-project during both construction and operation phases; (v) engaging stakeholders and different populations during public consultations, as necessary, and disclosure; and (vi) application of ECoPs and/or identification of avoidance, minimizing, mitigation measures or

<sup>8</sup> The selection of the 100 existing schools is based on: (i) schools that exhibit a strong commitment to the project concept and are willing to meet the project preconditions for selection; and (ii) schools with high drop-out rates, low enrolment rates and high student/teacher ratios. The selection of the 100 existing schools excludes the more affluent and/or well-endowed schools (e.g. schools with sufficient teachers, flagship schools in the provincial centre, etc.) or schools that receive supports from other donor programs.

<sup>9</sup> The Bank TOR state that “an independent consultant is to be retained to assist in the preparation of safeguards measures and procedures (ESMP, IPP, RAP and ECoPs, etc.) targeted at specific sub-projects during project implementation.

compensation, and preparation of environmental and social management plans (i.e., ESMP, IPP, ARAP or RAP) as necessary, including implementation arrangements, monitoring requirements, budgeting and grievance redress mechanism(s).

### 5.3 Scoping Environmental and Social Issues

85. Under the Cambodia SEIP Project, proposed sub-projects in the 25 provinces and capital would include rehabilitation of 100 existing schools and construction of 30 new lower secondary schools. However, at time of writing the 130 proposed schools have not been selected or approved. So far, MoEYS survey team visited 30 school locations in eight provinces. The main objectives of the visit were to: i) site screen the school locations, ii) inform concerned parties – POEs (41), DOEs (33), School Support Committees, local authorities, students (304), parents/and communities (212) – about the project and assess their commitment to the project to improve learning outcomes. The team noted high level of enthusiasm from the sites visited and confirmed no potential adverse environmental and social impacts. The full scale screening mission would be expected to be conducted within October 2016 in 100 school locations in 25 provinces, according to safeguard focal persons of MoEYS. MoEYS PMC safeguard focal persons will be responsible for analyzing the level and extent of environmental and social issues relevant to the Cambodia SEIP proposed school construction. The analysis will determine whether:

- The construction of school facilities has the potential to cause any social or environmental impact, whether directly or indirectly;
- Any WBG safeguards policies would be triggered by the nature of the Cambodia SEIP proposed sub-project(s) initiatives and/or activities; and
- Could there be any activities under a proposed sub-project that could cause significant impacts, beyond what is acceptable under the WBG Category “A” Environmental Assessment classification.

86. It was agreed that a standard MoEYS school design will be adopted for school facilities and will follow the successful model used and lessons learned in previously financed World Bank education projects - the Flood Emergency Rehabilitation and Cambodia Education Sector Support Projects. All construction will be permanent structures, with minimum expected lifespan of 25 years, meeting the requirements of the MoEYS School Construction Guidelines, which are described in detail in the Community Construction Manual (CCM). It was agreed that the technical specifications of the standard MoEYS school design will be reviewed by IDA mission.

Some lessons learned from the implementation of previous and on-going education projects can be drawn upon as below:

Site safety: budget for site preparation and site safety requirements (fence, sign board, etc.) is included in the construction of SESSP project, and will continue to do so for SEIP.

Waste Management: Construction waste often left over after completion of the civil works. SEIP's EMP addressed this matter, and will implement through serious monitoring to be conducted by safeguard focal persons of MoEYS.

Monitoring and reporting: Monitoring and reporting has not been satisfied. SEIP will ensure that the safeguards focal persons of MoEYS will conduct regular monitoring and incorporating the results into the progress report. Bank's safeguard team continue to provide support to the monitoring and reporting.

Screening: SEIP, learning from SESSP, reinforce screening process to identify the locations of the 130 schools to be constructed. That is the reason why the identification of the site specific location for construction could not be completed before appraisal. It is to ensure that school support committee

and all stakeholders work together to make sure that no adverse social and environmental impacts would be anticipated during and after the construction. Flood and climate change aspects are considered in the screening.

Capacity building: Seeing the need, Bank provided capacity building on Bank's policies and needed instruments (ESMF and EMP), monitoring and reporting to MoEYS staff and engineers prior the starting of SESSP. This will continues for SEIP, where emerging issues will be considered during the course of construction.

**Table 3 Potential environmental and social impacts of proposed sub-projects.**

Ref.	Impact/issue	Comment/Description of Impact	Extent	Duration	Magnitude/ Intensity	Probability	Significance
<b>Bio-Physical and Chemical</b>							
BPC/1	Changes in surface water quality	In case of effluent (waste water) from school construction into streams and water body untreated					
BPC/2	Changes in groundwater quality	Due to the soil type, there is low permeability for pollution of ground water.					
BPC/3	Changes to drainage patterns	Operation of the sub-project does not significantly affect existing drainage system					
BPC/4	Changes in rates of erosion and siltation						
BPC/5	Changes to air quality	Due to construction activities temporary air quality will be happen for short period only.					
BPC/6	Changes to ambient noise levels	Noise from electrical equipment/ generators may affect noise levels					
BPC/7	Changes to aquatic biota	In case of leakage of petroleum, oil, lubricants, and chemicals, changes in aquatic biota may happen.					
BPC/8	Changes to terrestrial	No terrestrial biota is expected after construction phase.					
BPC/9	Changes to disease vector populations	Some Health risk to people at project area due to inhaling the air from plant					
BPC/10	Changes to land cover	No definite impact after construction of school in the project area.					
BPC/11	Changes to areas of natural habitat	No further impact in project area					



**Table 3 (Cont'd.)**

Ref.	Impact/issue	Comment/Description of Impact	Extent	Duration	Magnitude/ Intensity	Probability	Significance
<b>Bio-Physical and Chemical</b>							
SEC/1	Changes involving loss of private and/or communal assets	No potential impact during the operations phase.					
SEC/2	Changes involving loss of physical cultural heritage	No impact in the operations phase.					
SEC/3	Changes involving physical and/or economic displacement of people	No potential social impact					
SEC/5	Changes to fisheries	Water, air, and noise pollution may interfere with fish migration.					
SEC/8	Changes in visual amenity	The natural landscape is affected by the presence of school building.					
SEC/9	Changes to public infrastructure/community resources	The school beautifies the surrounded area and the village.					



87. As mentioned, the screening process will identify the nature of potential impacts, both positive and negative (adverse), that the potential sub-project could generate within its region of influence (ROI). This will inform the selection of safeguards instruments that would be required to assess the potential impacts in further detail. The choice of safeguards instrument or measure primarily depends on the degree of significance of anticipated environmental and social impacts as well as the associated environmental and social risks.

88. Scoping confirms the key environmental and social issues, risks and potential impacts identified during the screening process. The scoping stage can highlight potential issues at an early phase of sub-project development so as to allow planners to design changes which will mitigate potential environmental and social impacts as well as, possibly, project location to be modified.

89. The significance rating of potential impacts scoped will determine the level of the environmental and social safeguards instruments needed in order to undertake further assessment as well as to propose adequate mitigation measures to comply with its WBG Category “B” environmental assessment (OP/BP 4.01) classification. Environmental and social safeguards measures and plans may include ESMP, ARAP or RAP, IPP and ECoPs.

## **5.4 Application of Safeguards Plans and Measures**

90. The proposed sub-projects will require several safeguards instruments to be applied at project appraisal and formulation. Some safeguards instruments will range from abbreviated, checklist type of ESMPs for rudimentary repair works while others will require more comprehensive ESMPs, IPPs, and ARAP or RAPs within clearly delineated sub-project footprints. All sub-projects activities involving some form or another of civil engineering and physical works will require environmental and social management safeguards instruments.

### **Environmental Management Plan**

91. All Cambodia SEIP proposed construction of school facilities and “scholarship for teacher” will require an ESMP. The ESMP would become part of the civil engineering and physical works contract (see Appendix 4: Generic Environmental Management Plan [EMP]), establish the environmental and social standard and compliance mechanisms, and serve as the contractual basis for supervision and enforcement of good environmental and social practice during subsequent sub-project civil engineering and physical works.

92. Once the target school locations have been identified and the impacts are likely to be anticipated, the ESMP will be prepared to identify potential impacts during pre-construction, construction, and operations. The environmental analysis, design and preparation of an ESMP for each target school must be conducted in close connection with the feasibility and engineering design of the sub-project and/or each individual school. As the proposed construction of target schools will involve rural access to education, the analysis should concentrate on environmental and social issues associated with direct impacts of the communities located within the school catchment area.

93. Each target school will be subjected to a detailed environmental and social screening. The environmental and social screening will include, but not be limited to, the analysis of available information concerning the general population distribution, concentrations of indigenous peoples, concentrations of low-income communities, sensitive and/or critical natural habitats, major rivers and waterways, recorded cultural heritage sites, and any other potentially sensitive areas, based on recent census, official data and information garnered from civil society organizations as well as detailed site visits.

### **Indigenous Peoples Plan (IPP)**

94. If ethnic groups are potentially impacted by the proposed sub-project, an indigenous peoples

safeguards planning instrument should be developed. The WBG safeguards policy directive guiding indigenous peoples is OP/BP 4.10. The policy requires that special measures be established to protect the interests of ethnic minorities<sup>10</sup> and indigenous peoples who can be distinguished by:

- Self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
- Collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;
- Customary cultural, economic, social or political institutions that are separate from those of the dominant society and culture; and
- Indigenous language, often different from the official language of the country or region.

95. As mentioned, it is not expected that proposed sub-projects will have significant impacts on ethnic minorities. However, indigenous peoples' livelihoods and well-being are under pressure in some areas because of in-migration by others, forestry concession programs, and discouragement of shifting cultivation practices. Proposed sub-project civil engineering could induce further in-migration putting pressure on access to resources.

96. If ethnic groups are identified in any of the proposed sub-project areas, WBG OP/BP 4.10 general principles will apply, to ensure that:

- Ethnic minority groups are afforded meaningful opportunities to participate in planning that affects them;
- Opportunities to provide such groups with culturally appropriate benefits are considered; and
- Any sub-project impacts that adversely affect them are avoided or otherwise minimized and mitigated.

97. Indigenous People Plan (IPP) will be prepared if the impact on indigenous peoples is potential. The purpose of the IPP is to ensure culturally appropriate consultation with indigenous peoples (i.e., ethnic groups) and participation in sub-project development. If based on FPICs where affected indigenous peoples conclude that the proposed sub-project will be beneficial to them then, measures and assistance will be developed in consultation with tribal elders, community based organizations (CBO) and independent CSOs/NGOs. The FPIC and planned activities will be documented in the IPP. Assistance should include institutional strengthening and capacity building of tribal elders and CBOs working on specific activities (e.g., resettlement, if any) within the sub-project.

98. If indigenous people are adversely affected by a sub-project, either by land acquisition or by other induced negative impacts, the IPP would have to address the impacts with various measures, activities and actions to mitigate adverse impacts. Acquisition of land and other assets would be governed by the RPF. Implementation of the IPP would be carried out by the community, assisted by PMC social safeguard focal person and Commune Council, facilitated by a CSO/NGO, where available and appropriate.

## **Resettlement Action Plan**

99. If less than 200 people are affected by a sub-project, the appropriate safeguards measure is an ARAP described more fully in the RPF. However, when more than 200 people are affected as a

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<sup>10</sup> Social groups with a social and cultural identity distinct from the dominant society that makes them vulnerable to being disadvantaged in the development process.

result of a proposed sub-project development, Project authorities are required to prepare a RAP for submission and endorsement by the Inter-Ministerial Resettlement Committee (IRC) through the General Department of Resettlement ([GDR], secretariat of IRC) prior to submission to the Bank. The RAP would include: (i) brief description of the sub-project, location and its impacts; (ii) principles and objectives governing resettlement preparation and implementation; (iii) legal framework; (iv) baseline information of PAP and PAH; (v) category of PAP and PAH by degree and type of impacts; (vi) entitlement to compensation, allowances and rehabilitation assistance by category of impacts in a compensation matrix; (vii) information on relocation site together with socio-economic conditions on the PAP and PAH and host communities; (viii) institutional arrangement for planning and implementation; (ix) participatory procedures during planning and implementation; (x) grievance redress procedures; (xi) estimated cost of resettlement and yearly budget; (xii) time-bound action plan for implementation; and, (xiii) internal and external monitoring and reporting procedures, including TOR for external monitoring and evaluation.

## **Environmental Code of Practice**

100. The Environmental Code of Practice (ECoPs) is updated (based on SESSP's version) for this project. It is trusted to be simpler and practical for safeguarding the construction of facilities (see Appendix 4.2). The Contractor shall be aware of the ECoPs and implement it as part of their professional practice. While school committee, site engineers, and other relevant stakeholders will need to check construction site before starting civil works and appropriately advise the contractor if there is any wrong doing (please see checklist in Appendix 3). It is the contractor's responsibility to implement ECoPs and this EMP provisions. However, all activities should not harm to people and environment.

101. ECoPs users will comprise: project planners, designers, managers, construction engineers, EA Consultants, private consulting firms and contractors, academic and research institutions, government ministries and institutions, and stakeholders.

## **Chance Find Procedures**

102. The proposed sub-projects is not expected to yield archaeological, paleontological or cultural findings of any significance because SEIP construction will occur in the existing school premise. However, there remains a possibility for (as yet undiscovered) sites of local cultural significance (i.e., sacred sites, cemeteries) and archaeological sites to exist with sub-project areas.

103. Chance finds procedures will be used as follows: (i) stop construction activities in the area of the chance find; (ii) delineate the discovered site or area; (iii) secure the site to prevent any damage or loss of removable objects; (iv) notify the supervisory Engineer who, in turn, will notify the responsible local authorities; (v) responsible local authorities would conduct a preliminary evaluation of the findings to be performed by archaeologists who will assess the significance and importance of the findings according to various criteria, including aesthetic, historic, scientific or research, social and economic values; (vi) decisions on how to handle the finding shall be taken by the responsible authorities which could result in changes in layout, conservation, preservation, restoration and salvage; (vii) implementation for the management of the finding communicated in writing; and (viii) construction work could resume only after permission is given from the responsible local authority concerning safeguard of the heritage. The aforementioned procedures need to be referred to as standard provisions in construction contracts, when applicable. During project supervision, the Site Engineer will monitor the above procedures relating to the treatment of any chance find encountered.

104. In general, the process of project implementation includes:

- Project screening which will be conducted by PMC of MoEYS. It is to find out whether the project has potential impacts on social, environmental, and indigenous people at a certain level. Local people and different populations are encouraged to participate;
- If the project has adverse impacts, a team of social and environmental safeguards specialists of PMC/MoEYS will conduct detailed impact assessment and provide recommendations to the project design team to avoid the impacts; and
- The safeguards team will monitor the process of design, implementation, and post project implementation.

## **6. INSTITUTIONAL ARRANGEMENTS FOR PROJECT IMPLEMENTATION**

### **6.1 Ministry of Education, Youth And Sports (MoEYS) And Project Management Committee (PMC)**

105. SEIP will be implemented under the same structure of SESSP. The program will be implemented at the national, provincial, district and school levels over a period of five calendar years. MoEYS will assume overall responsibility for coordination and implementation of the program, including procurement, disbursement and financial management.

106. At the highest level, the Project Management Committee (PMC) established by the Minister of Education, Youth and Sports, will be responsible for the oversight of the ESP in order to streamline policy development, strategic planning and implementation decision making processes. The PMC is comprised of MoEYS leaders, including Secretaries of State. The Project Management Team (PMT), led by a Secretary of State and comprised of Directors General and directors of various departments of MoEYS, provides support to the PMC and bears a central role in project implementation. Implementation arrangements have been designed to ensure that overall education policy direction is analyzed from a variety of angles and policy decisions are followed into implementation through the overall coordination of the Directors General. It is also envisaged that the PMC would progressively assume oversight responsibility of donor-financed projects. The PMC will be embedded within the Ministry's overall strategic program and budget as well as within the context of overall Government planning. Regular PMC meetings, with meetings of the Secretariat of Directors General in the intervening weeks, are intended to ensure that well informed collective leadership decisions on emerging policy and operational decisions are promptly made and implemented through the education system management structure of departments, provinces, districts and schools.

107. Project implementation will be carried out by existing MoEYS departments—including Construction, Teacher Education, Secondary Education, Quality Assurance, School Health, Curriculum, Personnel, Finance, Planning, and Provincial and District Education Offices—in order to build long-term systemic capacity and ensure sustainability. The implementation by departments will be closely monitored by the PMT. Bi-monthly PMT meetings are intended to ensure the operational progress by sub-sector of early childhood and primary education and across each level of program implementation, as well as ensure fiduciary progress including financial management and procurement.

108. The Construction Department will coordinate several construction engineer consultants, regional engineers as well as local engineer consultants (one per ten sites) responsible for supervising civil works.

109. The MoEYS has overall responsibility for implementing the EMP, ESMF, voluntary donation, due diligence process, and compliance of RPF. If there is involuntary resettlement and land acquisition, the MoEYS will request to the (National) Inter-Ministerial Resettlement Committee to deal with resettlement and land acquisition in according to the policies and procedures set forth in this

RPF. As part of MoEYS, a number of its departments will play an instrumental role in the design and construction of the target schools, particularly the Department of General Education and Department of Constructions. MoEYS was already established Project Management Committee (PMC) to management the entire project.

110. **Project Management Committee:** The overall responsibilities for complying with the safeguards matter, including this RPF and IPPF lies with the MoEYS, which is the executing agency for the whole Project. The PMC is led by the Minister and comprised of MoEYS leaders—inclusive of the Secretaries of State—and supported by the PMC Secretariat and the Project Management Team (PMT) led by an Under-Secretary of State and comprised of Directors Generals and technical departments. It has been designed to ensure that overall project implementation are in compliance with the project scope and the requirement of the funding agency, in this case the World Bank. As part of its responsibilities, the PMC will oversee SEIP implementation that would include:

- a) Approving SEIP annual activities and budget allocations;
- b) Overseeing progress and compliance with agreed guidelines;
- c) Commissioning and approving required accounts and reports; and
- d) Ensuring agreed audit requirements are satisfied. Project implementation will be mainly carried out by Departments of General Secondary Education, Teacher Training, and Construction with support from other relevant departments and sub-national level offices of MoEYS.

111. **Social Safeguard Focal Person (SSFP):** PMC already appointed a social safeguard focal person to be in charge of safeguard compliance as per approved IPPF, IPPF, and RPF. He will conduct regular supervision and monitoring the implementation of RPF and IPPF and reporting to PMC and the World Bank. With assistance from social safeguard consultant he is responsible for preparing RAP and submitting to IRC/GDR for review and approval prior to submitting to the World Bank.

## **6.2 Inter-Ministerial Resettlement Committee and The General Department of Resettlement (GDR)**

112. If there are resettlement impacts caused by the project, MoEYS will request the GDR/IRC to deal with resettlement impacts. The GDR/IRC, through designated Inter-Ministerial Resettlement Committee Working Group (IRC-WG), will work closely with Provincial Resettlement Sub-Committee (PRSC) for coordinating resettlement issues where the school construction project is located and have resettlement impact. In this case, an ad-hoc Provincial Resettlement Sub-Committee Working Group (PRSC-WG) will be established as secretariat to PRSC.

113. **The Inter-Ministerial Resettlement Committee (IRC)** is a collegial body headed by the representative from MEF and composed of representatives from concerned line ministries, such as the Ministry of Interior; MPWT, MLMUPC; MEF and MAFF. Created by the Prime Minister through *Decision No.13, dated 18 March 1997*, in connection with the resettlement of PAHs in the Highway 1 Project (Loan 1659-CAM), it continues to be involved in other foreign-assisted government infrastructure projects with involuntary resettlement. An IRC will be established on an ad hoc basis for each project upon the request from the Designated Implementing/Executing Agency. The IRC will assume the function of a quasi-regulatory body, ensuring that funds for resettlement are spent properly and that the RPF-RAP is carried out as intended. The technical arm of the IRC is its secretariat, the General Department of Resettlement.

114. The IRC is responsible for the following aspects of involuntary land acquisition and resettlement of projects: (i) take the lead in conducting the DMS, (ii) approval of compensation rates; (iii) reporting to the Government on resettlement activities and request approval, if necessary, including endorsement of land acquisition and resettlement plan (RP); and (iv) disbursement of funds

to the Provincial Department of Economy and Finance (PDEF) for paying compensation and delivery of all other entitlements to Displaced Peoples, in accordance with the approved RAP.

115. **The General Department of Resettlement (GDR)** is a secretariat of IRC and will work closely with other relevant institutions to deal with all resettlement issues as a result of the project. The GDR will assist IRC in the following tasks:

- (i) Reviewing and approving the RF-RP, and ensuring its consistency with legal and resettlement policy in force in Cambodia;
- (ii) Submitting the approved RP to WB;
- (iii) Request to Provincial Governor to establish PRSC and PRSC-WG;
- (iv) Orienting, as needed, PRSC and its WG (PRSC-WG) on their tasks relative to RF-RP updating and implementation;
- (v) Manage and supervise the implementation of RP such as DMS;
- (vi) Negotiation and contract making with PAP and PAH;
- (vii) Securing from the national treasury the budget for carrying out the RAP, and ensuring that funds are available in a timely manner and in sufficient amounts;
- (viii) Ensuring the approval of all disbursements connected with the implementation of the RAP, such as payment for compensation and other entitlements, acquisition and preparation of replacement plots, operational expenses of personnel, etc.; and
- (ix) Ensuring that funds for resettlement are spent judiciously; and contracting an External Monitoring Agency to monitor the implementation of the RAP, and ensuring that this is carried out in compliance with the Project resettlement policy and with the loan agreement.

### **6.3 Provincial Resettlement Sub-Committee (The “PRSC”)**

116. The Provincial Resettlement Sub-Committee (PRSC) is a collegial body set up at the provincial level. Headed by the Provincial Governor or Provincial Vice-Governor, its members are provincial department directors of line ministries represented in IRC, and also the chiefs of the districts and communes traversing along the Project road.

117. The technical arm of PRSC is PRSC-WG, which is headed by a representative of the relevant Provincial Hall. The regular members of PRSC-WG come from the Provincial Government, the Provincial Department of Economy and Finance (PDEF). In an effort to make the whole process of resettlement effective, participatory and transparent, the chiefs of the affected communes and villages in project affected communes will have a seat and be actively involved in the PRSC-WG to tackle matters concerning their respective areas of jurisdiction. PRSC, through PRSC-WG, will have the following functions:

- (i) Facilitate a sustained public information campaign, ensuring that the public, especially the PAHs, are updated on any development regarding the Project and resettlement activities;
- (ii) Cooperate with IRC-WG in conducting the implementation of RP and assist with public consultation and information disclosure meeting(s);
- (iii) Manage the delivery of compensation and other entitlements to the PAHs;
- (iv) Receive and act on the complaints and grievances of PAHs in accordance with the Project resettlement policy; and



- (v) Maintain a record of all public meetings, grievances, and actions taken to address complaints and grievances.

#### **6.4 Provincial/District Office of Education (POE And DOE)**

118. POE/DOE is sub-national level office of MoEYS. POE/DOE is a liaison between school and local community/authority and MoEYS. POE/DOE selected the target schools and proposed to MoEYS for consideration and screening. POE/DOE will cooperate with local authority to assure that school lands are secured for the Project.

#### **6.5 School Support Committee (SSC)**

119. School Support Committees of the beneficiary schools will be set up, if not yet exist, and trained to use the project operational manual. The Committee will administer the construction works, ensure compliance of safeguard issues and monitor the implementation progress. Members of SSC will include women and elder who is representative of the IP community. SSC will be responsible for (a) coordinating and organizing consultative meeting and public announcement among the stakeholders particularly with student parents; (b) checking construction progress and ensuring compliance to all safeguard related issues; (c) receiving complaint from student parents and communities and send to Grievance Redress Committee for action.

### **7. CONSULTATION AND INFORMATION DISCLOSURE**

120. The Project supports a participatory and consultative approach involving meaningful engagement with different populations (i.e., ethnic minorities, vulnerable groups, women and female/male youth and children, men, the elderly and disabled, etc.), CSOs, CBOs and other relevant stakeholders. The approach was intended to enhance ownership and general understanding of different populations through public access to information for the ESMF and safeguard management instruments (i.e., ESMP, IPP, ARAP/RAP as necessary), roles and responsibilities, and perceptions as a basis for improving coordination and achievement of the Cambodia SEIP Project objectives. The participatory and consultative approach should ensure effective communication and coordination with all stakeholders and different populations at national and subnational levels.

121. Participation is a process through which stakeholders influence and share control over development initiatives and the decisions and resources which affect them. The decision to participate is the start of the whole participatory process in the project cycle. The Bank's OP/BP4.12 and the Government Law on Expropriation and IRC's practical resettlement implementation procedure provide clear guidance and direction to project proponents in both the public and private sectors, on the need for public consultation and participation and underscore the importance of getting PAPs informed about the project and, more importantly, getting their actual and active involvement in the planning and implementation.

122. Participation is an active and continuous process of interaction among the key stakeholders, including the communities directly affected (whether positively or adversely), national agencies and line ministries, the project consultants, civil society and international donor agencies. Participation as a generic term usually encompasses two distinct dimensions: information exchange (i.e., dissemination and consultation) and varying forms of joint decision-making (i.e., collaboration or participation):

123. In the context of SEIP, PAP will participate throughout the development and implementation process of involuntary land acquisition and voluntary land donation process and other project activities. All stakeholders will be consulted by the project authorities using free, prior, and informed consultation approach. A following generic information will be informed to all stakeholders during the consultative meeting:

- Project objective, scope, potential benefits and impacts;
- Objectives of WB-OP/BP4.12 and relevant government law and regulation, particularly Law on Expropriation;
- Process and schedule of resettlement implementation process
- Resettlement and compensation policy, eligibility and entitlements;
- Relocation and rehabilitation assistance
- Public information, public consultation and grievance redress procedures

124. The Cambodia SEIP Project was first discussed with key Government decision-makers, the World Bank and Consultant during the kick-off meeting in Phnom Penh. Extensive consultation was conducted at sub-national levels with provincial directors and officers from provincial department of education, local authorities, communities including students' parents, and schools teachers and principals during IESA conducted in March 2016.

125. The main purposes of the consultative meetings are to (i) inform the participants about the project intervention and (ii) seek their view of the project in terms of support, benefit to their community and potential environmental and social impact. All participants in consultative meetings expressed strong support to the project and willing to participate in the school construction activities if they are requested to. They view impacts on environment and social is non-significant.

126. Outcomes of the consultation will be inputted into the ESMF, IPPF, RPF and further IPP and ARAP/RAP. Once the final ESMF, IPPF and RPF are accepted by the World Bank, the documents will be disclosed (in both English and Khmer languages) on the MoEYS website, at MoEYS's public boards at national level and at provincial level. Summaries of all instruments will be disclosed in Khmer and English. MoEYS will issue letter of disclosure to the Bank for documentation. The documents will be sent to the World Bank for review by the Regional Safeguards Secretariat (RSS) and, once finalized, submitted to the World Bank InfoShop and, re-disclosed in Cambodia.

## **8. GRIEVANCE REDRESS MECHANISM**

127. The World Bank's resettlement policy requires an investment project to establish mechanism for grievance resolution in order to ensure indigenous peoples' satisfaction with implementation of IPPF related activities, and provide the IPs with a legal platform for on the ground monitoring and reporting on the implementation of IPPF related activities. Specifically, the purpose of the grievance mechanism is to allow IPs and persons who believe they are affected persons to seek satisfactory resolution to grievances they may have in relation possible land acquisition, resource restriction or other project interventions. The key principles of the grievance mechanism are to ensure that:

- (a) The basic rights and interests of IPs are protected
- (b) The concerns of IPs arising from the project implementation process are adequately addressed; and
- (c) Entitlements or livelihood support for IPs are provided on time and accordance with the above stated government and World Bank's safeguard policies.
- (d) IPs are aware of their rights to access and shall have access to grievance procedure free of charge for the above purposes.
- (e) The grievance procedure will be part of the overall Commune/Sangkat's Planning Committee, Chief and Council mechanism and form an important part of the conflict resolution mechanism that is community-based, involving representatives of vulnerable groups, and therefore, collectively managed.

128. At the beginning of the project implementation, the grievance redress committees will be established at commune, districts, and provincial levels built on the existing structures consisting of concerned departments, NGOs, community organizations, women and ethnic representatives, if exist. At the village the existing grievance mechanisms that are chaired by elder and/or spiritual/tribal



leaders, which are largely acceptable to local communities and will be strengthened as the first tier conflict resolution mechanisms of the Commune/Sangkat Council. This arrangement helps ensure that a system is in place to help resolve any grievances to or complaints that may occur after project intervention. The grievance mechanism will be applied to persons or groups that are directly or indirectly affected by a project, as well as those that may have interests in a project and/or have the ability to influence its outcome either positively or negatively. The project will provide training and support to strengthen these existing structures for effectively and collectively dealing with possible grievances that may be raised by PAPs during the course and after the implementation of IPs related activities.

129. As a normal practice if project involve implementation of land acquisition a Grievance Redress Committee is established for the Project. The GRC will deal all aspects of a proposed sub-project including, environment, resettlement and indigenous issues, if exist, through negotiations with the aim to reach a consensus. MoEYS or IRC (if IRC is involved in ARAP/RAP implementation) requests to the Provincial Governor to establish the Grievance Redress Committee (s) at local (provincial, district, and commune) levels to be headed respectively by the Provincial Governor or Provincial Vice-Governor, Chief of District, and Chief of Commune. At GRM Commune level, the members of GRM also comprise of representative of AH/IP (the representative of AH/IP shall be chosen among the PAPs or IP community). These committees will receive, evaluate and facilitate the resolution of PAP/IP and PAH concerns, complaints and grievances. The grievance redress committees will function, for the benefit of PAP/IP and PAH, during the entire life of SEIP and beyond.

130. PAPs or IPs, if not satisfied or unclear about the implementation of resettlement/IPPF related activities including the provision of compensation or livelihood improvement, may raise their complaints to the village committees or direct to commune council, the lowest level of GRC and can be brought further to provincial level if PAP/IP does not satisfy with the solution or clarification.

131. **At Commune level:** An aggrieved PAP/IP may bring his/her complaint to the commune chief directly or through school support committee or school principal. The commune chief will call for a meeting of the group to decide the course of action to resolve the complaint within 15 days, following the lodging of complaint by the aggrieved PAP/IP. The meeting of the group would consist of the commune chief, representative(s) from community including traditional leader. The commune chief is responsible for documenting and keeping file of all complaints that are directed through him/her. If after 15 days the aggrieved PAP/IP did not hear from Commune Council or school support committee, or if the PAP/IP is not satisfied with the decision taken at the first stage, the complaint may be brought to the District Office either in writing or verbally.

132. **At District level:** The District office has 15 days within which to resolve the complaint to the satisfaction of all concerned. If the complaints cannot be solved in this stage, the district office will bring the case to the Provincial Grievance Redress Committee.

133. **At Provincial level:** The Provincial Grievance Redress Committee, which consists of Provincial Governor or Deputy Governor as a committee chairman and Directors of relevant Provincial Departments as members will meet with the aggrieved party and tries to resolve the complaint. Within 30 days of the submission of the grievance to the Provincial Grievance Redress Committee a written decision must be made and inform to the PAP/IP in writing.

134. **Provincial Court:** If the aggrieved PAP/IP is not satisfied with the solution made by the Provincial Grievance Redress Committee based on the agreed policy in the RPF-RAP or IPPF-IPP, the PAP/IP can bring the case to the Provincial court. During the litigation of the case, RGC will request to the court that the project proceed without disruption while the case is being heard. If any party is unsatisfied with the ruling of the provincial court, that party can bring the case to a higher court. The RGC shall implement the decision of the court.

135. In the target schools where Indigenous People (IP) are affected directly or indirectly, all complaints shall be discussed among the villagers in the presence of traditional village leader or elder and negotiations is carried out in the community or village where the PAP and PAH live. Where necessary, the construction proponents will provide assistance so that the rights of indigenous minorities are protected.

## **9. MONITORING AND REPORTING**

136. Monitoring is a key component of the ESMF environmental and social safeguards performance during the SEIP Project implementation. Monthly, quarterly- and semi-annual monitoring reports will be undertaken as per specific activities in order to:

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

137. In regard to SEIP Project proposed sub-project initiatives and/or activities' implementation, the MoEYS PMC will conduct internal monitoring activities during the design and feasibility studies and ESMPs to determine the extent to which mitigation measures are successfully implemented. Monitoring will focus on three key areas, including:

### **Compliance Monitoring**

138. Compliance monitoring is to verify that the required mitigation measures are considered and implemented. During the sub-project preparation phase, compliance monitoring activities will focus on ensuring effective ESMF implementation and respect of procedures. The MoEYS PMC Environmental and Social Specialist staff will ensure that SEIP's sub-project studies are properly and expeditiously conducted in compliance with RGC law and the WBG regulations.

139. The feasibility studies will also include an assessment of the conditions for implementation of the ARAP/RAP and IPP related activities;

- Grievances, especially those that have not yet been resolved at the local level and which may require resolution at the higher levels as initially determined in the ESMF;
- Document completion of project resettlement and compensation if these are applicable, including for all permanent and temporary losses;
- Evaluation of the quality of compensation or other relevant mitigation measures that would be applied in accordance with the requirements of the potential future investment projects that have been initially identified, including impacts on livelihoods; and
- Mitigation measures when there are significant changes in the indicators that may require strategic interventions, for example, if different populations (ethnic peoples and vulnerable groups – women and female/male youth and children, men, the elderly and disabled, landless, and poor, etc.) are not receiving sufficient support from the potential sub-project.

140. During the implementation phase, compliance monitoring would include inspections during construction of the sub-project initiatives and/or activities to verify the extent with which conditions and licenses are issued and adhered.

## **Impacts Monitoring**

141. Once the SEIP Project is under implementation, monitoring of sub-project initiatives and/or activities' impact mitigation measures should be the duty of the PMC. It is expected that the environmental and social safeguards documents will be given to the contractor and the DIA will monitor to ensure that works are preceding in accordance with the agreed (between RGC and WBG) mitigation measures. Monitoring and evaluation of the social impacts will measure the following:

- Impacts on affected individuals, different populations, households and communities to be maintained at their pre-project standard of living, or better;
- Gender differentiated impacts to be avoided, minimized or addressed;
- Post project Socio-economic status of communities affected by the project; and
- Management of disputes or conflicts.

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

- Specific indicators to be monitored with gender disaggregated data;
- Define how indicators will be measured on a regular basis; and
- Identify key monitoring milestones (e.g., at mid-point of the ARAP/RAP implementation process, if applicable).

## **Cumulative Impacts Monitoring**

143. Impacts of the sub-project initiatives and/or activities on the environmental and social resources for the 130 target schools will also be monitored in consideration of other developments which might be established.

## **10. ESMF IMPLEMENTATION**

144. Environmental and social sustainability of the proposed sub-projects to be formulated is largely dependent upon the capacity of the implementing agencies to coordinate the planning and supervision of service providers. MoEYS has wide experience implementing projects funded by various donors (i.e. ADB, WBG, EU, and JICA). Each donor and financier has its own guidelines and regulations. The MoEYS has strong familiarity with WBG including guidelines on procurement, project implementation, environmental and social safeguards, and other related procedure and instruction manuals. MoEYS also has formulated a code of conduct for the project implementation staffs.

145. The Consultant determined that MoEYS staffs seconded to work on WBG financed projects were familiar with the previous Projects and have strong familiarity with its guidelines and manuals. MoEYS understands the importance of environmental protection and avoiding, minimizing, mitigating or compensating for adverse social impacts particularly as a precondition for obtaining WBG financing. In order to ensure effective implementation of safeguards at planning, pre-construction, construction and operations phases, it is imperative to have capable and properly trained staff in place. Accordingly, an institutional strengthening and capacity building training program will include on-the-job training, workshops, field visits and external training opportunities.

146. MoEYS is familiar with Bank safeguards policies and procedure. Capacity of staff of MoEYS has improved through the implementation of SEISP. Bank's TT continues to provide capacity building on screening, monitoring and reporting during the course of the implementation of SEIP.

147. Two safeguard focal persons of MoEYS were appointed in 2016 to be responsible for leading the preparation of safeguards instruments, monitoring, and ensuring compliance. During the

implementation, safeguards consultants will be hired under the Project Management Committee (PMC), and will be assisting MoEYS for the overall monitoring of the EMP (ECOPs), IPPF, and RPF. EMP (ECOPs) will be incorporated in the bidding documents to inform the contractor/ and MoEYS's site engineers about their role and responsibility in complying with agreed safeguard instruments.

148. MoEYS staff were assessed by the Consultant in relation to education levels, knowledge and practical application of environmental and social safeguards implementation monitoring. Information to support the capacity assessment was obtained through document review, semi-structured interviews with key informants as well as from various workshops and professional judgment.

149. The MoEYS has two focal persons/staff (02) who oversee safeguards instruments, plans and measures for rural road improvement. The staff requires better environmental and social safeguards manuals and guidelines in order to provide monitoring and auditing services for SIEP construction project. Environmental and social safeguards knowledge and guidelines documents are required at project preparation and planning, implementation period and post-project construction period.

**Table 4 Key responsibilities for ESMF implementation.**

<b>Sub-project Cycle</b>	<b>MoEYS Responsibility</b>	<b>PMC</b>
Screening	<ul style="list-style-type: none"> <li>Advise applicants and other stakeholders of environmental and social safeguard procedures.</li> <li>Review the concept note/idea and screen for potential safeguard issues, and advise applicants regarding the nature and content of safeguard documents, measures and actions to be prepared.</li> </ul>	<ul style="list-style-type: none"> <li>Assess any potential safeguard issues early in the preparation process, including screening for the presence of indigenous peoples.</li> <li>Describe potential safeguard issues in the safeguard screening form to be attached to the sub-project proposal.</li> </ul>
Preparation	<ul style="list-style-type: none"> <li>Advise applicants on safeguard issues, as needed.</li> </ul>	<ul style="list-style-type: none"> <li>Undertake safeguard preparation actions as required, such as consultations with local communities and/or collection of data.</li> <li>Design safeguard measures and prepare documents, such as an ESMP, IPP, ARAP or RAP, etc. as agreed with MoEYS. If applicable, disclose draft safeguard documents with the sub-project proposal to affected communities prior to final review of proposal by the MoEYS.</li> </ul>
Review and approval	<ul style="list-style-type: none"> <li>Review sub-project proposal for safeguard impacts and social risks.</li> <li>Assess the adequacy and feasibility of the safeguard assessment and consultation process. If needed, request further steps.</li> <li>Assess the adequacy and feasibility of the safeguard measures and documents. If needed, request appropriate changes to these and reassess prior to final approval.</li> <li>If Indigenous Peoples (OP/BP4.10) are affected, ascertain that they have provided free, prior and informed consent to sub-project activities affecting them.</li> <li>If applicable, publicly disclose safeguard related information on the website after sub-project approval</li> </ul>	<ul style="list-style-type: none"> <li>Submit sub-project proposal with safeguard measures and documents as agreed. If requested by MoEYS take additional steps to meet ESMF and safeguard policy provisions. Re-submit proposal with revised safeguard measures and documents, as needed. All national and local legislation and regulations will be complied with.</li> <li>Prepare an action plan, as needed, if the sub-project is likely to have some impacts on National Protected Areas (NPA) and/or National Protected Forest Area.</li> </ul>
Implementation	<ul style="list-style-type: none"> <li>Supervise and review safeguard documents and issues during sub-project implementation. If needed, request changes to safeguard measures.</li> <li>Review and approve Plan of Actions that are required to be prepared during implementation of sub-projects.</li> </ul>	<ul style="list-style-type: none"> <li>Disclose final safeguard documents, if any, to affected communities.</li> <li>Monitor and document the implementation of safeguard measures.</li> <li>When Indigenous Peoples (OP/BP4.10) are affected, include them in participatory monitoring and evaluation exercises.</li> </ul>
Evaluation	<ul style="list-style-type: none"> <li>Ensure inclusion and review of environmental and social safeguard issues and outcomes in mid-term and final sub-project evaluation and reporting, including concerning any lessons learned on the sustainability of each sub-project.</li> </ul>	<ul style="list-style-type: none"> <li>Evaluate the implementation and outcomes of safeguard measures.</li> <li>When Indigenous Peoples (OP/BP4.11) are affected, include them in participatory evaluation exercises.</li> </ul>







## **APPENDIX 1: RESETTLEMENT POLICY FRAMEWORK**

### **Cambodia: Secondary Education Improvement Project (SEIP)**

# SECONDARY EDUCATION IMPROVEMENT PROJECT (SEIP) IN CAMBODIA

Project Number: P157858

## RESETTLEMENT POLICY FRAMEWORK (November 2016)



*Prepared by:*

**PROJECT MANAGEMENT COMMITTEE  
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## LIST OF ACRONYMS

<b>ARAP</b>	Abbreviated Resettlement Action Plan
<b>BP</b>	Bank Policy
<b>CBO</b>	Community Based Organizations
<b>COI</b>	Corridor of Impact
<b>CSO</b>	Civil Society Organizations
<b>DIA</b>	Designated Implementing Agency
<b>DMS</b>	Detailed Measurement Survey
<b>ESMF</b>	Environmental and Social Management Framework
<b>ESMP</b>	Environmental and Social Management Plan
<b>FPIC</b>	Free, Prior and Informed Consultation
<b>GDR</b>	General Department of Resettlement
<b>IDA</b>	International Development Association
<b>IOL</b>	Inventory of Loss
<b>IP</b>	Indigenous Peoples
<b>IPP</b>	Indigenous Peoples Plan
<b>IPPF</b>	Indigenous Peoples Planning Framework
<b>IRC</b>	Inter-ministerial Resettlement Committee
<b>km</b>	Kilometer
<b>M&amp;E</b>	Monitoring and Evaluation
<b>MEF</b>	Ministry of Economy and Finance
<b>MOE</b>	Ministry of Environment
<b>MOWRAM</b>	Ministry of Water Resources and Meteorology
<b>MRD</b>	Ministry of Rural Development
<b>NGO</b>	Non-Governmental Organizations
<b>NPA</b>	Non-Profit Associations
<b>NR</b>	National Road
<b>OP</b>	Operational Policy
<b>PAH</b>	Project Affected Households
<b>PAP</b>	Project Affected Persons
<b>PDR</b>	People's Democratic Republic
<b>PMO</b>	Project Management Office
<b>PMT</b>	Project Management Team
<b>RAMP</b>	Road Assessment Management Project
<b>RAP</b>	Resettlement Action Plan
<b>RCS</b>	Replacement Cost Study
<b>RF</b>	Resettlement Framework
<b>RGC</b>	Royal Government of Cambodia
<b>ROW</b>	Right of Way
<b>RP</b>	Resettlement Plan
<b>SEA DRM</b>	South East Asia Disaster Risk Management
<b>TOR</b>	Terms of Reference
<b>WB</b>	World Bank
<b>WBG</b>	World Bank Group

## DEFINITIONS AND TERMS

**Beneficiary** – all persons and households from the villages who voluntarily seek to avail of and be part of the project.

**Compensation** – payment in cash or in kind at the replacement cost of the acquired assets for the project.

**Cut-off Date** – the cut-off date is defined as the date prior to which the occupation or use of the Project areas makes residents/users eligible to be categorized as project affected persons. The cut-off date for this Project will be the date of conducting public consultation with the project-affected persons before conducting inventory of loss (IOL) or the detailed measurement survey (DMS).

**Displaced persons** – refers to all of the people who, on account of the activities listed above, would have their (1) standard of living adversely affected; or (2) right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset acquired or possessed temporarily or permanently; (3) access to productive assets adversely affected, temporarily or permanently; or (4) business, occupation, work or place of residence or habitat adversely affected; and “displaced person” means any of the displaced persons.

**Eligible land holders** – refers to affected persons who (a) hold title to land; or (b) do not hold title but whose possession of land can be legalized with a title pursuant to the Land Law of Cambodia including those with recognizable rights.

**Entitlement** – range of measures comprising compensation, income restoration support, transfer assistance, income substitution, and relocation support which are due to affected people, depending on the nature of their losses, to restore their economic and social base. The entitlements adopted for the Secondary Education Improvement Project were guided by the applicable national laws and regulations and WB OP/BP 4.12. The entitlements may be further revised based on actual status of impact, if applicable, in an updated version of the Resettlement Policy Framework (RF).

**Household** – means all persons living and eating together as a single social unit.

**Income restoration** – means re-establishing income sources and livelihoods of project-affected households to a minimum of the pre-project level.

**Improvements** – structures constructed (dwelling unit, fence, waiting sheds, pig pens, utilities, community facilities, stores, warehouses, etc.) and crops/plants planted by the person, household, institution, or organization.

**Land acquisition** – the process whereby a person involuntarily loses ownership, use of, or access to, land as a result of the project. Land acquisition can lead to a range of associated impacts, including loss of residence or other fixed assets (fences, wells, tombs, or other structures or improvements that are attached to the land).

**Project Authorities** – refers to the Ministry of Education, Youth and Sports (MoEYS), the Ministry of Economy and Finance (MEF), the General Department of Resettlement (GDR) of the Ministry of Economy and Finance,).

**Project Executive Agency** – Refer to Ministry of Education, Youth and Sports (MoEYS) and its Project Management Committee (PMC)

**Project Affected Persons (PAP) or Project Affected Households (PAH)** – includes any person, households, entity, organizations, firms or private institutions who, on account of changes that result from the project will have their (i) standard of living adversely affected, (ii) right, title, or interest in any house, land (including residential, commercial, agricultural, forest, plantations, grazing, and/or organizing land), water resources, fish ponds, communal fishing grounds, annual or perennial crops and trees, or any other moveable or fixed assets acquired, possessed, restricted, or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence, or habitat adversely affected, permanently or temporarily, with or without displacement.

**Rehabilitation** – refers to assistance provided to persons seriously affected due to the loss of productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life. Compensation for assets often is not sufficient to achieve full rehabilitation.

**Replacement cost** – is the method of valuation of assets which determines the amount of compensation sufficient to replace lost assets, including any necessary transaction costs. Compensation at replacement cost is defined as follows: For agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in vicinity of the affected land, plus the cost of any registration and transfer taxes. For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures so as to meet the replacement cost standard. Such additional assistance is distinct from resettlement measures to be provided under other clauses in the World Bank (WB) Operational Policy (OP)/Bank Policy (BP) 4.12, Para. 6.

**Resettlement** – means that all measures should be taken to mitigate any and all adverse impacts of a project on PAP property and/or livelihood's, including compensation, relocation (where relevant) and rehabilitation as needed.

**Vulnerable groups** - are distinct groups of people who might suffer disproportionately or face the risk of being marginalized from the effects of resettlement and specifically include: (i) female headed households with dependents, (ii) disabled household heads, (iii) households falling under the generally accepted indicator for poverty, (iv) elderly households with no means of support and landlessness, and (v) indigenous minorities. The vulnerability of each household will depend on the impact and their socio-economic status that will be assessed as the result of detail baseline socio-economic survey during the detail measurement survey or inventory of lose assets.



## **PREFACE**

This document is called the Resettlement Policy Framework (RPF) for Secondary Education Improvement Project (SEIP) dedicated for Cambodia, called the Project. It is developed on a basis of outcomes from the Social Assessment (SA) that was developed as a standalone document. The RPF is part of the Environmental and Social Management Framework (ESMF) for the SEIP for Cambodia. This framework will be applied to all investments to be financed by the World Bank (WB) for technical and/or financial support from the Project that involves Involuntary Resettlement (OP 4.12) and voluntary land donation.

The Project comprises two components as specified in Section I of this document. The Project will be executed by the Ministry of Education, Youth, and Sport (MoEYS) who has established Project Management Committee (PMC) to manage the implementation. The Project implementation will be mainly carried out by Department of General Secondary Education; Department of Teacher Training; and Department of Construction with support from other relevant departments and sub-national level offices of MoEYS. Safeguard implementation will be carried out by the PMC and respective agencies.

This document is considered a living document and shall be modified and updated in line with the changing situation or scope of the activities. Close consultation with the World Bank and clearance of the revised RPF will be necessary.

# EXECUTIVE SUMMARY

## INTRODUCTION AND PROJECT COMPONENTS

1. The PDO is to expand lower secondary education of a minimum standard in target areas, and to provide immediate and effective response in case of an Eligible Crisis or Emergency. This will be achieved through two main components: (i) Improving Lower Secondary Education to Meet Standards through: provision of School Improvement Fund (SIF), upgrading lower secondary teachers, and improving school facilities; and (ii) Strengthening Project Management, Monitoring and Evaluation.

2. Component 1: Improving Lower Secondary Education to Meet Standards (US\$32.6 million equivalent) has three sub-components include i) Sub-component 1.1: Strengthening School-Based Management (approximately US\$14.7 million equivalent through DLI approach); ii) Sub-component 1.2: Upgrading Teachers (US\$7.3 million equivalent through DLI approach); and Sub-component 1.3: Improving School Facilities (approximately US\$10.6 million through IPF traditional approach). Component 2 is Strengthening Project Management and Monitoring and Evaluation (approximately US\$7.6 million equivalent *million through IPF traditional approach*).

3. At this stage, scope of involuntary land acquisition or voluntary land donation is unknown because the 130 targeted schools have not yet been selected and approved by the MoEYS and thus screening for social impacts have not yet been conducted. In addition, scope of construction of each target school is also unknown. Thus, this Resettlement Policy Framework is developed as pre-requisite safeguard document to mitigate potential negative impacts due to either (a) involuntary land acquisition or (b) voluntary land donation. The RPF shall be in compliance with (i) the World Bank (the Bank)'s safeguard policy on Involuntary Resettlement (OP 4.12) and (ii) Cambodia law on expropriation and other relevant policies and procedure and shall be applied to all SEIP Components and activities. After screening, target schools that have involuntary resettlement impacts will prepared either (a) abbreviated resettlement action plan (ARAP), if impact involved less than 200 persons who involuntarily loss of assets, incomes, employment or business or (b) resettlement action plan (RAP), if impact involved 200 persons or over. The RPF is part of Environmental and Social Management Framework.

## LEGAL FRAMEWORK REVIEW

4. RPF is prepared in compliance with the World Bank OP/BP4.12 on Involuntary Resettlement and relevant Cambodia laws and regulations particularly Cambodia Constitution, Land Law, and the Law on Expropriation. Gaps between the two legal frameworks, the RGC and the WB, were analyzed and gap-filling measures are proposed for minimization of impacts on people's livelihoods. In general, the two frameworks have few inconsistencies.

5. The Law on Expropriation launched in 2010 provides principles, mechanisms, and procedures for expropriation, and defining fair and just compensation for any construction, rehabilitation, and public physical infrastructure expansion project for the public and national interests and development of Cambodia. The Expropriation Law which is largely consistent with the main principles of the Bank's Involuntary Resettlement Policy (OP 4.12) will be adopted by the SEIP for required appropriation of ownership of immovable property or the real right to immovable property of a physical person or legal entity or legal public entity, which includes land, buildings, and cultivated plants, and for construction, for rehabilitation or for expansion of public physical infrastructure.

6. The overall objective of the Bank's OP/BP4.12 policy is to avoid or minimize impacts and exploring all viable alternative project design. Where it is not feasible to avoid, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs. Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

## POLICY FRAMEWORK FOR LAND ACQUISITION AND COMPENSATION

7. **Objective:** Previous and similar projects carried out by the MoEYS indicated no land acquisition as all school facilities were constructed on land owned by MoEYS or other publicly owned land. This RPF, therefore, has been prepared, as part of the Environmental and Social Management Framework (ESMF) for the Cambodia SEIP Project, to provide guidance to MoEYS and its PMC for decision-making in situations where the proposed target schools may require the use of land on a temporary or permanent basis and on voluntary land donation or involuntary land acquisition required for construction of school facilities within the target schools. It also applicable for land that had already been acquired prior to Bank-financing for sites supported by the Project. Accordingly, the RPF has been prepared to set out the policies and procedures for preventing or mitigating adverse impacts related to involuntary land acquisition and resettlement as a result of a proposed school construction. This RPF also sets the process that needs to be duly implemented regarding voluntary land donation.

8. **Principles:** Following the existing Cambodia laws and regulations, most aspects of the WB *Involuntary Resettlement* (OP/BP 4.12) are adequately addressed in Cambodian law, particularly the Law on Expropriation. The overarching objective of the SEIP in relation to land and asset acquisition is to assist the PAP in restoring their livelihoods at least to the level equal to their pre-project level. Specific principles that apply for SEIP include:

- (i) Construction of new school or construction of extended school building or classrooms is to avoid acquisition of privately owned land and relocation of peoples including indigenous population;
- (ii) Ensure design standards minimize the need to impose land use restrictions on adjoining areas;
- (iii) Develop fair and transparent procedures, as defined in the Entitlement Matrix of this RPF to determine compensation for (i) temporary loss of land and/or assets during construction; (ii) permanent acquisition of land and/or assets; and (iii) restrictions on use of land;
- (iv) Acquire land (or right to use land) through negotiated agreements and with the use of the power of eminent domain only as a last resort;
- (v) Upon completion of construction, restore land as best as possible to its original condition in the event of temporary disruption so as to enable landowners/users/lessees to resume their pre-project activities;
- (vi) Keep PAP and PAH, and communities fully informed about the school construction project(s), the process that will be followed to acquire and compensate for land, and their related rights and avenues for redress;
- (vii) Ensure that aggrieved PAP and PAH will have redressed and recourse options and that solutions are in line with principles stipulated in this RPF and, importantly, are employed;
- (viii) All PAP and PAH, without regard to legal status of property, will receive support of various kinds, as per the principles set out in the Entitlement Matrix, to assist them in their efforts to maintain their livelihoods and well-being prevailing prior to the SEIP Project. Squatters will not be compensated for loss of land but will receive compensation for loss of other assets which had been established prior to the cut-off date, and for loss of income such that they are assisted in their efforts to maintain their livelihoods and well-being. Detailed measures to be implemented will be determined based on census and baseline socio-economic survey conducted when the ARAP/RAP is developed;
- (ix) PAP and PAH will be notified of the project implementation schedule and consulted regarding the principles of land acquisition and loss of or damage to assets; and
- (x) Damages to assets, such as standing crops, trees, fences and kiosks, and loss of income (including loss of harvest) will be minimized, if inevitable, it will be compensated without regard to legal status of ownership according to the Entitlement Matrix illustrated in Table 6.

9. **Displaced Persons and Entitlements:** The school construction activities may have both positive and negative impacts on people but vary degrees depending upon the circumstances. It is reasonable to assume that while the proposed target schools will have positive impacts on a large majority of the population, only a limited number of persons are likely to be negatively impacted by certain activities related to proposed construction activities. The issue of concern here is to provide an estimation of the latter and the likely categories of displaced persons. However, the fact that the target schools where the respective activities are to be located are currently unknown makes it very difficult to provide a reasonable estimate of such persons or,

who would be directly or indirectly affected for inclusion in the RPF. However, PAPs can be categorized into three types and will be entitled to receive compensation based on type of assets affected and scope. The three types of displaced persons are i) legal landowner; ii) recognizable landowner, and iii) unrecognizable or unauthorized land user.

10. **Eligibility Criteria:** All PAP and PAH comprises of different populations, including ethnic minorities and vulnerable groups, will be provided with compensation and/or assistance if: (i) their land area is reduced more than 5% percent of their total properties; (ii) income source is adversely affected; (iii) houses partially or fully demolished; and (iv) other assets (i.e., crops, trees, and facilities) or access to these properties will be reduced or damaged due to land acquisition. Lack of legal documents of their customary rights or occupancy certificates will not affect their eligibility for compensation.

11. **Special Considerations:** SEIP recognizes that certain social groups including indigenous peoples may be less able to restore their living conditions, livelihoods and income levels and has incorporated these concerns into the preparation and implementation of project activities through an adoption of participatory planning and decision making process. During implementation, the Project will give special attention to women and female households as beneficiaries of the project investment i.e. employment in construction work. Equal participation of women in the whole cycle of the project activities will be provided to increase likelihood of the project sustainability. Active participation of women and indigenous groups will be ensured during the development of appropriate measures to be responsive to specific needs or concerns of these groups such as landless, poor, and households headed by women, disabled, elderly or children without means of support. A gender strategy and indigenous groups specific actions will be developed and included in ARAP/RAP.

## RESETTLEMENT PROCESS AND APPROVAL

12. **Safeguard Screening:** Once the target schools are approved social screening will be conducted by PMT-SSFP in order to identify if lands and/or assets are voluntarily donated, relocated or involuntarily resettled, and/or other issues associated with proposed school construction activities in their respective footprint. As results, ARAPs or RAPs will be prepared for target schools with potential adverse involuntary resettlement impacts either temporarily or permanently. Apart from ARAP/RAP, Due Diligent Report (DDR) will be prepared for the target schools without involuntary resettlement impact and/or where community or people voluntarily donates lands. For optimum planning, screening should take place during the initial stages of the RPF process so that the SSFP is well informed to develop either ARAP/RAP or DDR for voluntary land donation for the respective target school.

13. **ARAP/RAP Preparation and Approval:** The MoEYS/PMC in association with GDR of the MEF (secretariat of the Inter-Ministerial Resettlement Committee) provides the general direction for planning the relocation and involuntary acquisition process, ensures coordination between various stakeholders concerned with the SEIP including those directly connected with relocation and monitoring implementation. Prior to commencement of school construction, stakeholders from the target school where there is potential resettlement impact will be consulted to establish planning principles and work arrangements aimed at identifying and mitigating adverse social impacts induced by the construction activities. The ARAP/RAP will obtain information through baseline surveys, valuation of properties, and a determination regarding compensation, whether in the context of temporary or permanent relocation and compensation or in the context of mitigating other project related social impacts. A target school project that affects more than 200 people in terms of loss of assets and livelihoods requires a RAP to be conducted. For ease of work, it is recommended that ARAP/RAP will be prepared on provincial basis. It means that target schools within same provinces with potential involuntary resettlement impacts will be included in one ARAP/RAP. ARAP/RAP will be prepared by PMT-SSFP and submitted to IRC/GDR for review and approval prior to submitting to the World Bank.

14. **Scope of voluntary land donation:** Voluntary land donation is applied for beneficiary communities with no involuntary land acquisition and based on community-driven demand. Voluntary Land Donation (VLD) will be accepted when small areas of private land and assets where the affected users of the assets and land have agreed to give their land and other assets as a voluntary contribution to the project and he/she is the project beneficiary. No individual or family will lose more than **5%** of their land, or other assets worth more than **400,000 Riels**. Smallholder of residential land with area of 300m<sup>2</sup> or

lesser will not be allowed for VLD. Additionally, land portion to be voluntarily donated shall be free of house, structures or other fixed assets. Voluntary donation for the construction of office building, for instance, will not be allowed. For this type of project, the Commune/Sangkat Council, with assistance from school principal and Social Safeguard Focal Person (SSFP), should prepare a report showing that the land users have been fully informed about the project, and about their right to refuse to give their land and other assets without compensation. This report is called the “**Voluntary Land Donation Report**”.

## **ORGANIZATIONAL PROCEDURES FOR RESETTLEMENT**

15. **Project Management Committee:** PMC is the highest-level body established by MoEYS. The overall responsibilities for the oversight of the ESP in order to streamline policy development, strategic planning and implementation decision making processes. The PMC is comprised of MoEYS leaders, including Secretaries of State. The Project Management Team (PMT), led by a Secretary of State and comprised of Directors General and directors of various departments of MoEYS, provides support to the PMC and bears a central role in project implementation. Implementation arrangements have been designed to ensure that overall education policy direction is analyzed from a variety of angles and policy decisions are followed into implementation through the overall coordination of the Directors General.

16. **Social Safeguard Focal Person (SSFP):** PMC already appointed a social safeguard focal person to be in charge of safeguard implementation and compliance as per approved IPPF, IPPF, and RPF. He will train to field engineer the use of safeguard tools and conduct regular supervision and monitoring the implementation of RPF and IPPF at site-specific activities and reporting to PMC and the World Bank. With assistance from social safeguard consultant he is responsible for preparing RAP and submitting to IRC/GDR for review and approval prior to submitting to the World Bank.

17. **The Inter-Ministerial Resettlement Committee (IRC)** is a collegial body headed by the representative from MEF and composed of representatives from concerned line ministries, such as the Ministry of Interior; MPWT, MLMUPC; MEF and MAFF. Created by the Prime Minister through *Decision No.13, dated 18 March 1997*, in connection with the resettlement of PAHs in the Highway 1 Project (Loan 1659-CAM), it continues to be involved in other foreign-assisted government infrastructure projects with involuntary resettlement. An IRC will be established on an ad hoc basis for each project upon the request from the Designated Implementing/Executing Agency. The IRC will assume the function of a quasi-regulatory body, ensuring that funds for resettlement are spent properly and that the RPF-RAP is carried out as intended. The technical arm of the IRC is its secretariat, the General Department of Resettlement.

18. **The General Department of Resettlement (GDR)** is a secretariat of IRC and will work closely with other relevant institutions to deal with all resettlement issues as a result of the project. GDR is taking leading role in RAP implementation.

19. **Provincial Office of Education (POE) and District Office of Education (DOE)** is sub-national level office of MoEYS. POE/DOE is a liaison between school and local community/authority and MoEYS. POE/DOE selected the target schools and proposed to MoEYS for consideration and screening. POE/DOE will cooperate with local authority to assure that school lands are secured for the Project.

20. **School Support Committees** of the target schools will be set up, if not yet exist, and trained to use the project operational manual. The Committee will administer the construction works, ensure compliance of safeguard issues and monitor the implementation progress. Members of SSC will include women and elder who is representative of the IP community. SSC will be responsible for (a) coordinating and organizing consultative meeting and public announcement among the stakeholders particularly with student parents; (b) checking construction progress and ensuring compliance to all safeguard related issues; (c) receiving complaint from student parents and communities and send to Grievance Redress Committee for action. If land is acquired either involuntarily or voluntarily must report to PMT, particularly the SSFP, so that the SSFP will take further action in order to comply with this RPF.

## **LINKING RESETTLEMENT TO CIVIL WORKS**



21. All PAP and PAH, without regard to legal status of property, will receive support of various kinds, as per the principles set out in the Entitlement Matrix, to assist them in their efforts to maintain their livelihoods and living standards prevailing prior to the Project. Squatters will not be compensated for loss of land but will receive compensation for loss of other assets which had been established with their own finances, and for loss of income such that they are assisted in their efforts to maintain their livelihoods and well-being. Detailed measures to be implemented will be determined based on the census and socio-economic survey conducted when the ARAP/RAP is developed. Compensation will be paid at replacement cost/value to respective PAP at least 30 days prior to construction commencement so that PAP have sufficient time to remove or relocate their affected structure. Likewise, PAP will be notified 30 days prior to the date of construction commencement.

22. **Cut-off Date for Eligibility:** All PAP and PAH, without regard to legal status of property, will receive support of various kinds, as per the principles set out in the Entitlement Matrix, to assist them in their efforts to maintain their livelihoods and living standards prevailing prior to the Project. Squatters will not be compensated for loss of land but will receive compensation for loss of other assets which had been established with their own finances, and for loss of income such that they are assisted in their efforts to maintain their livelihoods and well-being. Detailed measures to be implemented will be determined based on the census and socio-economic survey conducted when the ARAP/RAP is developed. Compensation will be paid at replacement cost/value to respective PAP at least 30 days prior to construction commencement so that PAP have sufficient time to remove or relocate their affected structure. Likewise, PAP will be notified 30 days prior to the date of construction commencement.

23. **ARAP/RAP Implementation Process:** After a request for ARAP/RAP implementation by MoEYS, IRC will mobilize its working group to work closely with PRSC-WG before commencement of any resettlement activities. Land acquisition and relocation of PAH will not be commenced until the detailed RAP has been reviewed and approved by both IRC and the WB. Several steps are integral to the ARAP/RAP implementation process, including: (i) Detailed Measurement Survey (DMS) and Baseline Socioeconomic Survey (BSS); (ii) Replacement Cost Study (RCS); (iii) Preparation and approval of ARAP/RAP; (iv) Preparation and approval of resettlement budget; (v) Contract sign and compensation payment; (vi) Public Information, Consultation and Disclosure; and (vii) Notification on Site Clearance.

## **TRANSPARENCY AND GRIEVANCE MECHANISM**

24. The World Bank's resettlement policy requires an investment project to establish mechanisms for grievance resolution in order to ensure PAPs' satisfaction with implementation of resettlement related activities, and provide the PAPs with a legal platform for on-the-ground monitoring and reporting on the implementation of resettlement related activities. Specifically, the purpose of the grievance mechanism is to allow PAPs and persons who believe they are affected persons to seek satisfactory resolution to grievances they may have in relation to possible land acquisition or other project interventions.

25. At the beginning of project implementation, grievance redress committees will be established at commune, districts, and provincial levels built on the existing structures consisting of concerned departments, community organizations, women and ethnic representatives, if they exist. At the village level, the existing grievance mechanisms that are chaired by elder and/or spiritual leaders, which are largely acceptable to local communities, will be strengthened as the first tier conflict resolution mechanisms. This arrangement helps ensure that a system is in place to help resolve any grievances to or complaints that may occur after project intervention. The grievance mechanism will be applied to persons or groups that are directly or indirectly affected by a project, as well as those that may have interests in a project and/or have the ability to influence its outcome either positively or negatively. The project will provide training and support to strengthen these existing structures for effectively and collectively dealing with possible grievances that may be raised by PAPs during the course and after the implementation of resettlement related activities.

## **RESETTLEMENT BUDGET AND COSTS**

26. Budget for implementing RPF will be part of the Project budget. It uses to cover costs of project staff allowances and consultants to prepare compliance reports including supervising and monitoring reports, data collection, and preparation of ARAP/RAP etc. Below is a rough budget estimate for RPF

implementation. Budget for ARAP/RAP implementation is separated. There are totally 130 target schools. Assuming that RPF will require project staff input of 4 days per target school, 3 days of consultant input per target school plus 3 days of transport. Lump sum amount will be used for data collection and other expenses. **The total budget to implement the RPF is estimated at US\$ 287,300.**

27. In case of ARAP/RAP preparation, each ARAP/RAP will include detailed cost of compensation and other rehabilitation entitlements as part of the process to compensate PAP and PAH. Arrangements will be made for PAP and PAH property and assets segregated on the basis of agricultural land, residential land, business land, houses, business assets and other holdings. The detailed budgetary estimates will make adequate provision for contingencies and the RAP will explicitly establish sources for all funds required. The RAP will ensure that fund flows are compatible with the timetable for payment of compensation and provision of all other assistance. The budget will cover land acquisition, relocation site development, compensation costs, allowances and administration costs, and contingency. Resettlement costs will be part of the Government's counterpart fund, not the project. The RGC will ensure timely provision of counterpart funds for resettlement to meet any unforeseen obligations in excess of the resettlement budget estimates in order to satisfy resettlement requirements and objective.

## **PUBLIC CONSULTATION AND INFORMATION DISCLOSURE**

28. **The World Bank policy on access to information:** Public Consultation and Information Disclosure as defined by the Bank's requirements require giving the public access to project information and documentation. It requires that during the planning and preparatory process, project beneficiaries and affected groups and local NGOs shall be consulted and the environment and social aspects of the project should be presented. The consultation should be an on-going process throughout the design and implementation of investments and must be compliant with all other applicable safeguard policies. The policy also requires that any relevant material such as the environmental assessment study, social assessments, resettlement action plan, etc. should be made accessible, in a timely manner and in a form language understandable to the groups being consulted.

29. **Consultation:** In the context of SEIP, consultations will be carried out during the project preparation and implementation. Thus, the RPF is developed based on the outcomes of those consultations. PAPs are involved in public consultation meetings in various stages of the process. Their resettlement impacts and concern are properly recorded during data collection process (DMS, BSS and public consultation and focus group discussion). All these issues and concerns are well incorporated into ARAP/RAP for compensation and rehabilitation assistance. Vulnerable, female and indigenous groups will be consulted separately using focus group discussion methods. Local authorities, heads of village and commune chiefs are members of PRSC-WG and they are presented during public consultative meetings and have important role in identifying PAPs and certify on the DMS form. Representatives of PAPs are members of (i) community/village committee and (ii) grievance redress committee under the SEIP.

30. **Disclosure:** RPF, ESMF document together with other project documents will be uploaded into the World Bank InfoShop as well as MoEYS public board on November 25, 2016. The ARAP/RAP, if prepared, will be translated into local language (Khmer) and upload into project website if available, otherwise to MoEYS website, and send a copy to keep in each commune council, or at school convenience to PAP, where there is involuntary resettlement.

## **MONITORING AND REPORTING**

31. Implementation of the RPF at site specific will be regularly supervised and monitored by the respective SSFP responsible for implementation of the investment activities that involve land acquisition. The findings and recommendations will be recorded in the project file for possible review by the Bank. The SSFP will supervise and monitor the process at least one time per year and include the results in the Project annual reports and to be furnished to the World Bank. The SSFP in close consultation with local governments and PAPs will establish a set of practical monitoring indicators. In case ARAP/RAP is prepared and implemented monitoring will be required both internal and external monitoring in order to ensure transparency and full compliance.



32. **Internal Monitoring:** The Project Steering Committee in close coordination with GDR-IRC will conduct internal monitoring on resettlement implementation. The monitoring will include progress reports, status of the RAP implementation, information on location and numbers of people affected, compensation amounts paid by item, and assistance provided to PAHs. The report of monitoring results will be prepared by SSFP and submitted to MOEYS and the World Bank on a quarterly basis, and a copy to IRC.

33. **External Monitoring:** The external monitor has the specific responsibility of studying and reporting on RAP implementation and on social and economic situations of PAH particularly relocated PAPs or disrupted by the construction works, including all households whose houses or shops and stalls are relocated. The external monitor also has the responsibility of reviewing potentials for job opportunities for PAH, including women and youth, which would be assisted by provincial authorities. If required and needed based on the project impact, IRC will hire an External Monitoring Agency (EMA) to carry out external monitoring and post evaluation. The TOR for the engagement of the EMA will be prepared before procurement process. The external monitoring reports will be submitted to IRC on quarterly basis, and then IRC will forward to MoEYS and to the World Bank. The post evaluation will be conducted within six-months after all resettlement activities are completed.

# **1. INTRODUCTION AND PROJECT DESCRIPTION**

## **1.1. COUNTRY AND SECTOR CONTEXT**

1. Despite a decade of robust growth, Cambodia is still one of the least developed countries in Southeast Asia. Approximately 20 percent of its population earns less than US\$1 per day, and about 24 percent of Cambodian citizens live below the poverty line. Daily life is characterized by vulnerability due to poverty, the existence of landmines, disability, and a high incidence of mortality and morbidity, the effects of which are exacerbated by the lack of effective social safety nets. One quarter of all households is headed by females, and 59 percent of the population relies on agriculture for their livelihood. The Royal Government of Cambodia (RGC) and the donor community are working together to address many of these issues, and some success has been realized over the past five years. During this time, poverty has been reduced by more than 60 percent in Phnom Penh and 44 percent in other urban areas. However, poverty reductions were significantly smaller in rural areas – about 22 percent.

2. Realizing education's potential to spur growth is a priority for Cambodia. The country's National Strategic Development Plan and Rectangular Strategy call for creating a competitive economy through knowledge and innovation. To lay a strong foundation, the Education Strategic Plan (ESP) focuses on two key issues: achieving universal access to high-quality basic education and promoting equal educational opportunities to increase income and employment.

3. As a result, Cambodia has expanded access to education over the last 20 years. Net primary enrollments increased from 83.8 percent in 1992 to 96.4 percent in 2012, and net secondary enrollments increased, from 16.6 percent in 2000 to 35.1 percent in 2012. Additionally, girls have equal access to educational opportunities: the Gender Parity Index for net enrollment in 2011/12, which is the quotient of the number of females by the number of males enrolled at a given stage of schooling, was 0.99 in primary, 1.13 in lower secondary, and 1.05 in upper secondary. Household data from the Cambodia Social and Economic Survey further confirms that primary and secondary net attendance rate also have improved overtime, regardless of place of residence, gender, or wealth (World Bank 2013).

## **1.2. RELATIONSHIP TO CAS AND ESP**

4. This project is closely related to the objectives of the Country Assistance Strategy (CAS), which was last updated in May 2008, as well as the emerging Interim Strategy Note (ISN). The CAS proposed to build strong foundations for sustainable development and poverty reduction by investing in good governance, physical infrastructure, human capital, and the private sector.

5. The proposed interventions are also aligned with the Bank's twin goals of eradicating extreme poverty and increasing shared prosperity. The literature on human capital has documented the positive correlation between human capital investment and social and economic development. Investments in education significantly contribute to poverty eradication and wealth creation, as higher educational attainment significantly increases the probability of getting a paid job and has a large and positive impact on monthly wage earnings. This well-known contribution laid the foundation for one of the landmark pledges at the 2000 UNESCO-sponsored World Education Forum in Dakar that provided a sustainable and well-integrated sector framework – Education for All – that clearly linked education with poverty elimination and social and economic development.

6. Since the Dakar forum, international evidence has shown that access to and permanence in the education system, while necessary, are not sufficient to achieve reduced poverty and greater shared growth. Education systems need to be of sufficient quality to ensure that their graduates acquire the basic, soft, and sector-specific skills needed to function efficiently and effectively on the job, adapt as workers or managers in a rapidly evolving technological society, and innovate and compete as entrepreneurs not only in developing new products but also in adopting those produced elsewhere.

7. In addition to be aligned to the Bank's twin goals, the proposed project also complements various on-going interventions to implement Teacher Policy Action Plan (TPAP) by development partners, such as the United Nations Children's Fund (UNICEF), Japanese International Cooperation Agency (JICA), Swedish International Development Agency (SIDA), Asian Development Bank (ADB), and the European Commission (EC). Specifically, ADB is processing the new program on the expansion of upper secondary education with strong focus of math and science. JICA is also preparing their new loan for upgrading 6 Regional Teacher Training Centers to Teacher Education College so as to improve pre-service training for lower secondary teachers. In addition, UNICEF, EC and SIDA implement capacity development program for existing primary school teachers.

8. **Education Strategic Plan (ESP) 2014 – 2018** intends to continue to give highest priority to equitable access to high quality education, especially basic education (grade 1 to grade 9), in order to realize the National Education for All (EFA). ESP 2014-18 also gives a great emphasis on expanding early childhood education, non-formal education, technical and vocational training and opportunities to access secondary and post-secondary education through the continued and improved partnership among the government, development partners, private sector, non-governmental organizations, communities and parents.

### **1.3. PROJECT DEVELOPMENT OBJECTIVES**

9. The PDO is to expand lower secondary education of a minimum standard in target areas, and to provide immediate and effective response in case of an Eligible Crisis or Emergency. This will be achieved through two main components: (i) Improving Lower Secondary Education to Meet Standards through: provision of School Improvement Fund (SIF), upgrading lower secondary teachers, and improving school facilities; and (ii) Strengthening Project Management, Monitoring and Evaluation.

### **1.4. PROJECT DESCRIPTION AND COMPONENTS**

10. Overall, the project is designed to expand lower secondary school access and improve its quality. The project improves the effectiveness of teachers by supporting MoEYS' Teacher Policy Action Plan (TPAP), which aims to professionalize the teaching force in Cambodia. This project in particular will support the upgrading of lower secondary school teachers who do not currently hold a bachelor's degree in the subject area they teach. Moreover, the project will support the development of sub-national school management structures by providing additional support to 100 schools, their respective District Offices of Education (DOEs), and Provincial Departments of Education in all the 25 provinces and capitals. Project support will increase school-based management and financial capacity to achieve school-specific development needs as well as build the monitoring and evaluation systems at subnational education offices.

11. The project will have two components. Sub-components 1.1 and 1.2 will use results-based financing to support the achievement of MoEYS secondary school standards through three interlinked dimensions: (i) strengthening school-based management and (ii) upgrading teachers. For each sub-component, there will be one or two Disbursement-Linked Indicators (DLI) with time-bond targets. These three components will make up the package (or packages) that will be sent to MEF for special arrangement approval. Investment Project Financing will be used for Sub-component 1.3, improving school facilities and Component 2: (i) project management and monitoring and evaluation (M&E) and (ii) Program for International Student Assessment (PISA) for Development.

12. Component 1: Improving Lower Secondary Education to Meet Standards (US\$32.6 million equivalent). This component aims to support the goals of the ESP and the TPAP through the establishment of 100 effective lower secondary schools (i.e., schools that meet LSSSES) that can provide lessons to MoEYS as it increases expenditures in the sub-sector. This component targets approximately 8 percent of total lower secondary schools nationwide. This component will be implemented using a holistic approach, targeting national, sub-national and school levels. This will be achieved through three

sub-components: (i) strengthening school based management through the provision of the School Improvement Fund (SIF) at the POE, DOE and school levels; (ii) upgrading qualification of lower secondary school teachers (especially in math, physics, biology, chemistry, Khmer, and History subjects)<sup>11</sup> and school directors to bachelor's degrees; and (iii) improving school facilities through construction and rehabilitation of 100 existing schools and construction of 30 new schools to provide enabling conditions for effective teaching and learning. The selection of the 100 existing schools and 30 new schools were: (a) need-based and drawn upon an extensive school mapping exercise; (b) based on schools that exhibit a strong community commitment to the project concept and willingness to meet the project's preconditions for selection; and (c) located in rural and remote areas. Component 1.1 targets only 100 existing schools and Component 1.3 targets both 100 existing schools and 30 new schools, while Component 1.2 targets teachers nation-wide with preference given to teachers and school directors/deputy directors from the 130 target schools. Each of these overlapping subcomponents are detailed below.

13. **Sub-component 1.1: Strengthening School-Based Management (approximately US\$14.7 million equivalent through DLI approach).** This subcomponent aims to support capacity development of POEs, DOEs and the 100 targeted Lower Secondary Schools to strengthen service delivery in efforts to: (i) strengthen school management through school development planning, monitoring/assessment of teachers and student performance, and community participation; and (ii) support teachers in improving teaching and classroom management practices, including lessons plan, workbooks, test items, and student assessment/feedback. To achieve the goals of this sub-component, the project will finance (1) SIFs<sup>12</sup> at the POE, DOE and School-levels as well as (2) activities that capacity build staff members at each of these levels..

14. **Sub-component 1.2: Upgrading Teachers (US\$7.3 million equivalent through DLI approach).** Working through the national structure of TPAP, this subcomponent aims to upgrade the qualifications of 2,000 teachers and 310 school directors and deputy directors to bachelor's degrees. The first cohort to be upgraded will be the teachers and directors from the 100 target schools (see sub-component 1.3). The remaining teachers will be upgraded based on national needs identified by TPAP, thus creating a spillover effect. The proposed sub-component activities will focus on demand side scholarships, coving tuition costs and stipends (i.e., transportation and accommodation costs).

15. **Sub-component 1.3: Improving School Facilities (approximately US\$10.6 million through IPF traditional approach).** To complement the two above sub-components, this sub-component will support the physical improvement of 130 target Lower Secondary schools to expand access. This will include: (i) construction and rehabilitation of 100 existing schools<sup>13</sup> and (ii) construction of 30 new schools in the communes lacking a lower secondary school. The schools will cover all 25 provinces in 78 districts. The construction plan of the 130 selected schools will include teacher accommodations where needed and will be carried out through community participation construction method. The selection of the schools will be need-based and draw upon the school mapping exercise undertaken by MoEYS.

16. The MoEYS survey team visited 30 school locations in eight provinces. The main objectives of

<sup>11</sup> The teacher upgrading in math and science connects to the *Cambodia Industrial Development Policy, 2015-2025*, specifically as it relates to the areas of STEM.

<sup>12</sup> The operational guidelines will describe: (i) the process of school self-assessment, planning and budgeting, monitoring and review; (ii) procurement of goods, services; and works; (iii) financial management; (iv) transparency and public reporting; (v) and teacher allowance procedures.

<sup>13</sup> The selection of the 100 existing schools will be based on: (i) schools that exhibit a strong commitment to the project concept and are willing to meet the project preconditions for selection; and (ii) schools with high drop-out rates, low enrollment rates and high student/teacher ratios. The selection of the 100 existing schools excludes the more affluent and/or well-endowed schools (e.g. schools with sufficient teachers, flagship schools in the provincial center, etc.) or schools that receive supports from other donor programs.

the visit were to: i) site screen the school locations, ii) inform concerned parties – POEs (41), DOEs (33), School Support Committees, local authorities, students (304), parents/and communities (212) – about the project and assess their commitment to the project to improve learning outcomes. The team noted high level of enthusiasm from the sites visited. The team mentioned that visits to the remaining sites will be completed by October 2016 and the full need analysis will be completed by January 2017.

17. It was agreed that a standard MoEYS school design will be adopted for school facilities and will follow the successful model used and lessons learned in previously financed World Bank education projects - the Flood Emergency Rehabilitation and Cambodia Education Sector Support Projects. All construction will be permanent structures, with minimum expected lifespan of 25 years, meeting the requirements of the MoEYS School Construction Guidelines, which are described in detail in the Community Construction Manual (CCM). It was agreed that the technical specifications of the standard MoEYS school design would be reviewed by IDA mission by TBD. The updated CCM incorporates environmental safeguards aspects, a more cost effective school construction design to be implemented in rural areas and inclusion of protection against strong wind.

18. **Component 2: Strengthening Project Management and Monitoring and Evaluation (approximately US\$7.6 million equivalent *million through IPF traditional approach*).** This component will cover grant management as well as strengthen monitoring and evaluation capacity in the MoEYS. This component will also finance activities to support the PISA for Development (PfD) to strengthen assessment capacity of MoEYS in preparation for PISA 2021.

19. This component will also support day-to-day implementation, coordination and management of project activities on planning and execution, financial management, procurement, supervision and reporting, internal and external audits, third party verification for DLIs, environmental and social safeguards management, and monitoring and evaluation. These activities will ensure efficient program management and early identification of corrective measures to solve implementation problems. In addition, this component will provide necessary office equipment, vehicles, training/workshops, logistics, and operational costs to relevant MoEYS departments. Furthermore, the project will provide critical and strategic TA and capacity building to support and strengthen relevant departments at all levels during implementation, including TA to TPAP in order to ensure a strong pedagogical component in the upgrading curriculum of each service provider and for on-the-job training at the school level.

## **1.5. SCOPE OF LAND ACQUISITION AND RESETTLEMENT**

20. At this stage, scope of involuntary land acquisition or voluntary land donation is unknown because the 130 targeted schools have not yet been selected and approved by the MoEYS and thus screening for social impacts have not yet been conducted. In addition, scope of construction of each target school is also unknown. Thus, this Resettlement Policy Framework is developed as pre-requisite safeguard document to mitigate potential negative impacts due to either (a) involuntary land acquisition or (b) voluntary land donation. The RPF shall be in compliance with (i) the World Bank (the Bank)'s safeguard policy on Involuntary Resettlement (OP 4.12) and (ii) Cambodia law on expropriation and other relevant policies and procedure and shall be applied to all SEIP Components and activities. After screening, target schools that have involuntary resettlement impacts will prepared either (a) abbreviated resettlement action plan (ARAP), if impact involved less than 200 persons who involuntarily loss of assets, incomes, employment or business or (b) resettlement action plan (RAP), if impact involved 200 persons or over.

21. In addition to this RPF, the Environment and Social Management Framework (ESMF) has been developed to set out the principles, rules, guidelines and procedures to assess the environmental and social impacts. Indigenous Peoples Planning Framework (IPPF) was developed in parallel to this RPF to define the approach and procedures to ensure full benefits and mitigate negative impacts for indigenous peoples groups who may be affected by the Project. Both RPF and IPPF are integral part of ESMF document.

## **2. LEGAL FRAMEWORK REVIEW**

22. The SEIP school construction projects will include construction of new school for commune without lower secondary schools and construction of extended schools building or classroom of existing lower secondary school. Significant social and environmental impacts are not anticipated as the proposed construction activities are mainly within the existing schools and on the public lands. However, the design and specifications of school construction will be guided by safeguards documents prepared in line with applicable national laws and regulations and the World Bank OP4.12.

23. Below are discussion of relevant laws and regulations and gap analysis between Cambodia legal framework and the World Bank OP/BP4.12.

### **2.1. CAMBODIA LEGAL FRAMEWORKS**

#### **Cambodia Constitution 1993**

24. The 1993 Constitution of Cambodia has established two governing principles pertaining to land acquisition.

- iii. Article 44 states that: All persons, individually or collectively, shall have the right to ownership. Only Khmer legal entities and citizens of Khmer nationality shall have the right to own land. Legal private ownership shall be protected by law; and
- iv. The right to confiscate properties from any persons shall be exercised only in the public interest as provided for under the law and shall require fair and just compensation in advance.

25. Some protection for vulnerable groups is also specified in the Constitution in Article 73: “The State shall give full consideration to children and mothers. The State shall establish nurseries, and help support women and children who have inadequate support” and Article 74: “The State shall assist the disabled and the families of combatants who sacrificed their lives for the nation”.

#### **Land Law 2001**

26. The rights to land and property in Cambodia are governed by the 2001 Land Law, which is primarily based on the provisions of the 1993 Constitution. It defines the scope of ownership of immovable properties, such as land, trees and fixed structures.

27. The Land Law, Article 5, states, “No person may be deprived of his ownership, unless it is in the public interest. Any ownership deprivation shall be carried out in accordance with the governing procedures provided by law and regulations, and after the payment of fair and just compensation in advance.”

28. Other provisions of the Land Law that are relevant to land acquisition, compensation and resettlement are:

- xiii. Legal possession is the sole basis for land ownership as defined by law, and all transfers or changes of rights 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);
- xiv. Any regime of ownership of immovable property prior to 1979 shall not be recognized. (Article 7);
- xv. Article 15 states that "the following properties are included as public properties of state and public legal entities: a) any property that has a natural origin, such as forests, courses and banks of navigable and floatable rivers or natural lakes and seashores; b) that is made available for public use such as quays of harbours, port, railways, railways station and airports; or, c) any property which is made available, either in its natural state or after development, for public use such as roads, tracks, oxcart ways, pathways, gardens or public parks and reserved lands;



- xvi. Article 18 states that "the following are null and void and cannot be made legal in any form whatever: (a) any entering into possession of public properties of State and public legal entities and any transformation of possession of private properties of State into ownership rights that was not pursuant to the legal formalities and procedures that have been stipulated prior to that time, irrespective of the date of creation of possession or transformation; (b) any entering into possession of private properties of State, through any means, that occurs after this law comes into effect;"
- xvii. Article 19 states that "any persons whose land title or factual circumstance fall within the scope of Article 18 of this law shall not have the right to claim compensation or reimbursement of expenses paid for the maintenance or management of immovable property that was illegally occupied;"
- xviii. Any illegal and intentional of fraudulent acquisition of public properties of state or of public legal entities shall be penalized pursuant to Article 259 of this law;
- xix. The penalties shall be doubled where any occupation of public properties cause damages or delay to works undertaken in the general interest, especially the occupation of roadway reversed land;"
- xx. Ownership of immovable properties described in Article 25 is granted by the state to indigenous minorities<sup>14</sup> as collective ownership. This collective ownership includes all of the rights and protections as enjoyed by private owners. The exercise of collective ownership rights shall be subject to the responsibility of traditional authorities and decision-making mechanisms of the indigenous community, according to their customs and subject to the laws of general enforcement related to immovable property such as the law on environmental protection. (Article 26);
- xxi. 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 possession 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);
- xxii. Any beginning of occupation for possession shall cease when this law comes into effect (Article 29). After this law comes into force, any new occupant with title to an immovable property belonging to the public bodies or private persons shall be considered as illegal occupant and shall be subject to the penalties provided in Article 259 of this Law (Article 34);
- xxiii. Article 38 states that "in order to transform into ownership of immovable property, the possession shall be unambiguous, non-violent, publically known, continuous and in good faith;" and
- xxiv. Landless people may apply for land for residential and subsistence farming purposes at no cost, as part of a social land concessions 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).

### **The Expropriation Law**

29. The Expropriation Law defines the procedures for acquiring private property for the national or public interest.

- v. Article 2: the law has the following purposes: (a) ensure reasonable and just deprivation of a legal

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<sup>14</sup>As per Article 23 of the Land Law, "An indigenous community is a group of people that resides in Cambodia whose members manifest ethnic, social, cultural and economic unity and who practice a traditional lifestyle, and who cultivate the lands in their possession according to the customary rules of collective use.



right to ownership of private property; (b) ensure payment of reasonable and just prior compensation; (c) serve the public and national interests; and (d) further development of public physical infrastructure;

- vi. Article 7: Only the state may carry out an expropriation for use in the public and national interest;
- vii. Article 8: The state shall accept the purchase of the remaining part of real property left over from an expropriation at a reasonable and just price at the request of the owner of land/or the holder of rights in the expropriated real property, if he is no longer able to live near the expropriated scheme or build a residence or conduct any business; and
- viii. Article 22: Stipulates the amount of compensation to be paid to the owner of and/or holder of rights in the real property, which is based on the market value of the real property or the replacement cost as of the date of the issuance of the *Prakas*<sup>15</sup> on the expropriation scheme. The market value or the replacement cost shall be determined by an independent commission or agent appointed by the expropriation committee.

30. The Law on Expropriation launched in 2010 provides principles, mechanisms, and procedures of expropriation, and defining fair and just compensation for any construction, rehabilitation, and public physical infrastructure expansion project for the public and national interests and development of Cambodia. The Expropriation Law which is largely consistent with the main principles of the Bank's Involuntary Resettlement Policy (OP 4.12) will be adopted by the SEIP for required appropriation of ownership of immovable property or the real right to immovable property of a physical person or legal entity or legal public entity, which includes land, buildings, and cultivated plants, and for construction, for rehabilitation or for expansion of public physical infrastructure.

#### **Sub-decree on Right of Way for National Road and Railroad**

31. The Sub-decree No.197 is to manage the use of right of way (ROW) for national road and railroad for the development in the Kingdom of Cambodia. The Sub-decree defines the ROW for national roads as below (Article 8):

- National Road with 1 digit: ROW is 30 meters measures from the center line
- National Road with 2 digits: ROW is 25 meters measured from the center line

32. The above determination is not applicable for Phnom Penh, provincial towns and other urban areas where a separate ROW will be defined. The Government will compensate to the owner of land affected by the new re-defined ROW as per Article 8 and 9 of this Sub-decree. The compensation will be in accordance with the resettlement policy and Article 148 of the Land Law (Article 13). The Sub-decree did not determine the ROW for other road i.e. provincial roads and district or commune roads and rural road or other road defining the boundary of national or sanctuary parks.

#### **Other Relevant Policies**

33. The private ownership of land was re-established in 1989, and confirmed in 2001. The Land Law (Article 4) enables Cambodians to register the land they occupy with the local Cadastral Administration Office, whereupon a certificate of land title is granted. Issuing land titles is a lengthy process and most offices have a major backlog of applications. People are given a receipt and until the official title deed is issued, this receipt is accepted as a proof of real occupant of the land for land purpose or sale.

34. **Sub-Decree on Social Land Concession, March 2003.** This provides for allocations by the State for private land for the purposes of the alleviation of landlessness and poverty, including the replacement of land lost in the context of involuntary resettlement.

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<sup>15</sup> A "Prakas" is a ministerial or intra-ministerial decision signed by the relevant minister(s). A parkas must conform to the Constitution and to the law or sub-decree to which it refers.

35. **Circular No. 02** dated on February 26<sup>th</sup>, 2007 Stated clearly that i) illegal occupant of state land has no right to compensation and can be punished in accordance to the land law 2001 and ii) illegal occupant who are poor, landless and part of vulnerable group can be provided a plot of land.

36. **MEF Circular No.006** on the Resettlement Implementation Procedure for development projects dated on April 2<sup>nd</sup>, 2014. This new circular instructed clearly the administrative management and role and responsibility of all relevant Implementing Agency and Provinces in implementing the resettlement for development project. The Circular give mandate to General Department of Resettlement (GDR) of Ministry of Economy and Finance and secretariat to Inter-ministerial Resettlement Committee to review and approve the resettlement plan prior to submit to funding agency for final review. GDR also is responsible for coordinating implementation of RP and other resettlement issues.

## **2.2. WORLD BANK POLICY ON INVOLUNTARY RESETTLEMENT (OP/BP4.12)**

37. Involuntary resettlement may cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out. For these reasons, the overall objectives of the Bank's policy on involuntary resettlement are the following:

- i. Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.
- ii. Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
- iii. Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

38. This policy covers direct economic and social impacts that both result from Bank-assisted investment projects, and are caused by

- a) The involuntary taking of land resulting in (i) relocation or loss of shelter; (ii) lost of assets or access to assets; or (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or
- b) The involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

39. This policy applies to all components of the project that result in involuntary resettlement, regardless of the source of financing. It also applies to other activities resulting in involuntary resettlement, that in the judgment of the Bank, are (a) directly and significantly related to the Bank-assisted project; (b) necessary to achieve its objectives as set forth in the project documents; and (c) carried out, or planned to be carried out, contemporaneously with the project.

## **2.3. GAP BETWEEN THE GOVERNMENT'S AND THE WORLD BANK'S POLICY**

40. The World Bank's Policy requires the RGC analyzing and summarizing national laws and regulations pertaining to land acquisition, compensation payment, and relocation of affected persons in their settlement plan. The RGC will compare and contrast such laws and regulations with the Bank's Policy principles and requirements. If a gap between the two exists, the RGC will propose a suitable gap-filling strategy in the resettlement plan in consultation with Bank's officer in charge, or called the Project's

Policy for Compensation and Entitlement describe in the below Section. In general, Cambodia Law on Expropriation and other relevant policy and procedure are in line with the World Bank OP/BP4.12. Below is gap analysis between Cambodia existing laws and regulation to the Bank OP4.12.

**Table 5: Gap Analysis between RGC Legal/Regulatory Framework and the World Bank OP4.12**

Subjects	OP 4.12	RGC	Gap/Project Measures
<b>1. Land Property</b>			
1.1. Policy objectives	<i>PAPs (Project Affected Persons) should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher</i>	<p>The Expropriation Law aim to i) Ensure just and fair deprivation of legal rights to private property; ii) Ensure a fair and just compensation in advance; iii) Serve the national and public interest, and iv) Develop public physical infrastructures (Article 2)</p> <p>Sub-degree on social land concession provide allocation for free state land to landless people of residential or farming purpose, including the replacement of land lost in the context of involuntary resettlement</p> <p>Resettlement practice:</p> <ul style="list-style-type: none"> <li>- Provide income restoration program for all relocated PAPs and for on-site severely PAPs and vulnerable PAPs.</li> <li>- Provide living allowance</li> <li>- Special assistance to vulnerable PAPs</li> </ul>	<p>The SEIP will avoid acquisition of privately owned land and relocation of peoples including indigenous population, thus no impact on livelihood and standard of living is expected;</p> <p>However, sub-projects may result in economic displacement. The numbers would be small if indeed it will occur.</p> <p>Entitlement Matrix is proposed as a gap filling measure taking into account OP 4.12 Policy Procedures</p>
1.2. Support for affected households who have no recognizable legal right or claim to the land they are occupying	<i>Financial assistance to all project affected persons to achieve the policy objective (to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher)</i>	<p>Article 19 [Land Law]: "...any illegal and intentional or deceitful acquisition of the public domain of the State or public legal entity shall be punished..."</p> <p>Article 23 [Expropriation Law]: "The owner and/or the rightful owner has the right to compensation for actual damages commencing from the last date of declaration of expropriation (cut-off date) for which they are entitled to fair and just compensation.</p> <p>Resettlement practice:</p> <ul style="list-style-type: none"> <li>- No compensation for losing productive land located in the public land.</li> <li>- Those who become landless by the project will receive a plot of residential land (7m by 15m = 105m<sup>2</sup>) in the village or village nearby or at relocation site with provision of access road, intra</li> </ul>	<p>Financial assistance to all project affected persons to achieve the policy objective (to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher)</p> <p>Vulnerable and Indigenous PAPs will receive special assistance.</p> <p>Entitlement Matrix is proposed as a gap filling measure taking into account OP 4.12 Policy Procedures</p>

		road network, water and electricity network (if locally available), and individual household latrine. Special assistance to vulnerable PAPs	
1.3. <i>Compensation for illegal structures</i>	<i>Compensation at full cost for all structures regardless of legal status of the PAP's land and structure.</i>	The RGC will not spend national budget to make payments for structures or other items located on the RGC claimed rights of way, i.e. ROW for roads and railroads. (MEF Decision No. 961)  However in real resettlement practice the RGC agreed to provide compensation for such illegal structures at replacement cost without deduction or depreciation of salvage materials plus transport allowance	Compensation at full replacement cost will be given for all structures affected, regardless of legal status of the land and structure.  Entitlement Matrix is proposed as a gap filling measure taking into account OP 4.12 Policy Procedures
<b>2. Compensation</b>			
2.1. <i>Methods for determining compensation rates</i>	<i>Compensation for lost land and other assets should be paid at full replacement costs,</i>	Article 22 [Expropriation Law]: “Financial compensation given to the property owner and/or rightful owner shall be based on a market price or replacement price on the date of declaration of the expropriation. The market price or the replacement price shall be determined by an independent committee or agent selected by the Expropriation Committee.”	Independent appraiser conducts replacement cost study for all types of assets affected in order to establish compensation rate, which are appraised by IRC/GDR to ensure full replacement costs.  Entitlement Matrix is proposed as a gap filling measure taking into account OP 4.12 Policy Procedures
2.2. <i>Compensation for loss of income sources or means of livelihood</i>	<i>Loss of income sources should be compensated (whether or not the affected persons must move to another location)</i>	Article 29 [Expropriation Law]:  - A lessee who is holding a proper lease agreement is entitled to compensation for disruptions arising from dismantling equipment and transporting it to a relocation site. - The immovable property's lessee who is operating a business shall have access to compensation for effects on the business and to just and fair additional compensation for the capital actually invested for the business operation. The compensation shall commence from the date of the declaration on an expropriation project. - For the expropriation of a location where a business is in operation, the owner is entitled to support of additional compensation at a fair	Apply current resettlement practice measures for temporary loss of business income including renter.  Entitlement Matrix is proposed as a gap filling measure taking into account OP 4.12 Policy Procedures

		<p>and just rate for the cost of the property that is actually affected, commencing from the date of the declaration of the expropriation.</p> <p>In resettlement practice owners of relocating shop will receive one-time cash assistance and renter will receive i) transport allowance, ii) disruption allowance, and iii) rental allowance.</p>	
2.4. Livelihood restoration and assistance	Provision of livelihood restoration and assistance to achieve the policy objectives.	The government has no clear policy in this regard. However, income restoration program is provided under the multilateral funded projects. TOR is included in RAP and contracted agency is carried out the IRP under supervision of IRC	<p>Income restoration program is not expected, as there is no physical displacement and severely PAP.</p> <p>Entitlement Matrix is proposed as a gap filling measure taking into account OP 4.12 Policy Procedures</p>
2.5.Consultation and disclosure	Participation in planning and implementation, specially confirming the eligibility criteria for compensation and assistance, and access to Grievances Redress Mechanisms	Article 16 of Expropriation Law: In conducting this survey, the Expropriation Committee shall arrange a public consultation with the authorities at capital, provincial, municipal, district, khan levels, and with the commune and Sangkat councils and village representatives or the communities affected by the expropriation in order to give them clear and specific information and to have opinions from all concerned parties about the proposal for a public physical infrastructure project.	<p>Extensive consultation and participation will be conducted at every stage of RAP planning and implementation.</p> <p>Entitlement Matrix is proposed as a gap filling measure taking into account OP 4.12 Policy Procedures</p>
<b>3. Grievance redress mechanism</b>			
Procedures for recording and processing grievances	<p>Grievance redress mechanism should be under Government Officials</p> <p>Responsibilities for handling grievances with clear procedures for recording and processing grievances</p>	<p>Grievance redress mechanism is stated in the Expropriation Law but it has provision to exclude public infrastructure projects</p> <p>In resettlement practice every project that involve involuntary resettlement Grievance Redress Committee is established from commune to provincial level</p>	<p>Grievance Redress Committee will be established in every province where target schools are located in by following the guidance of the RPF</p> <p>Entitlement Matrix is proposed as a gap filling measure taking into account OP 4.12 Policy Procedures</p>
<b>4. Monitoring &amp; Evaluation</b>			
	Internal and external independent monitoring are	Not addressed	Both internal and external (independent) monitoring is required.



	<i>required</i>		Monitoring indicators will be developed and end-of-project report will be done to confirm whether the objectives of OP 4.12 were achieved.
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### 3. POLICY FRAMEWORK FOR LAND ACQUISITION AND COMPENSATION

#### 3.1. OBJECTIVES AND PRINCIPLES

41. Previous and similar projects carried out by the MoEYS indicated no land acquisition as all school facilities were constructed on land owned by MoEYS or other publicly owned land. This RPF, therefore, has been prepared, as part of the Environmental and Social Management Framework (ESMF) for the Cambodia SEIP Project, to provide guidance to MoEYS and its PMC for decision-making in situations where the proposed target schools may require the use of land on a temporary or permanent basis and on voluntary land donation or involuntary land acquisition required for construction of school facilities within the target schools. It also applicable for land that had already been acquired prior to Bank-financing for sites supported by the Project. Accordingly, the RPF has been prepared to set out the policies and procedures for preventing or mitigating adverse impacts related to involuntary land acquisition and resettlement as a result of a proposed school construction. This RPF also sets the process that needs to be duly implemented regarding voluntary land donation.

42. The purpose of the RPF is to ensure that all people affected by the project are able to maintain or improve their pre-project living standards. The objective of the RPF is to avoid or minimize involuntary resettlement and to provide a framework for assessing concerns of PAP and PAH who may be subjected to loss of land, assets, livelihoods and living standards because of the proposed school construction project activities.

43. The Bank *Involuntary Resettlement* (OP/BP 4.12) policy is triggered when two related processes occur. In the first instance, a development project may cause people to lose land, other assets, or access to resources which may cause disruption to, or loss of, livelihood (i.e., property and assets), well-being and/or other entitlements. In the second instance, if relocation and resettlement is warranted. The policy ensure that those who are affected by the development project will be compensated and their livelihood and living standard will be assisted or at least restored to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

44. The RPF details the instruments and plans, actions, and measures to be taken during initial stages of project construction design and prior to feasibility and subsequent implementation. The RPF establishes guidelines for determining land loss eligibility and includes a description of what a voluntary land contribution might entail. However, as the SEIP are in the planning stages and a definitive decision has not been made by the MoEYS/PMC and the WB about which target schools will be funded, the RPF does not have comprehensive baseline information to define detailed compensation packages. These determinations can be completed at the Abbreviated Resettlement Action Plan (ARAP) or Resettlement Action Plan (RAP) stage of project implementation when more comprehensive and up-to-date site-specific project information is available.

45. The RPF will be considered applicable if the constructions of target schools affect households and indigenous communities which may be displaced, even on a temporary basis. Situations which may be subjected to land acquisition or relocation of PAP and PAH involve physical works, such as construction of new lower secondary school in communes without such school, construction of extended school building or classrooms in the existed schools. In these situations, social screening typologies will

help decision-makers determine the safeguards measures for avoiding or mitigating adverse effects.

46. Following the existing Cambodia laws and regulations, most aspects of the WB *Involuntary Resettlement* (OP/BP 4.12) are adequately addressed in Cambodian law, particularly the Law on Expropriation. The overarching objective of the SEIP in relation to land and asset acquisition is to assist the PAP in restoring their livelihoods at least to the level equal to their pre-project level. Specific principles that apply for SEIP include:

- (xi) Construction of new school or construction of extended school building or classrooms is to avoid acquisition of privately owned land and relocation of peoples including indigenous population;
- (xii) Ensure design standards minimize the need to impose land use restrictions on adjoining areas;
- (xiii) Develop fair and transparent procedures, as defined in the Entitlement Matrix of this RPF to determine compensation for (i) temporary loss of land and/or assets during construction; (ii) permanent acquisition of land and/or assets; and (iii) restrictions on use of land;
- (xiv) Acquire land (or right to use land) through negotiated agreements and with the use of the power of eminent domain only as a last resort;
- (xv) Upon completion of construction, restore land as best as possible to its original condition in the event of temporary disruption so as to enable landowners/users/lessees to resume their pre-project activities;
- (xvi) Keep PAP and PAH, and communities fully informed about the school construction project(s), the process that will be followed to acquire and compensate for land, and their related rights and avenues for redress;
- (xvii) Ensure that aggrieved PAP and PAH will have redressed and recourse options and that solutions are in line with principles stipulated in this RPF and, importantly, are employed;
- (xviii) All PAP and PAH, without regard to legal status of property, will receive support of various kinds, as per the principles set out in the Entitlement Matrix, to assist them in their efforts to maintain their livelihoods and well-being prevailing prior to the SEIP Project. Squatters will not be compensated for loss of land but will receive compensation for loss of other assets which had been established prior to the cut-off date, and for loss of income such that they are assisted in their efforts to maintain their livelihoods and well-being. Detailed measures to be implemented will be determined based on census and baseline socio-economic survey conducted when the ARAP/RAP is developed;
- (xix) PAP and PAH will be notified of the project implementation schedule and consulted regarding the principles of land acquisition and loss of or damage to assets; and
- (xx) Damages to assets, such as standing crops, trees, fences and kiosks, and loss of income (including loss of harvest) will be minimized, if inevitable, it will be compensated without regard to legal status of ownership according to the Entitlement Matrix illustrated in Table 6.

### **3.2. CATEGORIES OF DISPLACED PERSONS**

47. The school construction activities may have both positive and negative impacts on people but vary degrees depending upon the circumstances. It is reasonable to assume that while the proposed target schools will have positive impacts on a large majority of the population, only a limited number of persons are likely to be negatively impacted by certain activities related to proposed construction activities. The issue of concern here is to provide an estimation of the latter and the likely categories of displaced persons. However, the fact



that the target schools where the respective activities are to be located are currently unknown makes it very difficult to provide a reasonable estimate of such persons or, who would be directly or indirectly affected for inclusion in the RPF. However, PAPs can be categorized into three types and will be entitled to receive compensation based on type of assets affected and scope. The three categories of PAPs and his/her entitlements include:

- a) **Legal owner.** If a person or household, who is a legal owner of land (with land title) as defined under the Land Law, loses fixed assets or access to agricultural land in the planned SEIP area, he/she is entitled to receive compensation for land and assets. All PAPs are identified in the Project impacted areas as of the date of the Detailed Measurement Surveys. They are entitled with rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income earning capacity and production levels.
- b) **Recognizable owner.** Refer to a person or household who has no land title but he/she is legitimate as owner, collective or co-owner, and customary land right under the Land Law. A person falling under this category will be entitled to the same as a legal owner.
- c) **Unrecognized/unauthorized user.** Refers to a person or household who are using or residing on public land or other land that is prohibited under the Land Law. A person falling under this category will not be entitled for land compensation. However, he/she will be entitled for compensation, at replacement cost, for fixed assets he/she owned, apart of land. He/she may request for proof of ownership of the non-land affected assets. Additionally, he/she will also be entitled for livelihood restoration and/or special assistance if he/she is severely affected and/or fall under the special consideration (the vulnerable group).

### 3.3. ELIGIBILITY CRITERIA

48. All PAP and PAH comprises of different populations, including ethnic minorities and vulnerable groups, will be provided with compensation and/or assistance if: (i) their land area is reduced more than 5% percent of their total properties; (ii) income source is adversely affected; (iii) houses partially or fully demolished; and (iv) other assets (i.e., crops, trees, and facilities) or access to these properties will be reduced or damaged due to land acquisition. Lack of legal documents of their customary rights or occupancy certificates will not affect their eligibility for compensation.

49. Two forms of acquisition of land will be considered eligible under the Cambodia SEIP Project including:

- **Voluntary Land Donation:** will be accepted as long as the free, prior, and informed consultation process is followed and adhered to the voluntary land donation framework. As such, PAP and PAH or indigenous community have the right to make a contribution of land or other assets of their own volition without seeking or being given any form of compensation. These situations can be justified because the construction of school facilities will increase the value of PAP and PAH remaining property or provide some other direct, indirect or induced effects.
- **Involuntary Land acquisition and resettlement:** as mentioned above persons (i) whose land area is reduced more than 5% percent of their total properties; (ii) income source is adversely affected; (iii) houses partially or fully demolished; and (iv) other assets (i.e., crops, trees, and facilities) or access to these properties will be reduced or damaged due to land acquisition will receive compensation at replacement cost and/or other assistance. Eligibility criteria and entitlement will be updated in ARAP/RAP.

50. This RPF will apply to all proposed target school construction and other related activities under the SEIP funded by the World Bank. The policy applies to all PAP regardless of the number or the severity of the induced impact. As mentioned, particular attention is to be given to the needs of different populations, including ethnic minorities and vulnerable groups.

### **3.4. ENTITLEMENTS' MATRIX**

51. The Entitlement Matrix (Table 2 below) is developed as the gap filling measures for the SEIP summarized different types of impacts, which APs are eligible and their entitlements for compensation; and, provides guidance on implementation issues.

**Table 6: Entitlement Matrix for Involuntary Resettlement**

TYPE OF LOSS	ELIGIBLE PERSONS/HOUSEHOLD	ENTITLEMENTS	IMPLEMENTATION ISSUES
<i>A. LOSS OF LAND</i>			
PRIVATE LAND			
I. Loss of Land: Either Partial or Entire Land	<ul style="list-style-type: none"> <li>▪ All PAH with recognized or recognizable proof of ownership whose land will be acquired.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Land for land replacement with similar quality and productivity; or</li> <li>▪ Cash compensation at replacement cost.</li> </ul>	<ul style="list-style-type: none"> <li>▪ PAH to be notified at least <u>30 days</u> in advance before the start of civil works in the locality of the actual date that the land will be acquired by the project.</li> <li>▪ Inter-ministerial Resettlement Committee (IRC) will ensure payment of all compensation for which PAH are entitled to at least <u>30 days</u> prior to the commencement of civil works.</li> </ul>
STATE PUBLIC/PRIVATE LAND			

I. Partial Loss of Residential and/or Commercial Land, in which the remaining land is STILL VIABLE for continued use	<ul style="list-style-type: none"> <li>PAH with main house and/or small shop (independent/family-owned business)</li> </ul>	<ul style="list-style-type: none"> <li>PAH must be removed entirely from state public/private land without compensation for such lose of land.</li> <li>No new permanent or non-permanent structures (i.e. structures on a foundation or wooden house larger than the affected one or small store) are permitted to be re-constructed.</li> </ul>	<ul style="list-style-type: none"> <li>PAH to be notified at least <u>30 days</u> in advance before the start of civil works in the locality of the actual date that the land will be acquired by the project.</li> <li>If PAP fully occupies state public/private land the remaining portion remains state public/private land.</li> <li>All new structures will not be compensated if needed for further development in the future.</li> </ul>
II. Entire Loss of Residential or the remaining land is NOT VIABLE <sup>16</sup> for continued use (Landless PAH)	<ul style="list-style-type: none"> <li>PAH with main house or shops affected by the project.</li> </ul>	<ul style="list-style-type: none"> <li>No cash compensation for affected state public/private land.</li> <li>Land replacement by land in a resettlement site or nearby village provided by the RGC</li> <li>In case resettlement site is developed, land replacement by land is provided in a resettlement site with basic infrastructures will be provided by RGC. A land plot will be 7.0m x 15.0m = 105.00m<sup>2</sup> per landless PAH. Or a plot of land (same size) located within the same village if available</li> <li>Land title for the land plot in the resettlement site with names of husband and wife will be provided to each household after five consecutive years of living on the land.</li> </ul>	<ul style="list-style-type: none"> <li>PAH to be notified at least <u>30 days</u> in advance before the start of civil works in the locality of the actual date that the land will be acquired by the project.</li> <li>Remaining land remains state public/private land.</li> </ul>
III. Loss of productive land use, either partial or entire land lose	<ul style="list-style-type: none"> <li>All PAHs occupying land or using land belong to public/state</li> </ul>	<ul style="list-style-type: none"> <li>No cash compensation is provided</li> </ul>	<ul style="list-style-type: none"> <li>PAPs to be notified at least 90 days in advance prior to the start of civil works in the locality of the actual date that the land will be acquired by the project</li> <li>PAPs will not be moved from the land without justification (i.e. unless or until the land is required by the project.</li> </ul>

**Table 6 (Cont'd.)**

TYPE OF LOSS	ELIGIBLE PERSONS	ENTITLEMENTS	IMPLEMENTATION ISSUES
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<sup>16</sup> The size of viable land will be discussed between IRC-WG and the PAH during the detailed measurement survey (DMS).

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## B. LOSS OF STRUCTURES

I. Partially loss of Houses or Shop/Store;  “Entirely lost or partially lose but remain portion is not viable for use is not allowed under the project”	▪ All the PAH confirmed to be residing in, doing business within the project affected area before and on the Cut-off Date.	▪ Cash compensation at replacement cost without deduction for depreciation or salvageable materials.	▪ PAH to be notified at least <u>30 days</u> in advance before the start of civil works in the locality of the actual date that the land will be acquired by the project.  ▪ PAH to get cash compensation at least <u>30 days</u> ahead of civil works in the locality to allow the PAH sufficient time to gradually reorganize the house and/or shop, thereby avoiding any disruption in their livelihood.  ▪ PAH must completely cut and move back the affected land within <u>30 days</u> after receiving compensation.  ▪
II. Other Structures (porch, extended eaves, spirit house, fence, etc.)	▪ All the PAH confirmed to be residing in, doing business within the project affected area before or on the Cut-off Date.	▪ Cash compensation at replacement cost without deduction for depreciation or salvageable materials.	▪ PAH to be notified at least <u>30 days</u> in advance before the start of civil works in the locality of the actual date that the land will be acquired by the project.  ▪ IRC will ensure payment of all allowances for which PAH are entitled to at least <u>30 days</u> prior to the scheduled start of civil works.

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## C. LOSS OF CROPS AND TREES

I. Loss of Crops	▪ Owners of crops regardless of land tenure status	▪ To the extent possible, PAH will be allowed to harvest their annual and perennial crops prior to construction.  ▪ If crops cannot be harvested due to construction schedule, PAH are entitled to cash compensation for the affected crops at replacement cost.	▪ Annual Crops – PAH will be given <u>90 days</u> ’ notice that the land on which their crops are planted will be used by the project and that they must harvest their crops before the civil work.
II. Loss of Fruit or Shade Trees	▪ Owners of trees regardless of land tenure status	▪ Fruit trees will be compensated in cash at replacement cost.	▪ PAH to be notified at least <u>90 days</u> in advance before the start of civil works in the locality of the actual date that the land will be acquired by the project.  ▪ Remaining ROW is still public state land.

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**Table 6 (Cont'd.)**

TYPE OF LOSS	ELIGIBLE PERSONS	ENTITLEMENTS	IMPLEMENTATION ISSUES
<b>D. LOSS OF COMMON PROPERTY RESOURCES</b>			
I. Partial or Entire Loss of Community and/or Public Assets (i.e. pagoda gate, school, health center fences) resulted from infrastructure improvements	<ul style="list-style-type: none"> <li>Affected communities or concerned government agencies who own the assets</li> </ul>	<ul style="list-style-type: none"> <li>Replacement by similar structures and quality at the area identified in consultation with affected communities and relevant authorities.</li> </ul>	<ul style="list-style-type: none"> <li>Communities to be notified at least <u>30 days</u> in advance before the start of civil works in the locality of the actual date that the land will be acquired by the project.</li> </ul>
<b>F. TEMPORARY IMPACTS AND ALLOWANCE</b>			
I. Temporary loss of business income	<ul style="list-style-type: none"> <li>Owners of assets</li> </ul>	<ul style="list-style-type: none"> <li>Lump sum cash assistance equivalent to US\$50</li> </ul>	<ul style="list-style-type: none"> <li>Disruption period should be no longer than 30 days or</li> <li>Business shall be fully resume not more than 30 days</li> </ul>
II. Vulnerable and Indigenous AHs	<ul style="list-style-type: none"> <li>PAPs</li> </ul>	<ul style="list-style-type: none"> <li>One time cash assistance equivalent to US\$100</li> </ul>	<ul style="list-style-type: none"> <li>All vulnerable PAPs shall be the beneficiary of the project</li> </ul>

### 3.5. ASSETS VALUATION METHODS

52. Replacement cost study (RCS) is the basic document detailing methodology for calculating unit cost for compensation of all kind of affected assets i.e. land, main structure, secondary structures, scope and trees and other rehabilitation assistance. RCS will be conducted by an independent expert who is knowledgeable about the construction material price and property valuation. Bill of Quantity Method is normally used to derive unit cost of every affected structure.

53. Some relevant terms which will help the reader to assess entitlement and compensation for eligible PAP and PAH include:

- **Replacement Cost Study (RCS).** The main objective of the RCS is to determine the rate of land prices based on actual transaction records of the affected areas, of affected main and secondary<sup>17</sup> structures, and of fruit trees, trees and crops. Based on the results of RCS, the PAH will receive compensation at replacement cost (reflecting market price) from RGC for their loss of land and property due to the Project. The RCS will be implemented during the DMS;
  - **Unit Costs for Lands.** The affected private lands were divided into four main categories: (1) rice field, (2) orchard, (3) residential land, and (4) commercial lands. The way to obtain data on market rates is to gather data on recent land sales, however sale cost recording could not be found at/around the Project area. Therefore, data of recent sales were collected by direct interviews with (i) land owners at/around the Project area who are both PAHs and non-PAHs, and (ii) local authorities at/around the project area. Per results of the RCS, the unit costs of land covered with recognized proofs of ownership, structures, crops, perennials, and timber trees in districts and communes traversed by the project road are provided;
  - **Unit Costs for Structures.** The houses/structures affected by the project have been categorized into two main groups – house/dwelling and other structures. The methodology employed for costing house/structures were composed of quantity survey and detailed measurement of the component parts of each structure. Labour costs were also assessed at market prices for the structure as a whole based on the information provided by local building contractors on regional basis. Other structures such as wells and fences, and cultural assets such as stupa (Chedey), have to be compensated at their market price, and the results of the specific rates of structures are provided; and
  - **Unit Costs of Crops and Trees.** The data will be collected through interviews on the income at which owners/cultivators of crops and trees at the project area. The market rates of crops and trees have been calculated based on the yield and the period of maturity of trees and crops as determined from interviews with farmers. The formula used for fruit trees is as follows:

54. 
$$\text{Fruit Trees} = ((\text{quantity of harvested per year} \times \text{market price}) \times (\text{number of years it will mature})) + \text{cost of seedling}$$
- Perennial trees that have a growth period of more than five (5) years have been classified as follows:
    - Sapling tree under 1 year will not be compensated as it can be replanted;

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<sup>17</sup> This includes fences, wells, pig pens, toilets, kitchens, etc.



- Young tree (1-3 years): will be valued at one-third (1/3) of its full price because it can be replanted;
- Young tree (3-5 years), bearing some fruit will be valued at two-thirds (2/3) of its full price; and Mature tree (more than five years) fully bearing fruit will be compensated at full price.

### 3.6. SPECIAL CONSIDERATIONS

55. **Vulnerability and gender:** SEIP recognizes that certain social groups including indigenous peoples may be less able to restore their living conditions, livelihoods and income levels and has incorporated these concerns into the preparation and implementation of project activities through an adoption of participatory planning and decision making process.

56. During implementation, the Project will give special attention to women and female households as beneficiaries of the project investment i.e. employment in construction work. Equal participation of women in the whole cycle of the project activities will be provided to increase likelihood of the project sustainability. Active participation of women and indigenous groups will be ensured during the development of appropriate measures to be responsive to specific needs or concerns of these groups such as landless, poor, and households headed by women, disabled, elderly or children without means of support. A gender strategy and indigenous groups specific actions will be developed and included in ARAP/RAP.

### 3.7. GENDER STRATEGY

57. The following principles are adopted to engage women actively in the planning and implementation of the resettlement program as well as other programs.

Compensation payments will be signed off by both spouses, or in the case of female-headed households, by the women.

The civil works contracts will include employment targets for the poor, and women from the Project affected villages and local area. They will also include commitments to gender equity including: i) ensuring that no child labor or trafficked labor will be used; ii) no discrimination against the employment of qualified women; and iii) no differential wages paid to men and women for work of equal value.

Special measures will be taken in disseminating information to and consulting with women to ensure that they understand clearly the policies, entitlements and other procedures of the resettlement program, and are able to make informed decisions.

The resettlement information system for the project will ensure that all databases and monitoring indicators are disaggregated by gender.

The PMT will provide training for all resettlement committees to build capacity in resettlement administration and to enhance gender sensitivity in resettlement management.

58. See Annex 1A for Gender Action Planning Matrix.

## 4. RESETTLEMENT PROCESS AND APPROVAL

### 4.1. SAFEGAURD SCREENING

59. Once the target schools are approved social screening will be conducted by PMT-SSFP in order to identify if lands and/or assets are voluntarily donated, relocated or involuntarily resettled, and/or other issues associated with proposed school construction activities in their respective footprint. As results, ARAPs or RAPs will be prepared for target schools with potential adverse involuntary resettlement impacts either temporarily or permanently. Apart from ARAP/RAP, Due Diligent Report (DDR) will be prepared for the target schools without involuntary resettlement impact and/or where lands are voluntarily

donated by community or people. For optimum planning, screening should take place during the initial stages of the RPF process so that the SSFP is well informed to develop either ARAP/RAP or DDR for voluntary land donation for the respective target school.

## **4.2. PREPARATION AND APPROVAL OF ARAP/RAP**

60. The MoEYS/PMC in association with GDR of the MEF (secretariat of the Inter-Ministerial Resettlement Committee) provides the general direction for planning the relocation and involuntary acquisition process, ensures coordination between various stakeholders concerned with the SEIP including those directly connected with relocation and monitoring implementation. Prior to commencement of school construction, stakeholders from the target school where there is potential resettlement impact will be consulted to establish planning principles and work arrangements aimed at identifying and mitigating adverse social impacts induced by the construction activities. The ARAP/RAP will obtain information through baseline surveys, valuation of properties, and a determination regarding compensation, whether in the context of temporary or permanent relocation and compensation or in the context of mitigating other project related social impacts.

61. The ARAP/RAP preparation must include the following precepts for PAP and PAH so that they are:

- Informed about their options and rights pertaining to relocation and compensation;
- Consulted on, offered choices among, and provided with technically and economically feasible relocation and/or compensation alternatives; and
- Provided prompt and effective compensation at full replacement cost for losses of assets and access which are attributable to the project.

62. Adequate public consultation and participation are mandatory requirements of the ARAP/RAP process. In addition, PAP and PAH must be made aware of:

- Their options and rights pertaining to land donation, relocation and/or compensation;
- Specific technically and economically feasible options and alternatives for relocation or resettlement sites;
- Process of and proposed dates for relocation, resettlement and/or compensation;
- Effective compensation rates at full replacement costs for loss of assets and services; and
- Proposed measures and costs to maintain or improve their standards of living and livelihood.

63. The ARAP/RAP requires site-specific comprehensive information to identify the following parameters:

- Persons who will be affected (positively and adversely) by the school construction activities;
- Persons eligible for compensation and/or assistance; and
- Type of land donation, if any, and/or assistance required.

64. Following completion, the ARAP/RAP will be submitted to IRC/GDR for review and approval prior to submitting to the World Bank.

65. The ARAP includes the following information:

- i. Brief description of the target school project, location and its impacts;

- ii. Consultation with PAP and PAH;
- iii. Baseline information of PAP and PAH;
- iv. Category of PAP and PAH by degree and type of impacts;
- v. Entitlement for compensation, allowances and rehabilitation or restoration assistance by category of impacts in a compensation matrix;
- vi. Information on relocation site, where applicable;
- vii. Institutional responsibilities for implementation and monitoring;
- viii. Grievance redress procedures;
- ix. Estimated cost of resettlement and yearly budget; and
- x. Time-bound plan for implementation.

66. A target school project that affects more than 200 people in terms of loss of assets and livelihoods requires a RAP to be conducted. Typically, the RAP would include the following:

- i. Brief description of the sub-project, location and its impacts;
- ii. Principles and objectives governing resettlement preparation and implementation;
- iii. Legal framework assessment including gap analysis;
- iv. Baseline information of PAP and PAH;
- v. Category of PAP and PAH by degree and type of impact(s);
- vi. Entitlement to compensation, allowances, and rehabilitation or restoration assistance by category of impacts in a compensation matrix;
- vii. Information on relocation site together with socio-economic conditions on the secondary PAP and PAH and host communities;
- viii. Institutional arrangement for planning and implementation;
- ix. Participatory procedures during planning and implementation;
- x. Grievance redress procedures;
- xi. Estimated cost of resettlement and annual budget;
- xii. Time-bound action plan for implementation; and
- xiii. Internal and external monitoring procedures, including the terms of reference (TOR) for external monitoring and evaluation.

67. Annex 2 provides Resettlement Plan formats including annotated ARAP and RAP documents. ARAP/RAP will be prepared by MoEYS/PMC's social safeguard focal person with assistance from social safeguard consultant and submit to IRC/GDR for review and approval prior to further submitting to the World Bank.

68. For ease of work, it is recommended that ARAP/RAP will be prepared on provincial basis. It means that target schools within same provinces with potential involuntary resettlement impacts will be included in one ARAP/RAP.

### 4.3. VOLUNTARY LAND DONATION FRAMEWORK

69. The Screening process clearly prohibits investments that require involuntary physical relocation of households. However, where minimal land acquisition is unavoidable, it may occur on a voluntary basis or with compensation (possibly in-kind) provided by the grant-recipient (typically the commune), but not out of the Project funds. In accordance with community customary practices, villagers may choose to voluntarily contribute land or assets without compensation. This can often be justified because the Project will either increase the value of the remaining property or provide some other direct benefit to the affected people; provisions for voluntary land donations are included in **Annex 3 Voluntary Land Donation Protocol and Land Study**.

70. **Scope of voluntary land donation:** Voluntary land donation is applied for beneficiary communities with no involuntary land acquisition and based on community-driven demand. Voluntary Land Donation (VLD) will be accepted when small areas of private land and assets where the affected users of the assets and land have agreed to give their land and other assets as a voluntary contribution to the project and he/she is the project beneficiary. No individual or family will lose more than **5%** of their land, or other assets worth more than **400,000 Riels**. Smallholder of residential land with area of 300m<sup>2</sup> or lesser will not be allowed for VLD. Additionally, land portion to be voluntarily donated shall be free of house, structures or other fixed assets. Voluntary donation for the construction of office building, for instance, will not be allowed. For this type of project, the Commune/Sangkat Council, with assistance from school principal and Social Safeguard Focal Person (SSFP), should prepare a report showing that the land users have been fully informed about the project, and about their right to refuse to give their land and other assets without compensation. This report is called the **“Voluntary Land Donation Report”**.

71. **Voluntary contribution is an act of informed consultation.** The Project staff will assure that voluntary donation are made with the prior knowledge that other options are available including compensation in replacement values, and are obtained without coercion or duress. PAPs have the right to refuse to donate assets and receive their entitlement and compensation for their land and assets lost. They will be fully informed of their rights and access to grievance mechanisms described in this RPF.

72. **Due Diligence.** The voluntary land donation due diligence will be documented in the investment's feasibility assessment report and will incorporate at a minimum the following:

- (i) Verification and documentation that land required for the project is given voluntarily and the land to be donated is free from any dispute on ownership or any other encumbrances;
- (ii) Verification that no individual household will be impoverished by the land donation (i.e., no more than 5% of total land holding donated) will require that community development groups negotiate livelihood restitution measures such as reduction in operation and maintenance fees or sharing of cultivable land of other beneficiary community members;
- (iii) Verification that land donation will not displace tenants or bonded labor, if any, from the land;
- (iv) Meaningful consultation has been conducted in good faith with all potential land donors. Documented verification that land donors are in agreement with the sub-project and its benefits. Separate discussions to be held with women and community groups as required to facilitate meaningful participation; and
- (v) Assurance that a community mechanism for investment activity implementation is operational and has a fair system of grievance redress, as well as a system for project monitoring and reporting.

73. **Documentation.** PMC social safeguard focal person will document the voluntary land donation due diligence report in each beneficiary community that requires donation of private land. They will ensure completion of the written consent form for land donation (see sample in Annex 3). The donation will be verified by two witnesses who are community leaders but not the direct beneficiaries of the investment activity, to ensure that the land was voluntarily donated without any form of duress. The voluntary land donation due diligence information will be verified during sub-project detailed design and updated as necessary.

74. **Voluntary Land Donation Monitoring.** The voluntary land donation issues will be monitored by district/Khan facilitators, PMC team and the World Bank periodically review the land donation agreement forms and randomly interviewing the donors. During review missions, WB will verify that land donation due diligence has been conducted in accordance with the above procedures.

75. **Grievance Redress Mechanism.** Anticipated grievances may relate to coercion for land donation or donation of more than 5% of private land holding, leading to impoverishment. Any complaint will go to the grievance redress committee (GRC) established for the Project. Procedure for handling the complaint describe in the following section.

## 5. ORGANIZATIONAL PROCEDURES FOR RESETTLEMENT

### 5.1. MINISTRY OF EDUCATION, YOUTH AND SPORTS (MOEYS) AND PROJECT MANAGEMENT COMMITTEE (PMC)

76. **The MoEYS** has overall responsibility for implementing the entire Project as well as the implementation of voluntary land donation due diligence process and the RPF. If there is involuntary resettlement and land acquisition, the MoEYS will request to the (National) Inter-Ministerial Resettlement Committee to deal with resettlement and land acquisition in according to the policies and procedures set forth in this RPF.

77. **Project Management Committee:** PMC is the highest level body established by MoEYS. The overall responsibilities for the oversight of the ESP in order to streamline policy development, strategic planning and implementation decision making processes. The PMC is comprised of MoEYS leaders, including Secretaries of State. The Project Management Team (PMT), led by a Secretary of State and comprised of Directors General and directors of various departments of MoEYS, provides support to the PMC and bears a central role in project implementation. Implementation arrangements have been designed to ensure that overall education policy direction is analyzed from a variety of angles and policy decisions are followed into implementation through the overall coordination of the Directors General. The overall project management structure is as follows:

- The Project Management Team (PMT), led by the Secretary of State in charge of TPAP, will act as Project Director;
- The Under Secretary of State in charge of administration and finance will act as Project Manager;
- The Deputy Director General for Education in charge of secondary education will act as School Grant Program Leader;
- The Deputy Director General of Policy and Planning will act as School Policy and Planning in charge of TPAP; and
- Deputy Director of General Secondary Education Department, in charge of secondary education, will act as Project Coordinator, and other members comprised of Directors General and directors of various departments of MoEYS, will provides support to the PMC and plays a central role in project implementation.

78. **Social Safeguard Focal Person (SSFP):** PMC already appointed a social safeguard focal person to be in charge of safeguard implementation and compliance as per approved IPPF, IPPF, and RPF. He will train to field engineer the use of safeguard tools and conduct regular supervision and monitoring the implementation of RPF and IPPF at site-specific activities and reporting to PMC and the World Bank. With assistance from social safeguard consultant he is responsible for preparing RAP and submitting to IRC/GDR for review and approval prior to submitting to the World Bank.

### 5.2. INTER-MINISTERIAL RESETTLEMENT COMMITTEE AND THE GENERAL DEPARTMENT OF RESETTLEMENT (GDR)

79. If there are resettlement impacts caused by the project, MoEYS will request the GDR/IRC to deal with resettlement impacts. The GDR/IRC, through designated Inter-ministerial Resettlement Committee Working Group (IRC-WG), will work closely with Provincial Resettlement Sub-Committee (PRSC) for coordinating resettlement issues where the school construction project is located and have resettlement impact. In this case, an ad-hoc Provincial Resettlement Sub-Committee Working Group (PRSC-WG) will be established as secretariat to PRSC.

80. **The Inter-Ministerial Resettlement Committee (IRC)** is a collegial body headed by the representative from MEF and composed of representatives from concerned line ministries, such as the Ministry of Interior; MPWT, MLMUPC; MEF and MAFF. Created by the Prime Minister through *Decision No.13, dated 18 March 1997*, in connection with the resettlement of PAHs in the Highway 1 Project (Loan 1659-CAM), it continues to be involved in other foreign-assisted government infrastructure

projects with involuntary resettlement. An IRC will be established on an ad hoc basis for each project upon the request from the Designated Implementing/Executing Agency. The IRC will assume the function of a quasi-regulatory body, ensuring that funds for resettlement are spent properly and that the RPF-RAP is carried out as intended. The technical arm of the IRC is its secretariat, the General Department of Resettlement.

81. The IRC is responsible for the following aspects of involuntary land acquisition and resettlement of projects: (i) take the lead in conducting the DMS, (ii) approval of compensation rates; (iii) reporting to the Government on resettlement activities and request approval, if necessary, including endorsement of land acquisition and resettlement plan (RP); and (iv) disbursement of funds to the Provincial Department of Economy and Finance (PDEF) for paying compensation and delivery of all other entitlements to Displaced Peoples, in accordance with the approved RAP.

82. **The General Department of Resettlement (GDR)** is a secretariat of IRC and will work closely with other relevant institutions to deal with all resettlement issues as a result of the project. The GDR will assist IRC in the following tasks:

- (x) Reviewing and approving the RPF-RAP, and ensuring its consistency with legal and resettlement policy applicable to the Project;
- (xi) Submitting the approved RPF or RAP to WB;
- (xii) Request to Provincial Governor to establish PRSC and PRSC-WG;
- (xiii) Orienting, as needed, PRSC and its WG (PRSC-WG) on their tasks relative to RF-RP updating and implementation;
- (xiv) Manage and supervise the implementation of RP such as DMS;
- (xv) Negotiation and contract making with PAP and PAH;
- (xvi) Securing from the national treasury the budget for carrying out the RAP, and ensuring that funds are available in a timely manner and in sufficient amounts;
- (xvii) Ensuring the approval of all disbursements connected with the implementation of the RAP, such as payment for compensation and other entitlements, acquisition and preparation of replacement plots, operational expenses of personnel, etc.; and
- (xviii) Ensuring that funds for resettlement are spent judiciously; and contracting an External Monitoring Agency to monitor the implementation of the RAP, and ensuring that this is carried out in compliance with the Project resettlement policy and with the loan agreement.

### **5.3. PROVINCIAL RESETTLEMENT SUB-COMMITTEE (THE “PRSC”)**

83. The Provincial Resettlement Sub-Committee (PRSC) is a collegial body set up at the provincial level. Headed by the Provincial Governor or Provincial Vice-Governor, its members are provincial department directors of line ministries represented in IRC, and also the chiefs of the districts and communes traversing along the Project road.

84. The technical arm of PRSC is PRSC-WG, which is headed by a representative of the relevant Provincial Hall. The regular members of PRSC-WG come from the Provincial Government, the Provincial Department of Economy and Finance (PDEF). In an effort to make the whole process of resettlement effective, participatory and transparent, the chiefs of the affected communes and villages in project affected communes will have a seat and be actively involved in the PRSC-WG to tackle matters concerning their respective areas of jurisdiction. PRSC, through PRSC-WG, will have the following functions:



- (vi) Facilitate a sustained public information campaign, ensuring that the public, especially the PAHs, are updated on any development regarding the Project and resettlement activities;
- (vii) Cooperate with IRC-WG in conducting the implementation of RP and assist with public consultation and information disclosure meeting(s);
- (viii) Manage the delivery of compensation and other entitlements to the PAHs;
- (ix) Receive and act on the complaints and grievances of PAHs in accordance with the Project resettlement policy; and
- (x) Maintain a record of all public meetings, grievances, and actions taken to address complaints and grievances.

85. The institutional setup, for resettlement and land acquisition is illustrated in Figure 1 below.

#### **5.4. PROVINCIAL/DISTRICT OFFICE OF EDUCATION (POE AND DOE)**

86. POE/DOE is sub-national level office of MoEYS. POE/DOE is a liaison between school and local community/authority and MoEYS. POE/DOE selected the target schools and proposed to MoEYS for consideration and screening. POE/DOE will cooperate with local authority to assure that school lands are secured for the Project.

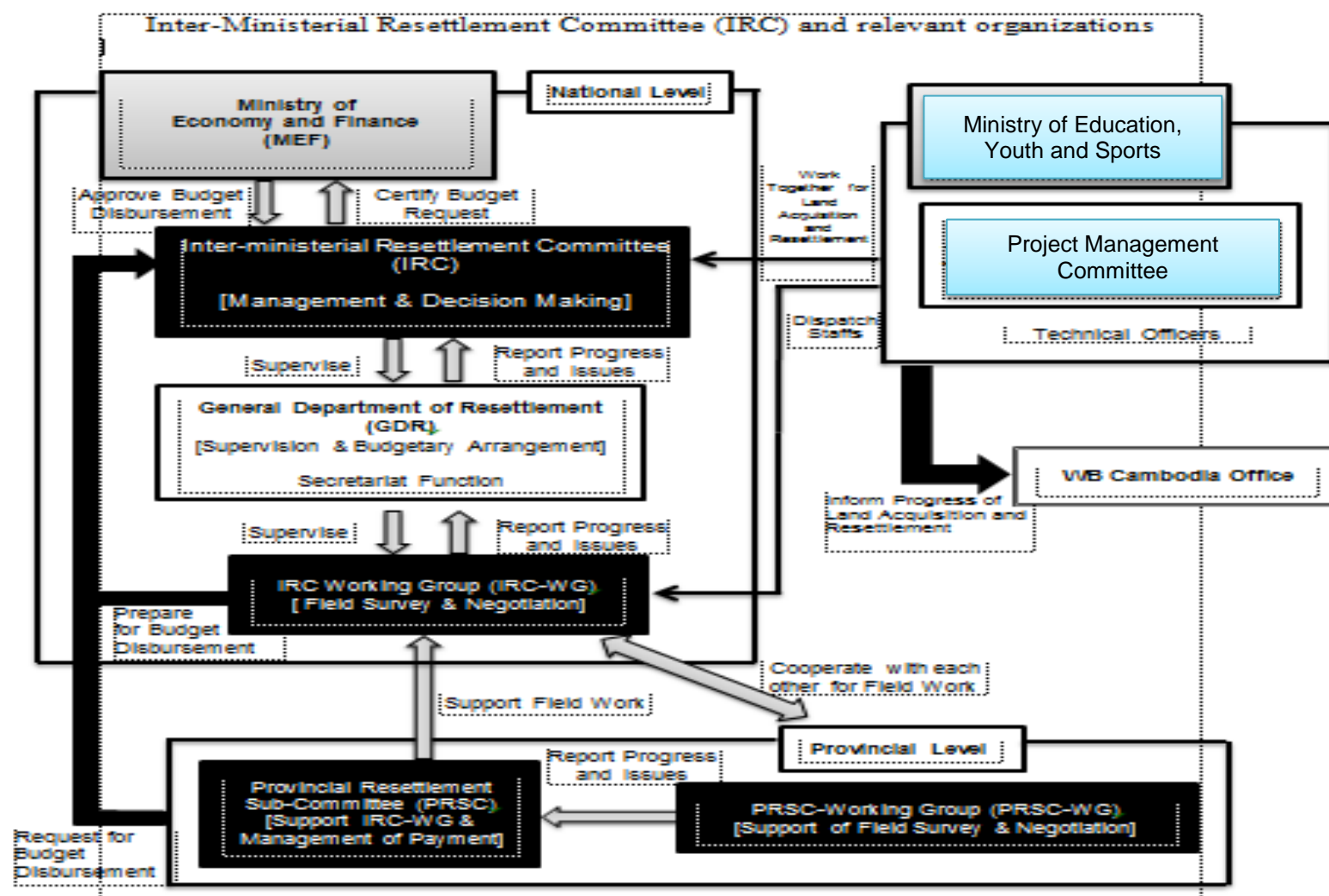
#### **5.5. SCHOOL SUPPORT COMMITTEE (SSC)**

87. School Support Committees of the target schools will be set up, if not yet exist, and trained to use the project operational manual. The Committee will administer the construction works, ensure compliance of safeguard issues and monitor the implementation progress. Members of SSC will include women and elder who is representative of the IP community. SSC will be responsible for (a) coordinating and organizing consultative meeting and public announcement among the stakeholders particularly with student parents; (b) checking construction progress and ensuring compliance to all safeguard related issues; (c) receiving complaint from student parents and communities and send to Grievance Redress Committee for action.

88. If land is acquired either involuntarily or voluntarily must report to PMT, particularly the SSFP, so that the SSFP will take further action in order to comply with this RPF.



Figure 1 Institutional Arrangement for Project-Related Land Resettlement.



## 6. LINKING RESETTLEMENT TO CIVIL WORKS

89. As mentioned, the Cambodia SEIP is not expected to require major physical relocation resulted from construction of school facilities as all construction work will be located in the exiting school and/or public land. Experience from previous projects carried out by MoEYS indicates most of constructions were built on lands belong to MoEYS. However, some unexpected low-level impacts, including disruption of access or damage to property (i.e., land and buildings) or some minor land acquisition in the form of land donation may exist. Such potential minor impact will be clearly determined after target schools are selected and approved during the project appraisal stage and technical design and specification have been finalized.

90. Local communities and households may elect to make a voluntary contribution of affected land without compensation. This situation should only be acceptable when benefits to PAP can be assured. The process of consultation with potential contributors should be conducted in an open and transparent manner with decisions regarding voluntary contributions based on free, prior and informed consultation and unforced choice by affected people. Project authorities, SSFP, must document the consultation process and agreement as part of the project package.

91. All PAP and PAH, without regard to legal status of property, will receive support of various kinds, as per the principles set out in the Entitlement Matrix, to assist them in their efforts to maintain their livelihoods and living standards prevailing prior to the Project. Squatters will not be compensated for loss of land but will receive compensation for loss of other assets which had been established with their own finances, and for loss of income such that they are assisted in their efforts to maintain their livelihoods and well-being. Detailed measures to be implemented will be determined based on the census and socio-economic survey conducted when the ARAP/RAP is developed. Compensation will be paid at replacement cost/value to respective PAP at least 30 days prior to construction commencement so that PAP have sufficient time to remove or relocate their affected structure. Likewise, PAP will be notified 30 days prior to the date of construction commencement.

92. PAP and PAH will be notified of the project implementation schedule and consulted regarding the principles of land acquisition and loss of or damage to assets. Damages to assets, such as, land, structure, standing crops, trees, fences and kiosks, and loss of income, including loss of harvest recorded during with DMS will be further minimized during construction. Any unexpected social impact occur during construction, including disruption, PAP and PAH will be assessed scope of impact, and will be compensated at replacement cost without regard to legal status of ownership according to the Entitlement Matrix provided in this RPF.

93. If construction is delayed for more than 12 months from the date of conducting RCS and the market price is significantly inflated the unit cost for compensation will be updated by conducting updated RCS. Unit cost of all affected assets shall reflect the current market price.

### 6.1. CUT-OFF DATES OF ELIGIBILITY

94. A household survey and census will be arranged as soon as the target schools are screened and adverse social impact is confirmed. PAP will be scheduled the date of public consultation in order to develop the inventory of project impacts on affected household and business. Census and inventory of asset loss shall be conducted immediately after the public consultation with PAP. This is to avoid any opportunists who have been aware of compensation policy. The cut-off date for eligibility shall be established on the date of public consultation and the notification letter for the “cut-off date” shall be drafted and post in the project area (school).

95. The household survey including census, IOL and baseline socioeconomic survey will be used to

record all loss of assets incurred as a result of school construction. Those records will bind a legal instrument for each PAP and shall be signed by PAP, their neighbors and representatives of local government. The compensation eligible to each affected entity will be determined based on the legal instrument/record and the detailed methodology to calculate compensation will be articulated in the RAP.

## **6.2. ARAP/RAP IMPLEMENTATION PROCESS**

96. After request for ARAP/RAP implementation by MoEYS, IRC will mobilize its working group to work closely with PRSC-WG and if required the External Monitoring Agency (EMA) before commencement of any resettlement activities. Land acquisition and relocation of PAH will not commence until the detailed RAP has been reviewed and approved by both IRC and the WB. Several steps are integral to the ARAP/RAP implementation process, including:

- (i) Detailed Measurement Survey (DMS) and Baseline Socioeconomic Survey (BSS): DMS and sample-based BSS will be conducted under management of the IRC-WG based on the approved detailed designed and as requested by MoEYS. The surveys will be implemented by IRC-WG in close cooperation with PRSC-WG and relevant local authorities. Recently, IRC/GDR has outsourced BSS to consulting firm in order to fasten the data collection process that normally takes longer time. DMS will be binding legal document for compensation payment to PAP. Therefore, it is necessary to have it signed by PAP and chief of village and commune of their residency.
- (ii) Replacement Cost Study (RCS): In parallel with the above surveys, the RCS will be conducted by an independent agency hired by IRC. The consultant team will conduct construction materials and other agricultural product market price in and nearby the project area. Land valuation is also part of the study based on selling and buying record. RCS will use the collected data for calculating current market price/value of all affected items identified by DMS and establish unit cost for compensation for each affected items. RCS report including proposed unit cost for compensation will be reviewed and approved by IRC. RCS is required to update if the compensation is not paid within 12 months from the date of conducting RCS or if the marketing price is significantly fluctuated during the course of implementing the ARAP/RAP.
- (iii) Preparation and approval of ARAP/RAP: Based on results of DMS, BSS and RCS, MoEYS will prepare the ARAP/RAP in compliance with the approved RPF and submit to IRC for review and approval prior to further submit to the World Bank for final approval. ARAP/RAP will be updated if RCS is updated or scope of the project is changed leading to change in scope of resettlement.
- (iv) Preparation and approval of resettlement budget: IRC/GDR will be responsible for preparing budget for compensation and other assistance based on the approved budget in the ARAP/RAP and submit to the government for approval and disbursement. Approval of budget is time-consuming. However, the government will make sure that budget for resettlement is made available before commencement of civil work and PAP give sufficient time (at least 30 days) for removal of their affected assets.
- (v) Contract sign and compensation payment: Once the budget is available, IRC-WG will go house-to-house to conduct contract sign for compensation payment. At this stage, it is important that IRC-WG confirm quantity of affected assets by items together with compensation amount. IRC-WG need to request budget for compensation and payment will be paid in the public place accessible to all PAP. For security reason, compensation amount to each PAP will not be publicly

announced. However, independent agency or external monitoring agency will monitor the process and randomly select the PAP to verify their payment amount with the contract.

(vi) Public Disclosure and Information Meeting: Series of public consultative meetings are conducted during the course of ARAP/RAP implementation (see Section 11 for details).

(iii) Notification on Site Clearance: PAP who will be relocated shall be informed about the schedule for the project site clearance and start-up of the physical works. PAP will be given at least 30 days advance notice of the commencement of physical work. Letter of Notification for site clearance will be publicly posted in the school and commune council or head of village house, wherever easy access to PAP.

## **7. TRANSPARENCY AND GRIEVANCE MECHANISM**

### **7.1. GRIEVANCE REDRESS COMMITTEE**

97. The World Bank's resettlement policy requires an investment project to establish mechanism for grievance resolution in order to ensure PAPs' satisfaction with implementation of resettlement related activities, and provide the PAPs with a legal platform for on the ground monitoring and reporting on the implementation of resettlement related activities. Specifically, the purpose of the grievance mechanism is to allow PAPs and persons who believe they are affected persons to seek satisfactory resolution to grievances they may have in relation possible land acquisition or other project interventions. The key principles of the grievance mechanism are to ensure that:

- (f) The basic rights and interests of PAPs are protected
- (g) The concerns of PAPs arising from the project implementation process are adequately addressed; and
- (h) Entitlements or livelihood support for PAPs are provided on time and accordance with the above stated government and World Bank's safeguard policies.
- (i) PAPs are aware of their rights to access and shall have access to grievance procedure free of charge for the above purposes.
- (j) The grievance procedure will be part of the overall Commune/Sangkat's Planning Committee, Chief and Council mechanism and form an important part of the conflict resolution mechanism that is community-based, involving representatives of vulnerable groups, and therefore, collectively managed.

98. At the beginning of the project implementation, the grievance redress committees will be established at commune, districts, and provincial levels built on the existing structures consisting of concerned departments, NGOs, community organizations, women and ethnic representatives, if exist. At the village the existing grievance mechanisms that are chaired by elder and/or spiritual/tribal leaders, which are largely acceptable to local communities and will be strengthened as the first tier conflict resolution mechanisms of the Commune/Sangkat Council. This arrangement helps ensure that a system is in place to help resolve any grievances to or complaints that may occur after project intervention. The grievance mechanism will be applied to persons or groups that are directly or indirectly affected by a project, as well as those that may have interests in a project and/or have the ability to influence its outcome either positively or negatively. The project will provide training and support to strengthen these existing structures for effectively and collectively dealing with possible grievances that may be raised by PAPs during the course and after the implementation of resettlement related activities.

99. As a normal practice if project involve implementation of land acquisition a Grievance Redress Committee is established for the Project. The GRC will deal all aspects of a proposed sub-project including, environment, resettlement and indigenous issues, if exist, through negotiations with the aim to

reach a consensus. MoEYS or IRC (if IRC is involved in ARAP/RAP implementation) requests to the Provincial Governor to establish the Grievance Redress Committee (s) at local (provincial, district, and commune) levels to be headed respectively by the Provincial Governor or Provincial Vice-Governor, Chief of District, and Chief of Commune. At GRM Commune level, the members of GRM also comprise of representative of AH (the representative of AH shall be chosen among the PAPs). These committees will receive, evaluate and facilitate the resolution of PAP and PAH concerns, complaints and grievances. The grievance redress committees will function, for the benefit of PAP and PAH, during the entire life of SEIP and beyond.

100. PAPs, if not satisfied or unclear about the implementation of resettlement related activities including the provision of compensation, may raise their complaints to the village committees or direct to commune council, the lowest level of GRC and can be brought further to provincial level if PAP does not satisfy with the solution or clarification.

101. **At Commune level:** An aggrieved PAH may bring his/her complaint to the commune chief directly or through school support committee or school principal. The commune chief will call for a meeting of the group to decide the course of action to resolve the complaint within 15 days, following the lodging of complaint by the aggrieved PAH. The meeting of the group would consist of the commune chief, representative(s) from community including traditional leader. The commune chief is responsible for documenting and keeping file of all complaints that are directed through him/her. If after 15 days the aggrieved PAH did not hear from Commune Council or school support committee, or if the PAH is not satisfied with the decision taken at the first stage, the complaint may be brought to the District Office either in writing or verbally.

102. **At District level:** The District office has 15 days within which to resolve the complaint to the satisfaction of all concerned. If the complaints cannot be solved in this stage, the district office will bring the case to the Provincial Grievance Redress Committee.

103. **At Provincial level:** The Provincial Grievance Redress Committee, which consists of Provincial Governor or Deputy Governor as a committee chairman and Directors of relevant Provincial Departments as members will meet with the aggrieved party and tries to resolve the complaint. Within 30 days of the submission of the grievance to the Provincial Grievance Redress Committee a written decision must be made and inform to the PAH in writing.

104. **Provincial Court:** If the aggrieved PAP is not satisfied with the solution made by the Provincial Grievance Redress Committee based on the agreed policy in the RPF-RAP, the PAP can bring the case to the Provincial court. During the litigation of the case, RGC will request to the court that the project proceed without disruption while the case is being heard. If any party is unsatisfied with the ruling of the provincial court, that party can bring the case to a higher court. The RGC shall implement the decision of the court.

105. In the target schools where Indigenous People (IP) are affected directly or indirectly, all complaints shall be discussed among the villagers in the presence of traditional village leader or elder and negotiations is carried out in the community or village where the PAP and PAH live. Where necessary, the construction proponents will provide assistance so that the rights of indigenous minorities are protected.

## **7.2. CAPACITY BUILDING**

106. Training need assessment (TNA) will be conducted in order to design training materials that relevant to the need. TNA will be conducted among PMT down to SSC and community. Training will cover the three safeguard policies and compliance, namely environment, involuntary resettlement and indigenous people. With specific to RPF training shall include (a) overview of the World Bank OP4.12 and Cambodia relevant laws and regulation; (b) content of RPF/RAP and its implementation issues; (c) institutional arrangement for the project implementation including role and responsibility; (d) how to

conduct public consultation using free, prior and informed approach; (e) grievance redress procedure and issues; and (f) requirement for monitoring and reporting.

## 8. RESETTLEMENT BUDGET AND COSTS

107. Budget for implementing RPF will be part of the Project budget. It uses to cover costs of project staff allowances and consultants to prepare compliance reports including supervising and monitoring reports, data collection, and preparation of ARAP/RAP etc. Below is a rough budget estimate for RPF implementation. Budget for ARAP/RAP implementation is separated. There are totally 130 target schools. Assuming that RPF will require project staff input of 4 days per target school, 3 days of consultant input per target school plus 3 days of transport. Lump sum amount will be used for data collection and other expanses.

**Table 3: Budget estimate for RPF implementation**

No.	Items	Unit	Rate	Quantity	Amount
1	Staff allowance	4	40	130	20,800
2	Consultant fee	3	300	130	117,000
3	Transport	3	200	130	78,000
4	Data collection	Lump sum	500	130	65,000
5	Others	Lump sum	50	130	6,500
<b>TOTAL (in US Dollars)</b>					<b>287,300</b>

108. In case of ARAP/RAP preparation, each ARAP/RAP will include detailed cost of compensation and other rehabilitation entitlements as part of the process to compensate PAP and PAH. Arrangements will be made for PAP and PAH property and assets segregated on the basis of agricultural land, residential land, business land, houses, business assets and other holdings. The detailed budgetary estimates will make adequate provision for contingencies and the RAP will explicitly establish sources for all funds required. The RAP will ensure that fund flows are compatible with the timetable for payment of compensation and provision of all other assistance.

109. The budget will cover land acquisition, relocation site development, compensation costs, allowances and administration costs, and contingency. Resettlement costs will be part of the Government's counterpart fund, not the project. The RGC will ensure timely provision of counterpart funds for resettlement to meet any unforeseen obligations in excess of the resettlement budget estimates in order to satisfy resettlement requirements and objective.

## 9. PUBLIC CONSULTATION AND INFORMATION DISCLOSURE

### 9.1. WORLD BANK POLICY FOR PUBLIC CONSULTATION AND INFORMATION DISCLOSURE

110. Public Consultation and Information Disclosure (The World Bank policy on access to information) defines the Bank's requirements for giving the public access to project information and documentation. It requires that during the planning and preparatory process, project beneficiaries and affected groups and local NGOs shall be consulted and the environment and social aspects of the project should be presented. The consultation should be an on-going process throughout the design and implementation of investments and must be compliant with all other applicable safeguard policies. The policy also requires



that any relevant material such as the environmental assessment study, social assessments, resettlement action plan, etc. should be made accessible, in a timely manner and in a form language understandable to the groups being consulted.

## **9.2. PUBLIC PARTICIPATION AND CONSULTATION**

111. Participation is a process through which stakeholders influence and share control over development initiatives and the decisions and resources which affect them. The decision to participate is the start of the whole participatory process in the project cycle. The Bank's OP/BP4.12 and the Government Law on Expropriation and IRC's practical resettlement implementation procedure provide clear guidance and direction to project proponents in both the public and private sectors, on the need for public consultation and participation and underscore the importance of getting PAPs informed about the project and, more importantly, getting their actual and active involvement in the planning and implementation.

112. Participation is an active and continuous process of interaction among the key stakeholders, including the communities directly affected (whether positively or adversely), national agencies and line ministries, the project consultants, civil society and international donor agencies. Participation as a generic term usually encompasses two distinct dimensions: information exchange (i.e., dissemination and consultation) and varying forms of joint decision-making (i.e., collaboration or participation).

113. In the context of SEIP, extensive stakeholder consultations will be carried out during project preparation and implementation. Thus, RPF is developed based on outcomes of those consultations. See Annex 1C for Framework for Community Consultation and Participation Process.

114. During implementation, PAP and communities will participate throughout the development and implementation process of involuntary land acquisition and voluntary land donation process. In case of involuntary resettlement PAP and PAH will be consulted by IRC-WG with cooperation from PRSC-WG using free, prior, and informed consultation approach. A following generic information will be informed to PAP during the consultative meeting:

- Project objective, scope, potential benefits and impacts;
- Objectives of WB-OP/BP4.12 and relevant government law and regulation, particularly Law on Expropriation;
- Process and schedule of resettlement implementation process
- Resettlement and compensation policy, eligibility and entitlements;
- Relocation and rehabilitation assistance
- Public information, public consultation and grievance redress procedures are followed as described in the approved RAP

115. PAPs are involved in public consultation meetings in various stages of the process. Their resettlement impacts and concern are properly recorded during data collection process (DMS, BSS and public consultation and focus group discussion). All these issues and concern is well incorporated into ARAP/RAP for compensation and rehabilitation assistance. Vulnerable, female and indigenous groups will be consulted separately using focus group discussion method. Followings are series of consultative meeting practically conducted by the IRC-WG.

- (i) First consultative meeting will be conducted with PRSC and PRSC-WG at provincial hall as the kick-off meeting. The purpose of the meeting is to brief members of PRSC and its WG the project objective, resettlement implementation process and schedule, their role and responsibility and their allowances, and requesting their active participation.



- (ii) Second consultative meeting will be conducted with local community and PAP at school or pagoda or commune hall at the project area. The purpose of this meeting is to inform community and PAP about the project, its benefit and potential impact, resettlement and compensation policy and entitlements, resettlement implementation process, eligibility and cut-off-date, and schedule for DMS and BSS. PAP's head is requested to present at the affected house or asset for verification of impact and sign of DMS form. Notification of Cut-off-Date will be publicly posted at commune council or any place easily access to.
- (iii) Third consultative meeting will be conducted prior to contract sign. The purpose of this meeting is to inform them about the schedule for conducting contract sign (possibly village by village) and necessary legal document to present to the IRC-WG and possible schedule for compensation payment. Both PAP's head and spouse are requested to present at home during contract sign. They both must sign on the contract form.
- (iv) Fourth public consultative meeting will be conducted prior to compensation payment. The purpose of the meeting is to inform PAP about the schedule of compensation payment (village by village), venue for payment, and legal document to bring along as proof.

116. Local authority, head of village and commune chief are members of PRSC-WG and they are presented during public consultative meetings and have important role in identifying PAPs and certify on the DMS form. Representatives of PAPs are members of (i) community/village committee and (ii) grievance redress committee under the SEIP.

### **9.3. DISCLOSURE**

117. RPF, ESMF document together with other project documents will be uploaded into the World Bank InfoShop and MoEYS public board on November 25, 2016. The ARAP/RAP, if prepared, will be translated into local language (Khmer) and upload into project website if available, otherwise to MoEYS website, and send a copy to keep in each commune council, or at school convenience to PAP, where there is involuntary resettlement.

## **10. MONITORING AND REPORTING**

118. Implementation of the RPF at site specific will be regularly supervised and monitored by the respective SSFP responsible for implementation of the investment activities that involve land acquisition. The findings and recommendations will be recorded in the project file for possible review by the Bank. The SSFP will supervise and monitor the process at least one time per year and include the results in the Project annual reports and to be furnished to the World Bank. The SSFP in close consultation with local governments and PAPs will establish a set of practical monitoring indicators.

119. In case ARAP/RAP is prepared and implemented monitoring will be required both internal and external monitoring in order to ensure transparency and full compliance.

### **10.1. INTERNAL MONITORING**

120. The Project Steering Committee in close coordination with GDR-IRC will conduct internal monitoring on resettlement implementation. The monitoring will include progress reports, status of the RAP implementation, information on location and numbers of people affected, compensation amounts paid by item, and assistance provided to PAHs. The report of monitoring results will be prepared by SSFP and submitted to MOEYS and the World Bank on a quarterly basis, and a copy to IRC. The following indicators will be monitored on bi-monthly basis by the PSC team to ensure:

- (i) Compensation and entitlements are computed at rates and procedures as provided in the approved RAP;
- (ii) PAHs are paid as per agreed policy provided in the RAP by the Project authorities;
- (iii) Public information, public consultation and grievance redress procedures are followed as described in the approved RP;
- (iv) Public facilities and infrastructure affected by the Project are restored; and
- (v) The transition between resettlement and civil works is smooth.

121. See Annex 1D for Internal Monitoring Indicators.

## **10.2. EXTERNAL MONITORING**

122. The external monitor has the specific responsibility of studying and reporting on RAP implementation and on social and economic situations of PAH particularly relocated PAPs or disrupted by the construction works, including all households whose houses or shops and stalls are relocated. The external monitor also has the responsibility of reviewing potentials for job opportunities for PAH, including women and youth, which would be assisted by provincial authorities.

123. If required and needed based on the project impact, IRC will hire an External Monitoring Agency (EMA) to carry out external monitoring and post evaluation. The TOR for the engagement of the EMA will be prepared before procurement process. The external monitoring reports will be submitted to IRC on quarterly basis, and then IRC will forward to MoEYS and to the World Bank. The post evaluation will be conducted within six-months after all resettlement activities are completed. See Annex 1E for External Monitoring Indicators.

124. The Project will make all the resettlement progress reports available to the public access in local language by posting them in the Project website to be established or MoEYS website.

# ANNEXES

## ANNEX 1: TECHNICAL GUIDELINE

### 1A. Gender Action Planning Matrix

Gender Action Plan is prepared only if the ARAP/RAP is needed and impact on gender is significant.

Project Component	Objectives	Activities/Tasks	Responsible Entity	Indicators	Means of Verification
Project Preparation	<p>Identify gender-specific issues and needs to be taken into account in the design of investments and livelihood interventions</p> <p>Involve women in identifying these needs and issues</p> <p>Develop gender-specific indicators for women participation and empowerment to be used for project monitoring and evaluation</p>	<p>Formulate gender baseline information to be included in survey</p> <p>Conduct a survey with gender indicators</p> <p>Conduct focus group discussions with women to identify gender-specific issues and concerns for input into community planning process and design of development interventions</p> <p>Select and train women who will serve as project monitors and motivators</p> <p>Develop gender indicators for project monitoring and evaluation.</p>	PMT with participation of Women Community Groups (WCGs)	<p>Gender indicators incorporated in the survey instrument</p> <p>Number of focus group discussions (FGDs) held</p> <p>Number of women and women heads of household who participated in FGDs</p> <p>Set of gender-specific indicators incorporated in project monitoring and evaluation tool</p> <p>Number of community women volunteers willing to serve as project monitors</p>	<p>Survey Instrument</p> <p>Feasibility Study/ ARAP</p> <p>Documented feedback from women beneficiaries and participants of FGDs</p> <p>List of women volunteers and or list of organizations</p>
Project Design	<p>Ensure that community development plans and investment designs take into account women's needs for safety, security, mobility and child care</p> <p>Access to potable water, safe and well, waste disposal facilities with child and senior citizen friendly investment designs</p>	<p>Give GAD briefings and orientation to women members of community associations</p> <p>Prepare the GAD component of the project to include capacity building in understanding the basic areas where they can participate during detailed planning activities of building designs preparation</p>	PMT with participation of Women Community Groups (WCGs)	<p>Investment designs with gender-sensitive and vulnerable groups features</p> <p>Livelihood programs specifically targeting women heads of households</p>	<p>Investment designs</p> <p>Livelihood program plans</p>

Project Implementation on	<p>Ensure women's access to project benefits</p> <p>Ensure that tenure instruments and contracts give women equal decision-making and asset-ownership Rights</p> <p>Regular consultation with women's group during construction for design adjustments and monitoring of construction activities.</p> <p>Women to project their interest by making it sure that whatever have been agreed upon in the design stage is faithfully adhered to during the construction or implementation stage.</p>	Information and Education Campaign (IEC) directed at women community members to inform them of project benefits and value of participation	PMT with participation of Women Community Groups (WCGs)	<p>IEC materials distributed. Material to be included is as follows, checklist of eligible investments. Access to micro- financing for the women to have a start –up livelihood activities.</p> <p>Number of women participating in community action planning</p>	<p>Progress Reports</p> <p>Documented Feedback from women beneficiaries</p>
b. Livelihood Intervention	<p>Ensure women's access to project services and benefits</p> <p>Increase the income-earning capacity of women beneficiaries, especially women household heads</p>	<p>Information and Education Campaign</p> <p>Skills trainings to women heads of households</p> <p>Trainings on savings and financial management</p> <p>Organize collective enterprises and self-help groups managed by women</p> <p>Organize community based women collection arm for the livelihood.</p>	PMT with participation of Women Community Groups (WCGs)	<p>Number of women receiving IEC materials</p> <p>Number of trainings conducted</p> <p>Number of participants in trainings</p> <p>Number of enterprises, cooperatives, savings groups, mutual aid groups formed by women</p> <p>Number of women members of these groups</p> <p>Number of microfinance loans extended</p>	<p>IEC materials produced and used as an information, education and communication tools.</p> <p>Progress Reports</p> <p>Evaluation forms filled out by trainees</p> <p>Existence of functional livelihood support groups (cooperatives, mutual-aid groups and enterprises)</p> <p>Reports of NGOs, MFIs</p> <p>Feedback from women</p>

				by MFIs to women headed households Number of skills job referrals and successful marketing referrals	beneficiaries of livelihood loans Reports of external monitoring team for the project
c. Capacity Building and Institutional Development	Develop the capacities of women in project and community management and project monitoring  Ensure women participation in project management, livelihood programs and project monitoring	Trainings on leadership, organizational management, financial management, investment management, monitoring and evaluation  Formation of women's organizations  Organizational meetings	PMT with participation of Women Community Groups (WCGs)	Number of trainings conducted  Training manuals  Number of participants in trainings  Number of women's groups and committees formed	Progress reports  Evaluation forms filled out by participants of trainings conducted  Minutes of organizational meetings List of beneficiaries and the income comparison before the assistance and the current income level after the assistance.
d. Monitoring and Evaluation	Involve women in project monitoring and evaluation  Assess the project's impact on the welfare of women through the use of gender-specific indicators	Monitoring and evaluation workshops with the community  Data collection and review of reports and pertinent documents	PMT with participation of Women Community Groups (WCGs)	Monitoring and Evaluation tools  Number of monitoring workshops  Number of monitoring and evaluation reports	Monitoring and Evaluation Reports  Report card per project beneficiary and their progress in terms of income and or rehabilitation status after the project assistance.

## 1B. Survey Requirements for ARAP/RAP Preparation

<b>Detailed Measurement Survey (DMS)</b>	<p>The census and detailed measurement survey (DMS) of lost assets will collect data on the affected assets from 100% of PAPs following detailed engineering design. The data collected during the DMS will constitute the formal basis for determining PAP entitlements and levels of compensation. For each PAP, the scope of the data will include:</p> <ul style="list-style-type: none"> <li>• Total and affected areas of land, by type of land assets;</li> <li>• Total and affected areas of structures, by type of structure (main or secondary);</li> <li>• Legal status of affected land and structure assets, and duration of tenure and ownership; Quantity and types of affected crops and trees;</li> <li>• Quantity of other losses, e.g., business or other income, jobs or other productive assets; estimated daily net income from informal shops;</li> <li>• Quantity/area of affected common property, community or public assets, by type;</li> <li>• Summary data on PAP households, by ethnicity, gender of head of household, household size, primary and secondary source of household income vis-a-vis poverty line, income level, whether household is headed by women, elderly, disabled, poor or ethnic groups;</li> <li>• Identify whether affected land or source of income is primary source of income; and PAP knowledge of the investment and preferences for compensation and, as required, relocation sites for businesses and rehabilitation measures.</li> </ul>
<b>Socioeconomic Survey</b>	<p>At a minimum, the socioeconomic survey (SES) will collect information from a sample of 10% of affected people and 20% of severely affected PAPs, disaggregated by gender and ethnicity. The purpose of the socioeconomic survey is to provide baseline data on PAPs to assess resettlement impacts, and to be sure proposed entitlements are appropriate, and to be used for resettlement monitoring. The scope of data to be collected includes:</p> <ol style="list-style-type: none"> <li>A. Household head: name, sex, age, livelihood or occupation, income, education and ethnicity;</li> <li>B. Household members: number, livelihood or occupation, school age children and school attendance, and literacy, disaggregated by gender;</li> <li>C. Living conditions: access to water, sanitation and energy for cooking and lighting; ownership of durable goods; and</li> <li>D. Access to basic services and facilities.</li> </ol>
<b>Replacement Costs Study</b>	<p>The replacement costs of affected assets will be assessed in parallel with DMS and SES activities by collecting information from both secondary sources and primary sources (direct interviews with people in the affected area, material suppliers, house contractors), and from both those affected and those not affected. The government rates will be adjusted, as necessary, based on the findings. Compensation rates will be continuously updated to ensure that PAPs receive compensation at replacement cost at the time of compensation payment.</p>

## 1C. Framework for Community Consultation and Participation Process

Stages	Subject of Consultation	Role of Target Communities and Affected Persons/Households	Reasons for Community Participation



<b>Preparation Stage</b>			
Consultation and focused- group discussions/meetings	Understanding the investment	Participate in community consultation. Create committees with at least 25-50 percent of the members is composed of women.	Ensure that target beneficiaries and PAPs fully understand the proposed investment and its benefits. Promote an informed and collective-decision making. Gather issues and concerns of the community that can be incorporated in the proposed investment.
Planning for investment/s	Design and planning investments	Approve the design and proposed by the beneficiaries and PAPs.	This measure will lessen conflicts and send the message to target beneficiaries and PAPs that they are involve and came from their collective decisions.
Formulating compensation and entitlement package.	Compensation and entitlement package for PAPs.	Approve the compensation and entitlement package of the PAPs.	This also promotes an informed and collective decision-making among beneficiaries and PAPs.
Consultation on proposed investment/s before submission.	Contents of proposed investment/s.	Review and concur the contents of proposed investment/s.	Such consultation delivers the message of transparency seeing to it that their comments /suggestions are incorporated in the proposed investment/s.
<b>Implementation Stage</b>			
Consultation on the implementation of investment/s and provision for and acquisition	Phasing of investment implementation and transfer to agreed area(s) for PAPs. Agreement on implementation schedule	Orderly dismantling and reconstruction of affected structures, if any Inform PAPs for the scheduling of transfer	Ensure that the impacts of disruption are lessened. It will also enable the implementing agency to determine the budgets for food and transport of PAPs/ household Participation in plot marking in the presence of designated staff/facilitator will avoid misunderstanding among PAPs and beneficiaries.
Consultation with PAPs concerning affected land and/or structures, livelihood, etc.	Boundaries on plot allocation, road access and provision for social services, i.e., water sewerage, drainage.	Mark the affected lot boundaries as determined by land surveyors consistent with the assigned area and plans.	Enable the implementing agency to estimate budgets for entitlements like allowances for foods, transportation and special assistance.
Engagement in livelihood undertakings.	Livelihoods for target-community beneficiaries and that of those of the PAPs.	Provide information on the actual negative and positive impact to PAPs Involvement of women in livelihood development.	Women are known to have skills in livelihood management which could enhance family income.

Employment of beneficiaries in the investment	Additional assistance to beneficiaries and PAPs.	Beneficiaries or any of their household members will be employed as laborer during the construction of a investment/s.	Employment with the project will also provide additional or enhance their income.
Grievance and redress.	Grievance and redress mechanism.	Provide background of the issues.	Ensure that problems are address within reasonable time. The officers will serve as the GRC, and they will also assist agency in implementing the policies in each community as part of the management of the investment.
Monitoring and Evaluation	Implementation of investment/s	Provide inputs and status for implementation on investments.	The information from PAPs and beneficiaries will assist the PMT to assess the level of compliance in every stage of investment implementation. This will give lessons learnt in shaping up future policies on resettlement for the project.

#### 1D. Internal Monitoring Indicators

Types of Monitoring	Basics for Indicators	Sources of Information
<b>Budget and Timeframe</b>	<ul style="list-style-type: none"> <li>Have the personnel of PMT and counterpart staff from district and village authority been organized, deputized and provided their office as scheduled?</li> <li>Have capacity building and training of staff of PMT; District and Village government been conducted on time?</li> <li>Have the district authority provided adequate budgetary support for compensation of PAPs and beneficiaries?</li> <li>Have the district authority released and disbursed the equity funding for implementing the project on time?</li> <li>Has the social preparation phase been undertaken according to schedule?</li> <li>Have the proposed investment/s been agreed with beneficiaries and PAPs and concurred by the respective district and village authorities?</li> </ul>	PMT and District authority
<b>Deliveries of investment s and entitlement s</b>	<ul style="list-style-type: none"> <li>Have all the beneficiaries and PAPs received their respective investment's and compensation and entitlements according to their numbers?</li> <li>Have the PAPs received their payments on time?</li> <li>Have special assistance been provided to vulnerable PAPs?</li> <li>Have all PAPs received the agreed transportation and food allowances?</li> <li>Have all PAPs that lost their livelihoods or small business received their compensation?</li> <li>Have all the beneficiaries entitled been implementing investments?</li> <li>Have the women been trained according to their desired livelihood?</li> <li>Was the number of women trained on desired livelihood the same as</li> </ul>	PMT and District authority Beneficiary-communities

	<ul style="list-style-type: none"> <li>that of the actual number engaged in micro enterprises?</li> <li>Are the beneficiaries engaged in micro enterprises assisted by micro financing institutions?</li> <li>Were the actual amounts of investment costs and compensation been disclosed to beneficiaries and PAPs?</li> </ul>	
<b>Consultation, Grievance and Special Issues</b>	<ul style="list-style-type: none"> <li>Were IEC campaign materials prepared and distributed to stakeholders during investment disclosures?</li> <li>Have consultations, focus group discussions and/or public meetings been undertaken as scheduled?</li> <li>Were the beneficiaries and PAPs took active participation in planning and implementation according to what were prescribed in the project?</li> <li>Have any beneficiaries and/or PAPs used the grievance and redress procedures? What were the outcomes?</li> <li>How many have filed their grievances? What were the outcomes?</li> <li>Was social preparation for the PAPs taken place?</li> </ul>	Beneficiaries/District authority/PMT
<b>Benefit Monitoring</b>	<ul style="list-style-type: none"> <li>Where there changes occurred in patterns of occupation of the beneficiaries compared to their pre-project situation?</li> <li>What changes have occurred in income and expenditures patterns compared to pre-project situation? What have been the changes in cost of living compared to pre-project situation? Have the incomes of housing beneficiaries kept pace with these changes?</li> <li>What changes have taken place in the lifestyle of beneficiaries?</li> </ul>	Beneficiaries

## 1E. External Monitoring Indicators

Types of Indicators	Indicators	Information required in Monitoring and Evaluation
Process Indicators	Staffing	<ul style="list-style-type: none"> <li>Number of PMT and district staff assigned for project implementation;</li> <li>Number of Social Development and Resettlement Specialist assigned by CMC.</li> </ul>
	Consultation, Participation, and Grievances Resolution	<ul style="list-style-type: none"> <li>Number of consultations and participation programs held with PAPs and various stakeholders;</li> <li>Types of IEC campaign materials distributed to target-beneficiaries and PAPs;</li> <li>Number and types of grievances received from beneficiaries and PAPs and the number of days consumed in resolving them by concerned GRCs;</li> <li>Number and names of representatives who participated in the consultations and in the implementation of the investment project.</li> </ul>
	Operational Procedures	<ul style="list-style-type: none"> <li>Types of forms used in recording the activities undertaken in the project implementation;</li> <li>Efficiency of coordination with PMT, district authority; PAPs and other institutions/stakeholders;</li> <li>Type of database being maintained;</li> <li>Efficiency of PMT and district government staff;</li> <li>Efficiency of compensation payment system;</li> <li>Adequacy of logistical support for implementing the investment project;</li> <li>Asses if the project policies in ARAPs have adequately been complied with.</li> </ul>
	Issues and Problems Encountered	Indicate the issues and problems encountered in staffing, during consultations and grievances resolution, and in the execution of operational procedures.
	Compensation and Entitlement	<ul style="list-style-type: none"> <li>Number of PAPs awarded with housing units, if any;</li> <li>Indicate if the type of compensation delivery is either one time or installment;</li> <li>Indicate the number of PAPs engaged in micro business who were</li> </ul>

		compensated for their loss of business incomes; <ul style="list-style-type: none"> <li>• Indicate if the number of PAPs provided with transportation assistance;</li> <li>• Indicate if food assistance were given to PAPs who transferred to staging area or to other destinations;</li> <li>• Indicate if the PAPs were given allowance/assistance for the dismantling and reconstruction of their housing units in as well as for the dismantling of their structures upon transfer.</li> </ul>
	Social Rehabilitation	<ul style="list-style-type: none"> <li>• Indicate the number of women that attended the livelihood trainings;</li> <li>• Indicate the number of PAPs, especially women, who have set up their micro enterprises after the training on livelihood development;</li> <li>• Indicate if the PAPs have adequate access on safe drinking water.</li> </ul>
	Issues and Problems Encountered	Indicate the issues and problems encountered in the implementation of investment/s, payment of compensation and entitlement and social rehabilitation of PAPs.
<b>Impact Indicators</b>	Household Earning Capacity	<ul style="list-style-type: none"> <li>• Present income as compared to income from pre-project level;</li> <li>• Employment of housing beneficiary members in investment construction;</li> <li>• Change in income of micro entrepreneurs.</li> </ul>
	Health and Environment	<ul style="list-style-type: none"> <li>• Problems/issues on waste management disposal;</li> <li>• Improved access to safe drinking water;</li> </ul> Improvement on health conditions of women and children.
	Changes in Socio- cultural Pattern	<ul style="list-style-type: none"> <li>• More women participating in microenterprises;</li> <li>• Access to new technology brought about by having electricity connections;</li> </ul>

## **ANNEX 2A: ABBREVIATED RESETTLEMENT ACTION PLAN (ARAP)**

### **Annotated Document Contents and Information Requirements**

#### **Introduction**

- Project description in brief: refer to the RPF that covers the project and provides the policies and principles for the ARAP;
- Brief description of the project and school construction project development objectives and intended beneficiaries; and
- Describe the activities that will give rise to impacts that require “resettlement” (i.e., anything that causes loss of land, assets or elements of PAP livelihood – not only physical relocation, but also, loss of trees, temporary relocation of roadside stall (kiosk), and comprised access.

#### **Census of PAP and Inventory of Assets**

- Brief description of how the data was gathered (e.g., household survey);
- Table of PAP and PAH, contact details, affected livelihoods, assets, value of affected dwelling/structures/assets; and
- Brief comment about any significant differences, sources of vulnerability of PAP and different populations (ethnic peoples and vulnerable groups – women and female/male youth and children, the elderly and disabled, landless, and poor, etc.), or state that they are representative of the general socio-economic profile of the country.

#### **Compensation to be provided**

- Forms of compensation to be provided (e.g., cash or in-kind);
- Description of the conditions for voluntary donation (if applicable), including:
  - Free, prior and informed consultation (FPIC) made of the PAP own volition and is uncoerced with the decision making ability to withhold consent;
  - No severe impacts on living standards; no physical relocation and less than 5 percent of PAP livelihood assets affected;
  - Availability of complaints and compensation procedure; and
  - Documentation and independent verification of the donation of land or assets.

#### **Consultation with Affected Persons**

- Brief description of the general public disclosure communications to announce the project and invite comment;
- Subsequent consultations with known or self-identified PAP;
  - Alternatives discussed with PAP and the community; and
  - Dissemination of information about the cut-off date for registering as PAP; availability of a complaints/grievance mechanism

- Arrangements for formal disclosure of resettlement instrument; availability for public disclosure, review and comment, and posted on MoEYS and the World Bank websites.

### **Institutional Responsibilities for Delivery of Compensation**

- Responsible agencies;
- Method of notification to PAP;
- Timing of settlement (before the incidence of the loss to be compensated);
- Method of verification, disclosure and witnessing of the settlement (i.e., annex form for recording and witnessing handover of entitlement); and
- Process for handling complaints or grievances, and appeals.

### **Implementation Reporting and Monitoring**

- Institutional responsibilities for reporting and monitoring of the ARAP;
- Independent participation in monitoring (e.g., CSOs, research institutes, etc.); and
- Summary report on consultation with the wider community (append attendance register to document).

### **Timetable and Budget**

- Time and task matrix;
- Source and flow of funds;
  - Consultation costs;
  - Personnel costs;
  - Office overhead expenses;
  - Compensation funds; and
  - Monitoring and reporting costs.

## **ANNEX 2B: RESETTLEMENT ACTION PLAN (RAP)**

### **Annotated Document Contents and Information Requirements**

#### **Introduction**

- General description of project in relation to policies and principles which inform the RAP;
- Describe sub-project development objectives and intended beneficiaries briefly; and
- Describe the activities that will give rise to impacts that require “resettlement” and comprised access.

#### **Scope of Land Acquisition and Resettlement Impacts**

- Level of detail varies with the magnitude and complexity of the resettlement;
- Collect up-to-date and reliable information, including:
  - The proposed resettlement and its impacts on the displaced persons and other adversely affected groups; and
  - Legal issues involved in resettlement.
- Any issue described below which is not relevant to sub-project circumstances, should be explained.

#### **Description of the Sub-project**

- Short detailed narrative on school construction project initiatives and/or activities; and
- Identification of the school construction project initiatives and/or activities’ project area and footprint.

#### **Potential Impacts Identified**

- Project component or activities that give rise to resettlement;
- Zone of impact and region of influence (ROI) of school construction project initiatives and/or activities;
- Alternatives considered to prevent (avoid) or minimize resettlement; and
- Mechanisms established to minimize resettlement, to the extent possible, during project implementation.

#### **Main Objectives of the Resettlement Program**

- Sets out the purpose and objectives.

#### **Socioeconomic Studies**

- Conducted in early stages of school construction project preparation and with the involvement of potentially displaced people, including:
  - The results of a census survey covering:



- ♦ Current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
  - ♦ Standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (i.e., production levels and income derived from both formal and informal economic activities) and standards of living including health status and well-being of the PAP and PAH;
  - ♦ The magnitude of the expected loss of assets (i.e., total or partial) and the extent of displacement, physical or economic;
  - ♦ Information on vulnerable groups or persons (OP/BP 4.12, paragraph 8) for whom special provisions may have to be made; and
  - ♦ Provisions to update information on the displaced PAP and PAH livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.
- Other studies describing the following:
    - Land tenure and transfer systems, including an inventory of common property natural resources from which PAP derive their livelihoods and sustenance, non-titled usufruct systems (i.e., fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the sub-project footprint;
    - Patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project;
    - Public consultation and social services that will be affected; and
    - Social and cultural characteristics of displaced communities, including a description of formal and informal institutions (i.e., civil society organizations including CBOs, NPAs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

## Legal Framework

- Findings of an analysis of the legal framework, covering:
  - The scope of the power of eminent domain and the nature of compensation associated with it in terms of both the valuation methodology and the timing of payment;
  - The applicable legal and administrative procedures, including a description of the remedies available to displaced persons (PAP and PAH) in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the project;

- Relevant law (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights; customary personal law related to displacement; and environmental laws and social welfare legislation;
- Laws and regulations relating to the agencies responsible for implementing resettlement activities;
- Gaps, if any, between local laws covering eminent domain and resettlement and the World Bank's *Resettlement Policy* (OP/BP 4.12), and the mechanisms to bridge such gaps; and
- Any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including (as appropriate) a process for recognizing claims to legal rights to land (i.e., claims that derive from customary law and traditional usage – see OP/BP 4.12, paragraph 15 b).

### **Institutional Framework**

- Findings of an analysis of the institutional framework, covering:
  - Identification of agencies responsible for resettlement activities and CSOs that may have a role in project implementation;
  - Assessment of the institutional capacity of such agencies and CSOs; and
  - Any steps proposed to enhance the institutional capacity of agencies and CSOs responsible for resettlement implementation.

### **Eligibility**

- Definition of displaced persons (PAP and PAH) and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

### **Valuation of Land**

- Methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets.

### **Resettlement Measures**

- Description of the packages of compensation and other resettlement measures that will assist each category of eligible displaced persons (PAP and PAH) to achieve the objectives of the policy (see OP/BP 4.12, paragraph 6). In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the displaced persons, and prepared in consultation with them.

### **Site Selection, Site Preparation, and Relocation**

- Alternative relocation sites considered and explanation of those selected, covering:
  - Institutional and technical arrangements for identifying and preparing relocation sites, whether urban or rural, for which a combination of productive potential, locational

advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;

- Any measures necessary to prevent land speculation and influx of ineligible persons at the selected sites;
- Procedures for physical relocation under the project; including timetables for site preparation and transfer; and
- Legal arrangements for regularizing tenure and transferring titles to resettlers.

### **Housing, Infrastructure, and Social Services**

- Plans to provide (or, to finance PAH provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services, etc.); plans to ensure comparable services to host populations; any necessary site development, engineering, and architectural designs for these facilities.

### **Environmental Protection and Management**

- Description of the boundaries of the relocation area; and an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the ESMP of the main investment requiring the resettlement).

### **Community Participation**

- Description of the strategy for consultation with and participation of PAH and hosts in the design and implementation of the resettlement activities;
- Summary of the views expressed and how these views were taken into account in preparing the resettlement plan;
- Review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individual families or as parts of pre-existing communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g., places of worship, pilgrimage centers, cemeteries); and
- Institutionalized arrangements by which displaced people (PAP) can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such different populations (ethnic peoples and vulnerable groups – women and female/male youth and children, the elderly and disabled, landless, and poor, etc.), are adequately represented.

### **Integration with Host Populations**

- Consultations with host communities and local governments;
- Arrangements for prompt tendering of any payment due the hosts for land or other assets provided to PAH;
- Arrangements for addressing any conflict that may arise between PAH and host communities; and

- Any measures necessary to augment services (e.g., education, water, health and productive services) in host communities to make them at least comparable to services available to PAH (i.e., resettlers).

### **Grievance Procedures**

- Affordable and accessible procedures for third-party settlement and disputes arising from resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

### **Organizational Responsibilities**

- Organizational framework for implementing resettlement, including identification of agencies responsible for delivery of resettlement measures and provision of services;
- Arrangements to ensure appropriate coordination between agencies and jurisdiction(s) involved in implementation; and
- Measures (including technical assistance) needed to strengthen the implementing agencies' capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or PAH (resettlers) themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.

### **Implementation Schedule**

- Schedule covering all settlement activities from preparation through implementation, including target dates for the achievement of expected benefits to PAH (resettlers) and hosts and terminating the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

### **Costs and Budget**

- Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds; and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

### **Monitoring and Evaluation**

- Arrangements for monitoring and evaluation activities by the implementing agency, supplemented by independent monitors as considered appropriate by the World Bank, to ensure complete and objective information;
- Performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities;
- Involvement of the displaced persons (PAP and PAH) in the monitoring process; and
- Evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed using results of resettlement monitoring to guide subsequent implementation.

### ANNEX 3: VOLUNTARY LAND DONATION PROTOCOLS (VLD-P)

For activities financed under the SEIP especially **Sub-components 1.3 construction of school facilities** Commune/Sangkat Council (CSC) must follow the VLD-P. Proposals including voluntary land donation will not be submitted for approval where they would significantly harm incomes or living standards of individual owners or users. During project implementation, MoEYS will conform a provincial and commune/Sangkat multi-stakeholders committee (“Committee”) to oversee the process and ensure that voluntary land donations process is followed and implemented.

#### *The process will include the following:*

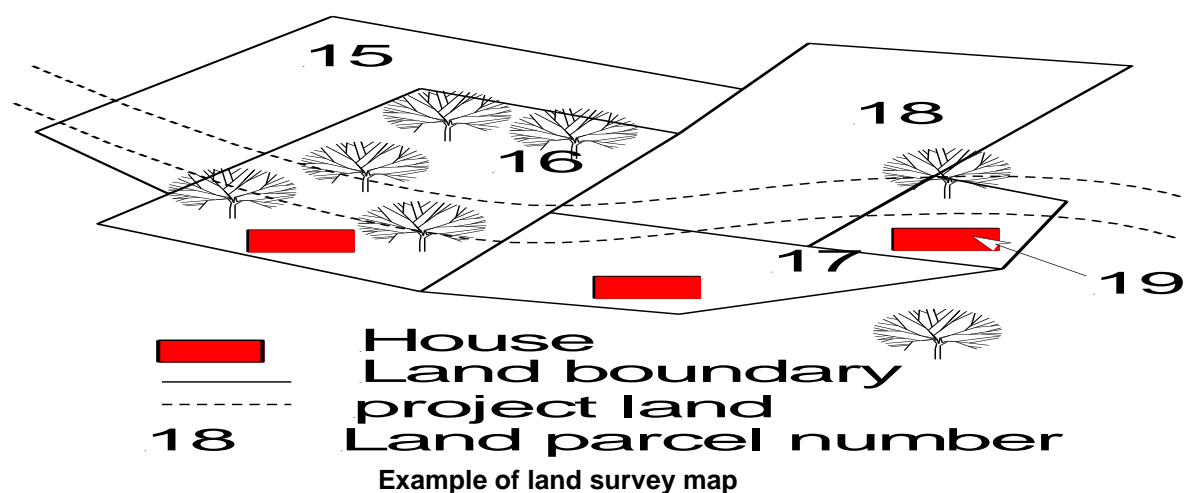
Official information and initial assessment. Determining the appropriateness of VLD in the circumstances of the project. Activities that will require VLD as a result of the screening process and the land study specifically the Voluntary Land Donation Report (**under the CSF PIM**), the Commune Chief and the social safeguard focal person (SSFP) will inform the village head and villagers or land owners through official notification on where the activities will be implemented that will require VLD. Record and document the reasons why donation of land is appropriate for the project. Commune Chief will take in consideration the following details for such documentation:

- What the land will be used for;
- How much land the project will require on both a permanent and temporary basis;
- How much of the land will be donated;
- What alternatives to donation exist (e.g., right of use, right of way);
- The terms of the donation;
- The identities of the parties who intend to donate;
- The beneficiary of the donation; and
- Any details that are relevant to why donation may be appropriate.

#### **Preparation of land survey map and schedule of land acquisition**

After collected the information related to land and assets which will be affected by project implementation, the SSFP, with assistance from the commune council, will prepare a land survey map and a schedule of land acquisition.

The land survey map shows each parcel of land that will be affected, and each parcel of land should be given a code (a letter or number).



Verification of voluntary donations. The following conditions will be confirmed by the Commune

Council including the village chief.

- (a) Confirmation that affected people agrees to donate land or asset, based on a face to face meeting.
- (b) No one would lose more than 5% of the total productive assets.
- (c) The total land holding of the affected person should be over 300m<sup>2</sup>.
- (d) No physical relocation necessary.

Initial Village Consultation. Under the village head leadership, a consultation process will be launched to invite different interest parties, including land owners to discuss and ratify the appropriateness of the voluntary basis of land donation.

Transferring and formalizing the land. Process for land donation includes very clear procedures that explain the process that should be followed to transfer the land, and appropriate ways to formalize the respective transfer. The process includes consideration of the legal and administrative requirements based on Cambodia's legal framework. The process will describe a clear and transparent decision making process.

Verification process (surveys) to identify land ownership and use. Commune Chief and SSFP will ensure that the land study will include specific surveys to understand the type of land rights that exist in the project area, and to identify any particular issues relating to land ownership and use. The specific surveys must be conducted on each parcel of land proposed for donation to identify:

- (a) The owner or owners of the land;
- (b) The users of the land, or any parties that occupy the land (either physically or through ownership of an asset or conduct of livelihood or business activities on the land);
- (c) Any competing claims of ownership or use;
- (d) Structures and assets on the land;
- (e) Any encumbrances on the land.

It is important to: (i) identify the right that is being transferred (an ownership right, a use right, a right of way, etc.); and (ii) check whether the transferee actually has the right s/he claims to have. In many circumstances where careful due diligence has not been carried out, significant conflict has arisen at a later stage when another party claims that they have the same or a competing right. In some circumstances – but not all – the transferee will have documentary evidence of such right. Where no such evidence exists, the due diligence can establish rights by speaking with local community officials and neighbors.

Public consultations and disclosure. The decision to donate must be taken on the basis of a full understanding of the project and the consequences of agreeing to donate the land. Accordingly, the parties that will be affected by the donation (the owners and users of the land) must be provided with accurate and accessible information regarding what the land will be used for, for how long, and the impact the donation will have on them and their families. It is important that prior written notification indicating the location and amount of land that is sought be provided and that its intended use for the project is disclosed.

Where the intention is to deprive the parties affected by the donation of the land permanently, or for a significant length of time, this must be made clear. It should be noted that in many communities the concept of alienation of land is uncommon and difficult to understand, and care needs to be taken to ensure that the implications of this are fully understood. It is also important to

decide who else should be consulted about the proposed donation; for example, spouses and older children.

There should be a clear agreement as to which party will pay the costs associated with the donated land. This could include measurement costs, documentation and notarial fees, transfer taxes, registration fees. It should also include the costs of re-measuring/re-titling the transferee's remaining land and any new documentation relating to it.

### **Establishing informed consultation**

Commune Chief and SSFP will verify the informed consultation or power of choice by the people who would donate land or asset. In particular, the following will be verified and documented in the voluntary donation report:

- (a) What the land is going to be used for, by whom and for how long;
- (b) That they will be deprived of the ownership or right to use the land, and what this really means;
- (c) That they have a right to refuse to donate the land;
- (d) Whether there are alternatives to using this land;
- (e) What they will need to do to donate the land (e.g., execute documents, get spousal consents, pay taxes);
- (f) The effect of the donation on their family, and what they can do if they (or their family or heirs) want the land back.

The right to refuse must be a legitimate right, unconditional, and the potential transferee must be capable of exercising it in the local community and political context. For this reason, it is important to be sure that the decision to donate is undertaken without coercion, manipulation, or any form of pressure on the part of public or traditional authorities. For collective or communal land, donation must be based upon the informed consent of all individuals using or occupying the land.

Proper documentation. During the VLD process for project investments, it is important to distinguish between: (a) the agreement to donate the land; and (b) the document that carries out and evidences the legal transfer of the land. While it is important to have evidence of an intention and agreement to donate the land, it is equally important to ensure, where required and appropriate, that the land is legally transferred. While the process relating to the legal transfer of the land is frequently complicated and time consuming, it must be addressed. [In specific circumstances, for example where the land is being transferred to the community, it may not be necessary to legally transfer the land. However, experience indicates that lack of formal transfer can create significant uncertainty in the future, which impacts on the sustainability of the infrastructure and services, and can have a negative effect on community relations.] (see form 1 VLD, for reference)

Commune Chief and CSC should:

- (a) Identify the appropriate documentation, including the agreement to make the transfer and any legal documentation that may be required;
- (b) Ensure that the agreement:
  - ✓ Refers to the consultation has taken place;
  - ✓ Sets out the terms of the transfer;
  - ✓ Confirms that the decision to transfer was freely made, and was not subject to coercion, manipulation, or any form of pressure;
  - ✓ Attaches an accurate map of the land being transferred (boundaries, coordinates);



- ✓ Sets out who will bear the costs of the transfer (e.g., notarial fees, taxes, title issues) and documenting the residual land rights;
- (c) Ensure that all necessary parties sign the documents, including obtaining consent from spouses and children over a certain age;
- (d) Ensure that the transfer and title is registered or recorded; and
- (e) Ensure that the land remaining after the donated land is excised is properly titled, registered or recorded.

It is also important to maintain a record of the process that has been followed. Such documents could include the following:

- (a) The notification indicating the location and amount of land that is sought and its intended use for the project, with a record of when and where this was made public;
- (b) Records of the consultations that were held and what was discussed;
- (c) A copy of the due diligence that was conducted;
- (d) Copies of each of the formal statements of donation, establishing informed consent as described above, and signed by each owner or user involved;
- (e) Copies of all documents, registrations or records evidencing the legal transfer of the land;
- (f) A map, showing each parcel of land.

The PMT and the CSC should maintain a record with documentation for each parcel of land donated. Such documentation must be available for World Bank review, and for review in relation to any grievances that may arise.

**Grievance redress arrangements.** The project specifies means by which donors (and, potentially, persons whose use or occupancy was not recognized in the transfer of land) may raise grievances, and measures to ensure consideration of, and timely response to, grievances raised. The grievance process includes participation of reviewers not directly affiliated with the project implementing agency. The grievance process imposes no cost upon those raising grievances, and participation in the grievance process does not preclude pursuit of legal remedies under the laws of the country.

**FORM 1 - Voluntary Land Donation**

Province / Region:	
District:	
Commune/Sangkat:	
Village:	
Sub-project ID:	

Name of land owner:	ID Number:	Beneficiary of the project: Y/N		
Sex:	Age:	Occupation:		
Address:				
Description of land that will be taken for the project:	Area affected:	Total landholding area:	Ratio of land affected to total land held:	Map code, if available:
Description of annual crops growing on the land now and project impact:				
	Details	Number		
Trees that will be destroyed				
Fruit trees				
Trees used for other economic or household purposes				
Mature forest trees				
Other				
Describe any other assets that will be lost or must be moved to implement the project:				
Value of donated assets:				

By signing or providing thumb-print on this form, the land user or owner agrees to contribute assets to the project. The contribution is voluntary. If the land user or owner does not want to contribute his/ her assets to the project, he or she should refuse to sign or provide thumb print, and ask for compensation instead.

Date: .....

Date: .....

District PMO representative's signature

Affected persons signature

(both husband and wife)

## APPENDIX 2. INDIGENOUS PEOPLES PLANNING FRAMEWORK

### Cambodia: Secondary Education Improvement Project (SEIP)

# **SECONDARY EDUCATION IMPROVEMENT PROJECT (SEIP) IN CAMBODIA**

Project Number: P157858

## **INDIGENOUS PEOPLES PLANNING FRAMEWORK (November 2016)**



*Prepared by:*

**PROJECT MANAGEMENT COMMITTEE  
MINISTRY OF EDUCATION, YOUTH AND SPORTS, CAMBODIA**

## PREFACE

This document is called the Indigenous Peoples Planning Framework (IPPF) for Secondary Education Improvement Project (SEIP) dedicated for Cambodia, called the Project. It is developed on a basis of outcomes from the Social assessment (SA) as a standalone document. The IPPF is part of the overall mitigation instrument namely the Environmental and Social Management Framework (ESMF) for the SEIP for Cambodia. This framework will be applied to all investments to be financed by the World Bank (WB) for technical and/or financial support from the Project that involves Indigenous Peoples (OP 4.10).

The Project comprises two components as specified in Section I of this document. The Project will be executed by the Ministry of Education, Youth, and Sport (MoEYS) who has established Project Management Committee (PMC) to manage the implementation. The Project implementation will be mainly carried out by Department of General Secondary Education; Department of Teacher Training; and Department of Construction with support from other relevant departments and sub-national level offices of MoEYS. Safeguard implementation will be carried out by the PMC and respective agencies.

This document is considered a living document and shall be modified and updated in line with the changing situation or scope of the activities. Close consultation with the World Bank and clearance of the revised IPPF will be necessary.

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## ABBREVIATION

ADB	=	Asian Development Bank
CAS	=	Country Assistance Strategy
DDR	=	Due Diligent Report
EC	=	European Commission
EFA	=	Education for All
ESMF	=	Environmental and Social Management Framework
ESP	=	Education Strategic Plan
ICERD	=	International Convention on the Elimination of all Forms of Racial Discrimination
ICESCR	=	International Covenant on Economic, Social and Cultural Rights
ESA	=	Environmental and Social Assessment
IPP	=	Indigenous Peoples Plan
IPPF	=	Indigenous Peoples Planning Framework
SA	=	Social assessment
ISN	=	Interim Strategy Note
JICA	=	Japanese International Cooperation Agency
LSS	=	Lower Secondary School
M&E	=	Monitoring and Evaluation
MoEYS	=	Ministry of Education, Youth and Sports
NGO	=	Non Governmental Organization
OP	=	Operational Policy
PISA	=	Programme for International Student Assessment
PMC	=	Project Management Committee
PRA	=	Participatory Rapid Appraisal
RAP	=	Resettlement Action Plan
RPF	=	Resettlement Policy Framework
SA	=	Social Assessment
SEIP	=	Secondary Education Improvement Project
SIDA	=	Swedish International Development
TPAP	=	Teacher Policy Action Plan
U-BETT	=	Upgraded Basic Education Teacher Training
UN	=	United Nations
UNESCO	=	United Nations for Education, Science, and Culture Organization
UNICEF	=	United Nations Children's Fund
US\$	=	United State Dollars
WB	=	World Bank

## EXECUTIVE SUMMARY

### INTRODUCTION

125. **Project Development Objective:** The PDO is to expand lower secondary education of a minimum standard in target areas, and to provide immediate and effective response in case of an Eligible Crisis or Emergency. This will be achieved through two main components: (i) Improving Lower Secondary Education to Meet Standards through: provision of School Improvement Fund (SIF), upgrading lower secondary teachers, and improving school facilities; and (ii) Strengthening Project Management, Monitoring and Evaluation.

126. **Project Components:** The project will have two components. Sub-components 1.1 and 1.2 will use results-based financing to support the achievement of MoEYS secondary school standards through three interlinked dimensions: (i) strengthening school-based management and (ii) upgrading teachers. For each sub-component, there will be one or two Disbursement-Linked Indicators (DLI) with time-bond targets. These three components will make up the package (or packages) that will be sent to MEF for special arrangement approval. Investment Project Financing will be used for Sub-component 1.3, improving school facilities and Component 2: (i) project management and monitoring and evaluation (M&E) and (ii) Program for International Student Assessment (PISA) for Development.

127. **Indigenous People Planning Framework:** The World Bank's Operational Policy 4.10 on Indigenous Peoples is triggered for this Project. In compliance with the OP 4.10 and prior to project appraisal stage, an Indigenous Peoples Planning Framework (IPPF) is developed to ensure that indigenous peoples would be sufficiently and meaningfully consulted leading to their free, prior and informed consultation (FPIC) to project interventions, that they would have equal opportunity to share the project benefits, and that any potential negative impacts are properly mitigated. The IPPF will form a basis for project implementation and monitoring and evaluation of how the project deals with indigenous peoples issues. At project implementation stage, Indigenous People Plan (IPP) will be developed, based on this IPPF, after the target schools are approved and results of social screening confirmed adverse impact on IP communities.

### BACKGROUND AND POLICY FRAMEWORK

128. **Who are Indigenous Peoples:** The Cambodian government has made reference to indigenous peoples (literal translation: "indigenous minority peoples") in various laws and policies. Indigenous peoples are recognized separately to peoples such as the ethnic Lao living in northeastern Cambodia who are not generally considered "indigenous", nor are the Chams or Vietnamese. However, the concept of indigenous peoples is not that clear-cut and Khmers (the dominant ethnic group) living in some areas share many characteristics with indigenous peoples.

129.

130. **Indigenous People Groups:** The population of Cambodia is 13.7 million of which 90-95 percent are Khmer ethnicity. The remaining 5-10 percent is composed of ethnic minorities such as the Muslim Cham, Chinese and Vietnamese, and seventeen indigenous ethnic minority groups also called "Khmer Loeu" or "hill tribes" who are ethnically non-Khmer. These groups are estimated to comprise around 120,000 persons and constitute about 1 percent of the Cambodian total population. The seventeen indigenous minority groups which range from 300 to 19,000 members include Phnong, Kouy, Mil, Kraol, Thmorn, Khaonh, Tompoun, Charay, Kreoung, Kavet, Saouch, Lun, Kachak, Proav, Souy (Sa'ong), Stieng, and Kavet and other minority groups namely Vietnamese, Laotian and Khmer Islam<sup>18</sup>. Indigenous groups constitute the majority in the provinces of Rattanakiri (67.9 percent) and Mondulkiri (59.3 percent). Stung Treng and Kratie also share higher percentage of indigenous groups.

<sup>18</sup> *Pathways to Justice: Access to Justice with a Focus on Poor, Women and Indigenous People, Ministry of Justice, UNDP, September 2005, p. 59.*

## **Cambodia Policies, Laws, Rules and Regulations Applicable to IPs**

131. **National Policy on the Development of Indigenous People:** The Policy was approved by the Council of Ministers April 24, 2009 and sets out government policies related to indigenous peoples in the fields of culture, education, vocational training, health, environment, land, agriculture, water resources, infrastructure, justice, tourism and industry, mines and energy. Together with the Land Law (2001) this policy gives recognition to the rights of indigenous peoples to traditional lands, culture and traditions.

132. **A Policy on Registration and Right to Use of Indigenous Communities** in Cambodia was approved by the Council of Ministers on April 24, 2009, and a Sub-decree on procedures of registration of Land of Indigenous communities was signed on June 9, 2009 by the Prime Minister. This policy takes as its basis the recognition in the Land Law of 2001, of the right of indigenous communities to possess and use land as their collective ownership.

133. **Cambodia Constitution (1993):** Article 31.2 stipulates that “Khmer citizens shall be equal before the laws and shall enjoy the same rights, freedom and duties, regardless of their race, color, sex, language, beliefs, religions, political tendencies, birth of origin, social status, resources, and any position”. Indigenous Peoples are Cambodian citizen.

134. **The Land Law 2001** recognizes the right of indigenous communities in Cambodia to own immovable property - their land - with collective title. Article 23 in the law defines an indigenous community as:

- A group of people who manifest ethnic, social, cultural and economic unity,
- Who practice a traditional lifestyle, and
- Who cultivate the lands in their possession according to customary rules of collective use

135. **The Forest Law 2002** (Article 11, 15, 16, 40) guarantees and recognizes the right of indigenous peoples to continue the use and access to certain forest areas which these groups traditionally use and to practice their way of living in term of enjoyment of benefits from the forest.

## **Relevant International Agreements Cambodia Entered**

136. Cambodia is a signatory to a number of international instruments that protect the rights of indigenous peoples<sup>19</sup>, as well as the Convention on Biological Diversity (1992), which recognizes the role of indigenous people in protecting biodiversity. In 1992, the Cambodian Government ratified the International Covenant on Economic, Social and Cultural Rights. This includes the rights to practice specific culture and the rights to means of livelihoods, NGO Forum on Cambodia. **UN Declaration on the Right of Indigenous People** was adopted by the United Nations General Assembly in September 2007. Many countries in the world including Cambodia have voted in favor of this nonbinding declaration. **International Convention on the Elimination of all Forms of Racial Discrimination (“ICERD”)**, Article 5(e) ensures the enjoyment, on an equal footing and without discrimination, of economic, social and cultural rights, in particular the right to education and training.

## **World Bank’s Operational Policy: Indigenous People (OP4.10)**

137. The WB’s Operational Policy 4.10 (Indigenous Peoples) requires that special planning measures be established to protect the interests of indigenous peoples with a social and cultural identity distinct from the dominant society that may make them vulnerable to being disadvantaged in the development process. As a prerequisite for Project approval, OP 4.10 requires the borrower to conduct free, prior and informed consultations with potentially affected indigenous peoples and to establish a pattern of broad community support for the Project and its objectives.

<sup>19</sup> This includes the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the United Nations Declaration on the Rights of Indigenous People and more generally the Universal Declaration of Human Rights.

It is important to note that the OP 4.10 refers to social groups and communities, and not to individuals.

### **Gap Analysis**

138. Despite Cambodia has Policy that recognize the right of indigenous people to culture, education, vocational training, health, environment, land, agriculture, water resources, infrastructure, justice, tourism and industry, mines and energy, there is no decrees, sub-decree or procedure for specific safeguard or protect the interest of the indigenous peoples. They have generally been treated equally as Khmer citizens. However, Cambodia Land Law recognizes the right of indigenous communities in Cambodia to own immovable property - their land - with collective title. In practice, the procedure to register collective title take very long and only few indigenous communities (approx. 5) have received collective title since the land law enacted in 2001. Similarly, the Forest Law also guarantees and recognizes the right of indigenous peoples to continue the use and access to certain forest areas that they traditionally use and practice. Thus, there is no significant discrepancy between Cambodia laws and regulations and the World Bank's OP4.10. In addition, the Bank' OP4.10 comprehensively describe the objectives, principles and procedure to safeguard the indigenous peoples. The IPPF, therefore, will be prepared on the basis of the World Bank's OP4.10 by taking into consideration relevant Cambodia policies and regulation. Clear mechanism for free, prior and informed consultation in order to seek broad support of the Project from the indigenous communities will be used in the whole cycle of the Project. During implementation, a Grievance Redress Mechanism will be established so that every indigenous people can bring his/her voice, complaint or any un-satisfaction about the project.

## **KEY ISSUES AND POTENTIAL IMPACTS IN IP**

### **Key Issues**

139. Fieldwork and desk review conducted in March 2016 found that indigenous peoples are present majority in Rattanak Kiri, Mondul Kiri, Stung Treng and Kratie (the northeastern part of Cambodia). Other minority groups are living in Preah Vihear (Kouy), Kampong Speu (Souy), Sihanouk Ville (Sa'och), Kampong Cham (Stieng), Kampong Thom (Kouy), Banteay Meanchey (Kouy), and Odor Meanchey (mix). All IP communities are located in remote area of the provinces where accessibility (road) is difficult and infrastructures<sup>20</sup> are limited. Most of their villages have only primary school with complete or incomplete grade. From stakeholders (villagers, teachers, and local authorities) consultative meetings confirmed that majority of IP students dropped schools at grade 6, as they could not afford to continue their study due to long distance from lower secondary school to their village. Poverty is the key obstacle for their access to education. Other factors cause dropout among IP students are early marriage for girl, do not see someone success resulted from higher education in their community (no role model), and parents have less concern over their child's education. For example, in Oral district, among 50 Souy students who entered grad 7 only 10 students were able to complete grad 9. Similar to this, at Borkeo secondary school, 60% of students are indigenous and has higher dropout rate compare to Khmer's students. All school principals interviewed reported that majority of IP students have short memory leading to lower quality of study. In addition, the school principals felt that the national teaching curriculum might not appropriate for majority of IP students.

### **Potential Impacts**

140. Target schools will be selected from nationwide and thus exactly which IP groups will be benefited/affected under the project will be known after the Project screening, when the exact list of target schools are finalized. In the context of SEIP, the indigenous peoples in the project areas are likely to receive a long term project benefits through the support on (i) construction of lower secondary school buildings in their communes presently without lower secondary schools (LSS); and/or (ii) construction of classrooms in the overcrowded lower secondary schools (e.g. two-shift schools); and/or (iii) construction of accommodation for math and science teachers in LSS

<sup>20</sup> Infrastructures includes school, health center, water and electrical supply, and telecom

(Component 1.3); and (iv) improve quality of teaching through improve the teaching force (Component 1.2). However, they may be negatively affected by (i) inequitable access to newly built schools due to distance from their community to school and transport/road issues and (ii) possible land acquisition, particularly for 30 new school constructions. With regard to Component 1.2, indigenous teachers or teachers who are living in the remote indigenous village may have lesser opportunity to receive “scholarship for teacher” to update their skill equivalent to bachelor level compared with other teachers who are living in the urban or less remote rural area.

## **IMPLEMENTATION ARRANGEMENT, MONITORING, GRIEVANCE MECHANISM AND REPORTING**

### **Implementation Arrangement**

141. **Project Management Committee** is the highest level body established by MoEYS. The overall responsibilities for the oversight of the ESP in order to streamline policy development, strategic planning and implementation decision making processes. The Project Management Team (PMT), led by a Secretary of State provides support to the PMC and bears a central role in project implementation.

142. **Two Safeguard Focal Person** was appointed by PMC to be in charge of safeguard compliance as per approved ESMF, IPPF, RPF and possible IPP, and RAP. The responsibility include but not limit to (a) implementing activities as per IPPF and ensuring that indigenous and vulnerable peoples at rural and remote area are benefited from the Project; (b) Conducting public consultative meeting and social assessment in IP communities in order to identify needs for each specific project site, any potential adverse impact as result of site specific project's implementation, and possible project intervention; (c) Preparing minute of the meeting detailing information dissemination, discussed issues especially limitation to education access, concern raised by IP and possible project intervention; and (d) conducting consultations and updated social assessment related to Component 1 activities) and reporting. The outcome shall be summarized in a report and submitted to the PMC, which will compile the report and submit to the Bank.

143. **Provincial and District Office of Education** is sub-national level office of MoEYS. POE/DOE is a liaison between school and local community/authority and MoEYS. POE/DOE selected the target schools and proposed to MoEYS for consideration and screening. POE/DOE will cooperate with local authority to assure that school lands are secured for the Project.

144. **School Support Committee (SSC)** will be set up, if not yet exist, in every target schools and trained to use the project operational manual. The Committee will administer the construction works, ensure compliance of safeguard issues and monitor the implementation progress. Members of SSC will include women and elder who is representative of the IP community. SSC will be responsible for (a) coordinating and organizing consultative meeting and public announcement among the stakeholders particularly with student parents; (b) checking construction progress and ensuring compliance to all safeguard related issues; (c) receiving complaint from student parents and communities and send to Grievance Redress Committee for action.

### **Monitoring, Documenting and Disclosure**

145. Given the small scope of civil works to be carried out within each target schools under the Project (Component 1) and the fact that selection of priority investment would follow the participatory planning and consultation process described in this policy, significant adverse negative impacts to indigenous peoples land and resources are not expected to occur. The project will therefore seek to strengthen the self-monitoring and problem resolution capacity of local communities, through school support committee, including but not limited to indigenous peoples communities. Participatory Monitoring and Evaluation (M&E) will be carried out during implementation to allow affected population to assess project effects and identify measures to broaden positive benefits and address negative impacts. Also, whether conflicts involving ethnic groups have occurred and been resolved in compliance with this document will be monitored and

reported by project focal person. The PMT through its focal person will conduct regular internal monitoring and evaluation of the IPPF/IPP including review of monthly progress report submitted by site engineer.

### **Transparency and Grievance Mechanism**

146. The World Bank's resettlement policy requires an investment project to establish mechanism for grievance resolution in order to ensure indigenous peoples' satisfaction with implementation of IPPF related activities, and provide the IPs with a legal platform for on the ground monitoring and reporting on the implementation of IPPF related activities. Specifically, the purpose of the grievance mechanism is to allow IPs and persons who believe they are affected persons to seek satisfactory resolution to grievances they may have in relation possible land acquisition, resource restriction or other project interventions.

147. At the beginning of the project implementation, the grievance redress committees will be established at commune, districts, and provincial levels built on the existing structures consisting of concerned departments, NGOs, community organizations, women and ethnic representatives, if exist. At the village the existing grievance mechanisms that are chaired by elder and/or spiritual/tribal leaders, which are largely acceptable to local communities and will be strengthened as the first tier conflict resolution mechanisms of the Commune/Sangkat Council. This arrangement helps ensure that a system is in place to help resolve any grievances to or complaints that may occur after project intervention. The grievance mechanism will be applied to persons or groups that are directly or indirectly affected by a project, as well as those that may have interests in a project and/or have the ability to influence its outcome either positively or negatively. The project will provide training and support to strengthen these existing structures for effectively and collectively dealing with possible grievances that may be raised by PAPs during the course and after the implementation of IPs related activities.

### **Capacity Building**

148. Training need assessment (TNA) will be conducted in order to design training materials that relevant to the need. TNA will be conducted among PMT down to SSC and community. Training will cover the three safeguard policies and compliance, namely environment, involuntary resettlement and indigenous people. With specific to IPPF/IPP training shall include (a) overview of the World Bank OP4.10 and Cambodia relevant laws and regulation; (b) content of IPPF/IPP and its implementation issues; (c) institutional arrangement for the project implementation including role and responsibility; (d) how to conduct public consultation using free, prior and informed approach; (e) grievance redress procedure and issues; and (f) requirement for monitoring and reporting.

### **Budget**

149. Budget for implementing IPPF will be part of the Project budget. It uses to cover costs of project staff allowances and consultants to prepare compliance reports including supervising and monitoring reports, data collection, and preparation of IPP etc. Below is a rough budget estimate for IPPF implementation. Budget for IPP implementation is separated. There are totally 130 target schools but assume that only 30 schools will be located in the IP communities or IP with attachment to the location where target schools are located. Assuming that IPPF will require project staff input of 10 days per target school, 5 days of consultant input per target school plus 5 days of transport. Lump sum amount will be used for data collection and other expanses. **Total budget for implementing this IPPF is estimated at US\$120,000.**

## **PUBLIC CONSULTATION AND DISCLOSURE**

### **Approach used for Social Screening**



150. Free, prior and informed consultation approach is required in all stages of the project. Firstly, it had been used during consultative meetings with local authorities, communities and school support committees during SA (at project concept stage). In subsequent stages, this approach will be used for project screening (school selection), social assessment (for preparing IPP), and project implementation and monitoring. Detail process and procedure describe in below Subsection.

151. SA was confirmed that the indigenous peoples in the Project areas (Rattanakiri and Kampong Speu) would receive the overall positive impacts from the Project but may be adversely affected by (i) land acquisition for 30 new schools and some of which may be located in their communities and (ii) inequitable access to new school because some IP communities are far away. Agreement was reached between participants of consultation meetings, inter alia, local community members including IPs, local and national government officials, who are active in the Project areas.

### **Free, Prior, and Informed Consultation**

152. The Project will adopt full consultation and stakeholder participation for both Components 1 and 2. During project screening (school selection process) communities, teachers, parents and local authorities are full consulted about benefits and potential impacts. A Social Assessment will be conducted with target schools where potential impacts on indigenous peoples, land and other resources are identified. Prior to consultation, the PMC will send notice to the communities informing their leaders that they will be visited by the respective focal person and local authorities and that consultation will be conducted to seek support of the project intervention and to determine potential adverse impacts as well as possible support from the project in order to address the potential impact. The notice will request that the communities shall invite to the meeting representatives of farmers, women association and village leaders. During the visit, the community leaders and other participants will present their views with regards to the proposed activities. During the consultation, detailed procedures would be determined on a village-by-village basis to determine the potential impact and possible supports under the project. Further, a conflict resolution system, through established grievance mechanism, would be defined to ensure reflection of voices of the affected people (particularly for land acquisition).

153. In the process, free, prior and informed consultations will be undertaken in a language spoken by, and location convenient for, potentially affected indigenous peoples. The views of indigenous peoples are to be taken into account during implementation of projects, while respecting their current practices, beliefs and cultural preferences. The outcome of the consultations will be documented into the periodical reports and submitted to the Bank for review. During implementation of the project, an updated social assessment shall also be carried out to monitor the positive and negative impacts of the project, and obtain feedback from the project-affected people.



## 1. INTRODUCTION

### 1.1. COUNTRY AND SECTOR CONTEXT

154. Following more than two decades of strong economic growth, Cambodia has attained the lower-middle income status as of 2015, with GNI per capita reaching US\$ 1,070. Cambodia grew by an average annual rate per capita of 7.8 percent during 2004–2014, ranking among the top 15 economies in the world in terms of economic growth. The gross national income (GNI) per capita according increased by more than threefold in just two decades. The main drivers of growth have been garment, manufacturing, agriculture, tourism and, more recently, construction and real estate. Economic growth eased in the aftermath of the 2009 global crisis while remaining strong at 7.2 percent during 2010–2014, on average. Growth eased slightly to 7.0 percent in 2015, in the context of an economic slowdown in China and appreciating U.S. dollar, and is expected to remain at 7.0 percent in 2016. Resilient garment exports and stronger domestic demand, boosted by a construction boom, low oil prices, and fast credit growth, partly offset the moderation in the tourism and agriculture sectors.

155. Realizing education's potential to spur growth is a priority for Cambodia. The country's National Strategic Development Plan and Rectangular Strategy call for creating a competitive economy through knowledge and innovation. To lay a strong foundation, the Education Strategic Plan (ESP) focuses on two key issues: achieving universal access to high-quality basic education and promoting equal educational opportunities to increase income and employment.

156. Over the previous 20 years, Cambodia has expanded access to education. In primary school, net enrollments increased from 83.8 percent in 1992 to 98.4 percent in 2015. Lower secondary enrollments also increased from 31.9 percent in 2009 to 51.5 percent in 2015 and early childhood education enrollment rate for 5-year-olds rose from 24.6 percent in 2004 to 64 percent in 2015. Girls have equal access to educational opportunities too: The Gender Parity Index for net enrollment in 2011/12 was 0.99 in primary school (grades 1 to 6), 1.13 in lower secondary school (grades 7 to 9), and 1.05 in upper secondary school (grades 10 to 12).

### 1.2. RELATIONSHIP TO CAS AND ESP

157. This project is closely related to the objectives of the Country Assistance Strategy (CAS), which was last updated in May 2008, as well as the emerging Interim Strategy Note (ISN). The CAS proposed to build strong foundations for sustainable development and poverty reduction by investing in good governance, physical infrastructure, human capital, and the private sector.

158. The proposed interventions are also aligned with the Bank's twin goals of eradicating extreme poverty and increasing shared prosperity. The literature on human capital has documented the positive correlation between human capital investment and social and economic development. Investments in education significantly contribute to poverty eradication and wealth creation, as higher educational attainment significantly increases the probability of getting a paid job and has a large and positive impact on monthly wage earnings. This well-known contribution laid the foundation for one of the landmark pledges at the 2000 UNESCO-sponsored World Education Forum in Dakar that provided a sustainable and well-integrated sector framework – Education for All – that clearly linked education with poverty elimination and social and economic development.

159. Since the Dakar forum, international evidence has shown that access to and permanence in the education system, while necessary, are not sufficient to achieve reduced poverty and greater shared growth. Education systems need to be of sufficient quality to ensure that their graduates acquire the basic, soft, and sector-specific skills needed to function efficiently and effectively on the job, adapt as workers or managers in a rapidly evolving technological society, and innovate and compete as entrepreneurs not only in developing new products but also in adopting those produced elsewhere.

160. In addition to be aligned to the Bank's twin goals, the proposed project also complements

various on-going interventions to implement Teacher Policy Action Plan (TPAP) by development partners, such as the United Nations Children's Fund (UNICEF), Japanese International Cooperation Agency (JICA), Swedish International Development Agency (SIDA), Asian Development Bank (ADB), and the European Commission (EC). Specifically, ADB is processing the new program on the expansion of upper secondary education with strong focus of math and science. JICA is also preparing their new loan for upgrading 6 Regional Teacher Training Centers to Teacher Education College so as to improve pre-service training for lower secondary teachers. In addition, UNICEF, EC and SIDA implement capacity development program for existing primary school teachers.

161. **Education Strategic Plan (ESP) 2014 – 2018** intends to continue to give highest priority to equitable access to high quality education, especially basic education (grade 1 to grade 9), in order to realize the National Education for All (EFA). ESP 2014-18 also gives a great emphasis on expanding early childhood education, non-formal education, technical and vocational training and opportunities to access secondary and post-secondary education through the continued and improved partnership among the government, development partners, private sector, non-governmental organizations, communities and parents.

### 1.3. PROJECT DEVELOPMENT OBJECTIVES

162. The PDO is to expand lower secondary education of a minimum standard in target areas, and to provide immediate and effective response in case of an Eligible Crisis or Emergency. This will be achieved through two main components: (i) Improving Lower Secondary Education to Meet Standards through: provision of School Improvement Fund (SIF), upgrading lower secondary teachers, and improving school facilities; and (ii) Strengthening Project Management, Monitoring and Evaluation.

### 1.4. PROJECT DESCRIPTION AND COMPONENTS

163. Overall, the project is designed to expand lower secondary school access and improve its quality. The project improves the effectiveness of teachers by supporting MoEYS' Teacher Policy Action Plan (TPAP), which aims to professionalize the teaching force in Cambodia. This project in particular will support the upgrading of lower secondary school teachers who do not currently hold a bachelor's degree in the subject area they teach. Moreover, the project will support the development of sub-national school management structures by providing additional support to 100 schools, their respective District Offices of Education (DOEs), and Provincial Departments of Education in all the 25 provinces and capitals. Project support will increase school-based management and financial capacity to achieve school-specific development needs as well as build the monitoring and evaluation systems at subnational education offices.

164. The project will have two components. Sub-components 1.1 and 1.2 will use results-based financing to support the achievement of MoEYS secondary school standards through three interlinked dimensions: (i) strengthening school-based management and (ii) upgrading teachers. For each sub-component, there will be one or two Disbursement-Linked Indicators (DLI) with time-bond targets. These three components will make up the package (or packages) that will be sent to MEF for special arrangement approval. Investment Project Financing will be used for Sub-component 1.3, improving school facilities and Component 2: (i) project management and monitoring and evaluation (M&E) and (ii) Program for International Student Assessment (PISA) for Development.

165. Component 1: Improving Lower Secondary Education to Meet Standards (US\$32.6 million equivalent). This component aims to support the goals of the ESP and the TPAP through the establishment of 100 effective lower secondary schools (i.e., schools that meet LSSSES) that can provide lessons to MoEYS as it increases expenditures in the sub-sector. This component targets approximately 8 percent of total lower secondary schools nationwide. This component will be implemented using a holistic approach, targeting national, sub-national and school levels.

This will be achieved through three sub-components: (i) strengthening school based management through the provision of the School Improvement Fund (SIF) at the POE, DOE and school levels; (ii) upgrading qualification of lower secondary school teachers (especially in math, physics, biology, chemistry, Khmer, and History subjects)<sup>21</sup> and school directors to bachelor's degrees; and (iii) improving school facilities through construction and rehabilitation of 100 existing schools and construction of 30 new schools to provide enabling conditions for effective teaching and learning. The selection of the 100 existing schools and 30 new schools were: (a) need-based and drawn upon an extensive school mapping exercise; (b) based on schools that exhibit a strong community commitment to the project concept and willingness to meet the project's preconditions for selection; and (c) located in rural and remote areas. Component 1.1 targets only 100 existing schools and Component 1.3 targets both 100 existing schools and 30 new schools, while Component 1.2 targets teachers nation-wide with preference given to teachers and school directors/deputy directors from the 130 target schools. Each of these overlapping subcomponents are detailed below.

166. **Sub-component 1.1: Strengthening School-Based Management (approximately US\$14.7 million equivalent through DLI approach).** This subcomponent aims to support capacity development of POEs, DOEs and the 100 targeted Lower Secondary Schools to strengthen service delivery in efforts to: (i) strengthen school management through school development planning, monitoring/assessment of teachers and student performance, and community participation; and (ii) support teachers in improving teaching and classroom management practices, including lessons plan, workbooks, test items, and student assessment/feedback. To achieve the goals of this sub-component, the project will finance (1) SIFs<sup>22</sup> at the POE, DOE and School-levels as well as (2) activities that capacity build staff members at each of these levels.

167. **Sub-component 1.2: Upgrading Teachers (US\$7.3 million equivalent through DLI approach).** Working through the national structure of TPAP, this subcomponent aims to upgrade the qualifications of 2,000 teachers and 310 school directors and deputy directors to bachelor's degrees. The first cohort to be upgraded will be the teachers and directors from the 100 target schools (see sub-component 1.3). The remaining teachers will be upgraded based on national needs identified by TPAP, thus creating a spillover effect. The proposed sub-component activities will focus on demand side scholarships, covering tuition costs and stipends (i.e., transportation and accommodation costs).

168. **Sub-component 1.3: Improving School Facilities (approximately US\$10.6 million through IPF traditional approach).** To complement the two above sub-components, this sub-component will support the physical improvement of 130 target Lower Secondary schools to expand access. This will include: (i) construction and rehabilitation of 100 existing schools<sup>23</sup> and (ii) construction of 30 new schools in the communes lacking a lower secondary school. The schools will cover all 25 provinces in 78 districts. The construction plan of the 130 selected schools will include teacher accommodations where needed and will be carried out through

<sup>21</sup> The teacher upgrading in math and science connects to the *Cambodia Industrial Development Policy, 2015-2025*, specifically as it relates to the areas of STEM.

<sup>22</sup> The operational guidelines will describe: (i) the process of school self-assessment, planning and budgeting, monitoring and review; (ii) procurement of goods, services; and works; (iii) financial management; (iv) transparency and public reporting; (v) and teacher allowance procedures.

<sup>23</sup> The selection of the 100 existing schools will be based on: (i) schools that exhibit a strong commitment to the project concept and are willing to meet the project preconditions for selection; and (ii) schools with high drop-out rates, low enrollment rates and high student/teacher ratios. The selection of the 100 existing schools excludes the more affluent and/or well-endowed schools (e.g. schools with sufficient teachers, flagship schools in the provincial center, etc.) or schools that receive supports from other donor programs.

community participation construction method. The selection of the schools will be need-based and draw upon the school mapping exercise undertaken by MoEYS..

169. The MoEYS survey team visited 30 school locations in eight provinces. The main objectives of the visit were to: i) site screen the school locations, ii) inform concerned parties – POEs (41), DOEs (33), School Support Committees, local authorities, students (304), parents/and communities (212) – about the project and assess their commitment to the project to improve learning outcomes. The team noted high level of enthusiasm from the sites visited. The team mentioned that visits to the remaining sites will be completed by October 2016 and the full need analysis will be completed by January 2017.

170. It was agreed that a standard MoEYS school design will be adopted for school facilities and will follow the successful model used and lessons learned in previously financed World Bank education projects - the Flood Emergency Rehabilitation and Cambodia Education Sector Support Projects. All construction will be permanent structures, with minimum expected lifespan of 25 years, meeting the requirements of the MoEYS School Construction Guidelines, which are described in detail in the Community Construction Manual (CCM). It was agreed that the technical specifications of the standard MoEYS school design would be reviewed by IDA mission by TBD. The updated CCM incorporates environmental safeguards aspects, a more cost effective school construction design to be implemented in rural areas and inclusion of protection against strong wind.

171. **Component 2: Strengthening Project Management and Monitoring and Evaluation (approximately US\$7.6 million equivalent *million through IPF traditional approach*).** This component will cover grant management as well as strengthen monitoring and evaluation capacity in the MoEYS. This component will also finance activities to support the PISA for Development (PfD) to strengthen assessment capacity of MoEYS in preparation for PISA 2021.

172. This component will also support day-to-day implementation, coordination and management of project activities on planning and execution, financial management, procurement, supervision and reporting, internal and external audits, third party verification for DLIs, environmental and social safeguards management, and monitoring and evaluation. These activities will ensure efficient program management and early identification of corrective measures to solve implementation problems. In addition, this component will provide necessary office equipment, vehicles, training/workshops, logistics, and operational costs to relevant MoEYS departments. Furthermore, the project will provide critical and strategic TA and capacity building to support and strengthen relevant departments at all levels during implementation, including TA to TPAP in order to ensure a strong pedagogical component in the upgrading curriculum of each service provider and for on-the-job training at the school level.

## 1.5. INDIGENOUS PEOPLE PLANNING FRAMEWORK (IPPF)

173. The World Bank's Operational Policy 4.10 on Indigenous Peoples is triggered for this Project. In compliance with the OP 4.10 and prior to project appraisal stage, an Indigenous Peoples Planning Framework (IPPF) is developed to ensure that indigenous peoples would be sufficiently and meaningfully consulted leading to their free, prior and informed consultation (FPIC) to project interventions, that they would have equal opportunity to share the project benefits, and that any potential negative impacts are properly mitigated. The IPPF will form a basis for project implementation and monitoring and evaluation of how the project deals with indigenous peoples issues. At project implementation stage, Indigenous People Plan (IPP) will be developed, based on this IPPF, after the target schools are approved and results of social screening confirmed adverse impact on IP communities.

## 2. BACKGROUND

### 2.1. OVERVIEW OF INDIGENOUS PEOPLES IN CAMBODIA

174. The Cambodian government has made reference to indigenous peoples (literal translation: “indigenous minority peoples”) in various laws and policies. Indigenous peoples are recognized separately to peoples such as the ethnic Lao living in northeastern Cambodia who are not generally considered “indigenous”, nor are the Chams or Vietnamese. However, the concept of indigenous peoples is not that clear-cut and Khmers (the dominant ethnic group) living in some areas share many characteristics with indigenous peoples.

175. The population of Cambodia is 13.7 million of which 90-95 percent are Khmer ethnicity. The remaining 5-10 percent is composed of ethnic minorities such as the Muslim Cham, Chinese and Vietnamese, and seventeen indigenous ethnic minority groups also called “Khmer Loeu” or “hill tribes” who are ethnically non-Khmer. These groups are estimated to comprise around 120,000 persons and constitute about 1 percent of the Cambodian total population. The seventeen indigenous minority groups which range from 300 to 19,000 members include Phnong, Kouy, Mil, Kraol, Thmorn, Khaonh, Tompoun, Charay, Kreoung, Kavet, Saouch, Lun, Kachak, Proav, Souy (Sa’ong), Stieng, and Kavet and other minority groups namely Vietnamese, Laotian and Khmer Islam<sup>24</sup>. Indigenous groups constitute the majority in the provinces of Ratanakiri (67.9 percent) and Mondulakiri (59.3 percent). Stung Treng and Kratie also share higher percentage of indigenous groups.

176. In Ratanakiri, there are 32,947 households, with total population of 156,705 (NCDD, 2010). Among these, 71.42 percent of the total population are contributed from 9 indigenous people and 3 minority groups namely: Phnong (466 persons equals to 0.30 percent of total population), Kouy (1 person, equals to 0.001 percent), Stieng (121 persons, equals to 0.08 percent), Tompoun (33,506 persons, equals to 21.38 percent), Charay (24,834 persons, equals to 15.85 percent), Kreoung (22,122 persons, equals to 14.12 percent), Kavet (2,497 persons, equals to 1.59 percent), Lun (492 persons, equals to 0.31 percent), Kachak (4,356 persons, equals to 2.78 percent), Proav (8,985 persons, equals to 5.73 percent) and other minority groups namely Khmer Islam (2,501 persons, equals to 1.6 percent), Vietnamese (795 persons, equals to 0.51 percent) and Laotian (11,249 persons, equals to 7.18 percent).

177. In Mondulakiri, there are 13,257 households, with total population of 62,218 (NCDD 2010). Among these, 70.70 percent are contributed from 9 indigenous people groups and 3 minority groups namely: Phnong (36,992 persons, equals to 59.46 percent of the total population within the province), Kuoy (23 persons, equals to 0.04 percent), Stieng (492 persons, equals to 0.79 percent), Mil (355 persons, equals to 0.57 percent), Kraol (1,081 persons, equals to 1.74 percent), Thmorn (49 persons, equals to 0.08 percent), Tompoun (32 persons, equals to 0.05 percent), Charay (225 persons, equals to 0.36 percent), Kreang (80 persons, equals to 0.13 percent) and other minority group namely Khmer Islam (3,455 persons, equals to 5.54 percent), Vietnamese (87 person, equals to 0.13 percent) and Laotian (1,130 persons, equals to 1.82 percent).

178. In Stung Treng Province, according to the provincial database in 2010 produced by the Ministry of Interior reported that there are 22,870 households, with total population of 112,237. Among these, 12.38 percent of the total population are contributed from 10 indigenous people groups and 3 other minority groups namely: Phnong (652 persons, equals to 0.58 percent), Kuoy (4,358 person, equals to 3.88 percent), Stieng (151 persons, equals to 0.13 percent), Tompoun (17 persons, equals to 0.02 percent), Charay (3 persons, equals to 0.003 percent), Kreoung (882 persons, equals to 0.79 percent), Kavet (3,041 persons, equals to 2.71 percent), Lun (549 persons, equals to 0.49 percent), Kachak (3 persons, equals to 0.003 percent), Praov (591 persons, equals to 0.53 percent) and Khmer Islam (3,170 persons, equals to 2.82 percent),

<sup>24</sup> *Pathways to Justice: Access to Justice with a Focus on Poor, Women and Indigenous People, Ministry of Justice, UNDP, September 2005, p. 59.*

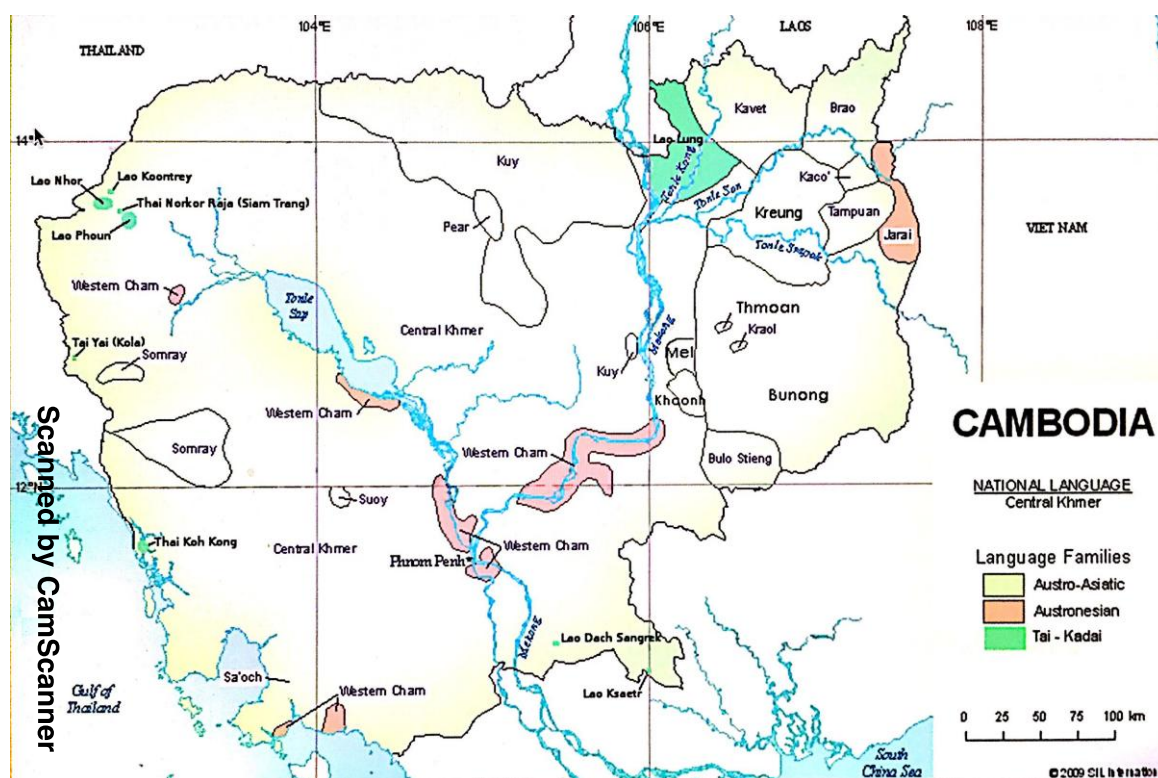


Vietnamese (437 persons, equals to 0.39 percent) and Laotian (43 persons, equals to 0.04percent).

179. In Kratie province, there are 68,171 households, with total population of 331,592 (NCDD, 2010). Among these, 17.18 percent of the total population are contributed from 7 indigenous people group and other 3 minority groups namely: Phnong (13,934 persons, equals to 4.20 percent), Kouy (9,194 persons, equals to 2.77 percent), Stieng (5,595 persons, equals to 1.69 percent), Mil (3,696 persons, equals to 1.11percent), Kraol (3,758 persons, equals to 1.13 percent), Thmorn (1,011 persons, equals to 0.30percent), Khoanh (871 persons, equals to 0.26 percent) and Khmer Islam (16,771 persons, equals to 5.06percent), Vietnamese (2,121 persons, equals to 0.64 percent) and Laotian (12 persons, equals to 0.004percent).

180. Kampong Speu, one of the project target province, has 857 inhabitants of Souy ethnicity living in Oral district.

**Figure 1: Indigenous Peoples and Ethnic Minority Map**



Source: UNESCO Poster on Ethnolinguistic Group of Cambodia, December 2011

Table 1a: Indigenous Peoples and Ethnic Minority Groups

Estimated EGIDS values for languages in Cambodia						
Name (English)	Name (Khmer)	Population	Primary Location	EGIDS	Khmer Orthography	Bilingual Education
Cham [cja]	ចាម	204,080	Multiple	6a	none	none
Kuy, Kui [kdt]	កួយ	28,612	Preah Vihear	7	Yes, INL recognized	pilot NFE
Bunong, Phnong [cmo]	ប្លង់	37,507	Monduliri	5	Yes, INL recognized MOEYS approved	NFE, pilot FE
Tampuan [tpu]	តំប៉ាន	31,013	Ratanakiri	6b	Yes, INL recognized MOEYS approved	NFE, pilot FE
Jarai [jra]	ចារ៉ាយ	26,335	Ratanakiri	5	In process	none
Kreung (Brao Tanap) [krr]	គ្រឹង	18,214	Ratanakiri	6a	Yes, INL recognized MOEYS approved	NFE, pilot FE
Brao Ombaa [brb]	ព្រៅ	7,027	Ratanakiri	6a	Yes, INL recognized MOEYS approved	NFE
Brao Kavet [krv]	កាវ៉េត	5,258	Stung Treng / Ratanakiri	6a	Yes, INL recognized MOEYS approved	NFE, pilot FE
Kachok [xkk]	កាចក់	3,365	Ratanakiri	6b	none	none
Stieng [sti]	ស្ទឹង	6,541	Kratie	6b	none	none
Kraol [rka]	ក្រោល	4,202	Kratie	6b	none	none
Mel	មីល (កាដ្រុក)	1,697	Kratie	8b	none	none
Thmoan	ថ្មូន	865	Kratie	7	none	none
Khaonh	ខោញ	743	Kratie	8b	none	none
Somray [smu]	សំរាយ	4,100	Pursat	8b	none	none
Pear [pcb]	ព័រ	1,674	Preah Vihear	8a	none	none
Sa'ong (Suoy)	សាអុង (សូយ)	857	Kampong Speu	7	none	none
Ch'ung (Saoch) [scq]	ស្ទូច	445	Kampong Som	8b	none	none
Lao [lao]	ឡាវ	18,515	Stung Treng	6b	none	none
Vietnamese [vie]	វៀតណាម	72,775	Multiple	4	none	private
Hakka [hak]	ចិនខ្មែរ (ហាក់កា)	5,000	Multiple	6b	none	none (private Mandarin)
Cantonese [yue]	ចិនកន្ទ្រង់	55,000	Multiple	6b	none	none (private Mandarin)
Hokkien [nan]	ចិនហុកកៀន	5,000	Multiple	6b	none	none (private Mandarin)
Teochiu [nan]	ចិនចាជីវ	440,000	Multiple	6b	none	none (private Mandarin)
Hainanese [nan]	ចិនហៃណាំ	15,000	Multiple	6b	none	none (private Mandarin)

Source: UNESCO Poster on Ethnolinguistic Group of Cambodia, December 2011

181. In terms of ethnic relations, the Cambodian people in Stung Treng, Kratie, Ratanakiri and Monduliri often refer to themselves as Nek Srok Lue (literally 'uplanders') which denotes people who inhabit the agricultural zone and who grow rice and cash crops for either their own consumption or for sale. Hill tribes or Khmer Lue, as they are collectively known, are concentrated in the mountainous regions of northeast Cambodia.



Table 1b: Existence of Indigenous Peoples in Cambodia by Provinces (2006)

No	Ethnicity	Rattanak Kiri	Mondul Kiri	Kracheh	Preah Vihear	Kampong Thom	Stung Treng	Odor Meanchey	Kampong Cham	Pursat	Kampong Spue	Banteay Meanchey	Battambang	Sihanoukville	Siem Reap	Koh Kong	Total
1	Kuoy			5,939	16,731	13,044	1,644	2,203				1,712	8				41,281
2	Phnong	267	26,866	12,454	24		430	699					3				40,743
3	Tumpoun	31,088	388		5		4	281					16				31,782
4	Chaa Raay	20,170	84				12	158					14				20,438
5	Kroeung	18,442	57				278	124									18,901
6	Stieng		648	10,593				27	2,564								13,832
7	Praov	7,968					444										8,412
8	Kaveat	2,379					2,710	18									5,107
9	Kraol		659	3,411				29									4,099
10	Mel			3,172													3,172
11	K'chak	2,887					1	52									2,940
12	Por				1,329					1,207							2,536
13	Kaonh			1,529									433				1,962
14	Chong									774						1,064	1,838
15	Souy										1,833						1,833
16	Thmoon		148	448				5									601
17	Lon	289					251										540
18	S'ouch													106			106
19	Raadea	2						16									18
20	Kek							15									15
21	Ro Ong																0
22	Stung																0
23	L'oeun																0
24	Samrae																0
<b>Total</b>		<b>83,492</b>	<b>28,850</b>	<b>37,546</b>	<b>18,089</b>	<b>13,044</b>	<b>5,774</b>	<b>3,627</b>	<b>2,564</b>	<b>1,981</b>	<b>1,833</b>	<b>1,712</b>	<b>474</b>	<b>106</b>	<b>0</b>	<b>1,064</b>	<b>200,156</b>

Source: Department of Indigenous Minority Development

## 2.2. RELEVANT LEGAL FRAMEWORK AND REGULATIONS

### Cambodia Policies, Laws, Rules and Regulations Applicable to IPs

182. **National Policy on the Development of Indigenous People:** The Policy was approved by the Council of Ministers April 24, 2009 and sets out government policies related to indigenous peoples in the fields of culture, education, vocational training, health, environment, land, agriculture, water resources, infrastructure, justice, tourism and industry, mines and energy. Together with the Land Law (2001) this policy gives recognition to the rights of indigenous peoples to traditional lands, culture and traditions.

183. **A Policy on Registration and Right to Use of Indigenous Communities** in Cambodia was approved by the Council of Ministers on April 24, 2009, and a Sub-decree on procedures of registration of Land of Indigenous communities was signed on June 9, 2009 by the Prime Minister. This policy takes as its basis the recognition in the Land Law of 2001, of the right of indigenous communities to possess and use land as their collective ownership. The policy states that the registration of indigenous communities as collective ownership is different from the registration of individual privately owned land parcels because the land registration of the indigenous communities is the registration of all land parcels belonging to the communities as a whole, consisting of both State Public Land and State Private Land in accordance with the articles 25, 26, and 229 of the Land Law and related Sub-decrees. These land parcels are different 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 supplementing existing procedure of sporadic and systematic land registration.

184. **Cambodia Constitution (1993)** supports the right to education, Education for All and 9 years basic education (Article 65, 66, 67 and 68). Article 48 states “the State shall protect the rights of children as stipulated in the Convention on Children, in particular, the right to life, education, protection during wartime, and from economic or sexual exploitation.” Article 46 states “the state and society shall provide opportunities to women, especially to those living in rural areas without adequate social support, so they can get employment, medical care, and send their children to school, and to have decent living conditions.” Article 31.2 stipulates that “Khmer citizens shall be equal before the laws and shall enjoy the same rights, freedom and duties, regardless of their race, color, sex, language, beliefs, religions, political tendencies, birth of origin, social status, resources, and any position”. Article 44 guarantees the legal right to own land equally for all Khmer citizens: “All persons, individually or collectively, shall have the right to ownership. Only Khmer legal entities and citizens of Khmer nationality shall have the right to own land”.

185. **Law on Education** was enacted by the National Assembly on the 19th of October 2007. The objective of this law is to develop human resources of the nation by providing lifelong education for the learners to acquire knowledge, skills, capacities, dignity, good moral behaviors and characteristics, in order to encourage learners to know, love and protect the national identity, cultures and language.

186. **The Land Law 2001** recognizes the right of indigenous communities in Cambodia to own immovable property - their land - with collective title. Article 23 in the law defines an indigenous community as:

- A group of people who manifest ethnic, social, cultural and economic unity,
- Who practice a traditional lifestyle, and
- Who cultivate the lands in their possession according to customary rules of collective use

187. Article 25 in the law defines indigenous community lands: “The lands of indigenous communities are 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 25 also states “the measurement and

demarcation of boundaries of immovable properties of indigenous communities shall be determined according to the factual situations as asserted by the communities, in agreement with their neighbors". Article 26 states that "ownership of the immovable properties described 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".

188. **The Forest Law 2002** (Article 11, 15, 16, 40) guarantees and recognizes the right of indigenous peoples to continue the use and access to certain forest areas which these groups traditionally use and to practice their way of living in term of enjoyment of benefits from the forest.

### **Relevant International Agreements Cambodia Entered**

189. Cambodia is a signatory to a number of international instruments that protect the rights of indigenous peoples<sup>25</sup>, as well as the Convention on Biological Diversity (1992), which recognizes the role of indigenous people in protecting biodiversity. In 1992, the Cambodian Government ratified the International Covenant on Economic, Social and Cultural Rights. This includes the rights to practice specific culture and the rights to means of livelihoods, NGO Forum on Cambodia.

190. **UN Declaration on the Right of Indigenous People** was adopted by the United Nations General Assembly in September 2007. Many countries in the world including Cambodia have voted in favor of this nonbinding declaration.

191. **International Convention on the Elimination of all Forms of Racial Discrimination ("ICERD")**, Article 5(e) 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 the provision of free primary education irrespective of gender, ethnicity or any other consideration. Article 13 further commits the State Party to make secondary education generally available and accessible to all, including through the progressive introduction of free education, and to working towards the provision of equal access to tertiary education, including through the provision of free secondary education. Government of Cambodia ratified the ICESCR in 1992.

192. **UN Convention on the Rights of the Child (Article 28 - Right to Education)**, rectified by the Cambodia Government in 1992: Every child has the right to an education. Primary education must be free. Secondary education must be available to every child. Discipline in schools must respect children's dignity. Richer countries must help poorer countries achieve this.

## **2.3. WORLD BANK'S OPERATIONAL POLICY: INDIGENOUS PEOPLE (OP4.10)**

193. The WB's Operational Policy 4.10 (Indigenous Peoples) requires that special planning measures be established to protect the interests of indigenous peoples with a social and cultural identity distinct from the dominant society that may make them vulnerable to being disadvantaged in the development process.

194. The Policy defines that indigenous peoples can be identified in particular geographical areas by the presence in varying degrees of the following characteristics:

- a) Self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
- b) Collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;
- c) Customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and

<sup>25</sup> This includes the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the United Nations Declaration on the Rights of Indigenous People and more generally the Universal Declaration of Human Rights.

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

195. As a prerequisite for Project approval, OP 4.10 requires the borrower to conduct free, prior and informed consultations with potentially affected indigenous peoples and to establish a pattern of broad community support for the Project and its objectives. It is important to note that the OP 4.10 refers to social groups and communities, and not to individuals. The primary objectives of OP 4.10 are:

- To ensure that such groups are afforded meaningful opportunities to participate in planning project activities that affects them;
- To ensure that opportunities to provide such groups with culturally appropriate benefits are considered; and
- To ensure that any project impacts that adversely affect them are avoided or otherwise minimized and mitigated.

## 2.4. GAP ANALYSIS

196. Despite Cambodia has Policy that recognize the right of indigenous people to culture, education, vocational training, health, environment, land, agriculture, water resources, infrastructure, justice, tourism and industry, mines and energy, there is no decrees, sub-decree or procedure for specific safeguard or protect the interest of the indigenous peoples. They have generally been treated equally as Khmer citizens. However, Cambodia Land Law recognizes the right of indigenous communities in Cambodia to own immovable property - their land - with collective title. In practice, the procedure to register collective title take very long and only few indigenous communities (approx. 5) have received collective title since the land law enacted in 2001. Similarly, the Forest Law also guarantees and recognizes the right of indigenous peoples to continue the use and access to certain forest areas that they traditionally use and practice. Thus, there is no significant discrepancy between Cambodia laws and regulations and the World Bank's OP4.10. In addition, the Bank's OP4.10 comprehensively describe the objectives, principles and procedure to safeguard the indigenous peoples. The IPPF, therefore, will be prepared on the basis of the World Bank's OP4.10 by taking into consideration relevant Cambodia policies and regulation. Clear mechanism for free, prior and informed consultation in order to seek broad support of the Project from the indigenous communities will be used in the whole cycle of the Project. During implementation, a Grievance Redress Mechanism will be established so that every indigenous people can bring his/her voice, complaint or any un-satisfaction about the project.

## 3. KEY ISSUES AND POTENTIAL IMPACTS ON IP

### 3.1. KEY ISSUES ENCOUNTERED BY IPS

197. In March 2016, a team comprises of MoEYS's officers in charge and two safeguard consultants (one for social and another one for environmental) conducted series of stakeholder's consultative meetings in 9 selected secondary schools from four provinces, out of 25 Capital and provinces, as part of the Social assessment (SA). Free, prior and informed consultation approach was used together with participatory rapid appraisal (PRA) technique. These consultations aimed to determine causes of dropout by IP student, key issues encountered by their communities, and support the indigenous peoples screening process by providing additional data to identify ethnic minority communities in the project areas and also to confirm that the construction of new school building and/or classrooms and construction of teacher's accommodation within their communities receive broad and strong support from local communities and benefit them. Participants of such consultations expressed broad community support to the project. A social assessment (SA) report was prepared as a standalone document and its outcomes were used to prepare safeguard documents (including this IPPF and ESMF) of the Project.

198. Fieldwork and desk review found that indigenous peoples are present majority in Rattanak Kiri, Mondul Kiri, Stung Treng and Kratie (the northeastern part of Cambodia). Other

minority groups are living in Preah Vihear (Kouy), Kampong Speu (Souy), Sihanouk Ville (Sa'och), Kampong Cham (Stieng), Kampong Thom (Kouy), Banteay Meanchey (Kouy), and Odor Meanchey (mix). All IP communities are located in remote area of the provinces where accessibility (road) is difficult and infrastructures<sup>26</sup> are limited. Most of their villages have only primary school with complete or incomplete grade. From stakeholders (villagers, teachers, and local authorities) consultative meetings confirmed that majority of IP students dropped schools at grade 6, as they could not afford to continue their study due to long distance from lower secondary school to their village. Poverty is the key obstacle for their access to education. Other factors cause dropout among IP students are early marriage for girl, do not see someone success resulted from higher education in their community (no role model), and parents have less concern over their child's education. For example, in Oral district, among 50 Souy students who entered grad 7 only 10 students were able to complete grad 9. Similar to this, at Borkeo secondary school, 60% of students are indigenous and has higher dropout rate compare to Khmer's students. All school principals interviewed reported that majority of IP students have short memory leading to lower quality of study. In addition, the school principals felt that the national teaching curriculum might not appropriate for majority of IP students.

### 3.2. POTENTIAL IMPACTS IN IPS

199. Target schools will be selected from nationwide and thus exactly which IP groups will be benefited/affected under the project will be known after the Project screening, when the exact list of target schools are finalized. In the context of SEIP, the indigenous peoples in the project areas are likely to receive a long term project benefits through the support on (i) construction of lower secondary school buildings in their communes presently without lower secondary schools (LSS); and/or (ii) construction of classrooms in the overcrowded lower secondary schools (e.g. two-shift schools); and/or (iii) construction of accommodation for math and science teachers in LSS (Component 1.3); and (iv) improve quality of teaching through improve the teaching force (Component 1.2). However, they may be negatively affected by (i) inequitable access to newly built schools due to distance from their community to school and transport/road issues and (ii) possible land acquisition, particularly for 30 new school constructions. With regard to Component 1.2, indigenous teachers or teachers who are living in the remote indigenous village may have lesser opportunity to receive "scholarship for teacher" to update their skill equivalent to bachelor level compared with other teachers who are living in the urban or less remote rural area.

200. In this context, the IPPF sets out processes and procedures to be followed during the project screening and implementation to make sure that the indigenous peoples are adequately consulted with project activities, given an opportunity to voice concerns and participate in and benefit from the Project. Subsections below describe the activities that will be undertaken during preparation of SEIP and those to be carried out during implementation.

## 4. IMPLEMENTATION ARRANGEMENT, MONITORING, GRIEVANCE MECHANISM AND REPORTING

### 4.1. IMPLEMENTATION ARRANGEMENT

201. **Ministry of Education, Youth and Sports (MoEYS):** It is, therefore, proposed that the IPPF implementation will be a built-in to the existing MoEYS's institutional arrangement of the Project, no separate organizational structure will be specifically set up for the IPPF implementation. The SEIP will be implemented under the similar structure of the SESSP and ESSSUAP, which was implemented from July 2008 until recent. The project will be implemented at the national, provincial, district and school levels over a period of six calendar years (2017 to 2022). The MoEYS will assume overall responsibility for coordination and implementation of the Project, including procurement, disbursement and financial management. MoEYS established Project Management Committee (PMC) to manage the entire project.

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<sup>26</sup> Infrastructures includes school, health center, water and electrical supply, and telecom

202. **Project Management Committee:** PMC is the highest level body established by MoEYS. The overall responsibilities for the oversight of the ESP in order to streamline policy development, strategic planning and implementation decision making processes. The PMC is comprised of MoEYS leaders, including Secretaries of State. The Project Management Team (PMT), led by a Secretary of State and comprised of Directors General and directors of various departments of MoEYS, provides support to the PMC and bears a central role in project implementation. Implementation arrangements have been designed to ensure that overall education policy direction is analyzed from a variety of angles and policy decisions are followed into implementation through the overall coordination of the Directors General. The overall project management structure is as follows:

- The Project Management Team (PMT), led by the Secretary of State in charge of TPAP, will act as Project Director;
- The Under Secretary of State in charge of administration and finance will act as Project Manager;
- The Deputy Director General for Education in charge of secondary education will act as School Grant Program Leader;
- The Deputy Director General of Policy and Planning will act as School Policy and Planning in charge of TPAP; and
- Deputy Director of General Secondary Education Department, in charge of secondary education, will act as Project Coordinator, and other members comprised of Directors General and directors of various departments of MoEYS, will provides support to the PMC and plays a central role in project implementation.

203. **Safeguard Focal Person:** PMC already appointed two focal persons (one for environment and another one for social safeguard) to be in charge of safeguard compliance as per approved ESMF, IPPF, RPF and possible IPP, and RAP. The responsibility include but not limit to (a) implementing activities as per IPPF and ensuring that indigenous and vulnerable peoples at rural and remote area are benefited from the Project; (b) Conducting public consultative meeting and social assessment in IP communities in order to identify needs for each specific project site, any potential adverse impact as result of site specific project's implementation, and possible project intervention; (c) Preparing minute of the meeting detailing information dissemination, discussed issues especially limitation to education access, concern raised by IP and possible project intervention; and (d) conducting consultations and updated social assessment related to Component 1 activities) and reporting. The outcome shall be summarized in a report and submitted to the PMC, which will compile the report and submit to the Bank.

204. **Provincial and District Office of Education:** POE/DOE is sub-national level office of MoEYS. POE/DOE is a liaison between school and local community/authority and MoEYS. POE/DOE selected the target schools and proposed to MoEYS for consideration and screening. POE/DOE will cooperate with local authority to assure that school lands are secured for the Project.

205. **School Support Committee (SSC):** School Support Committees of the target schools will be set up, if not yet exist, and trained to use the project operational manual. The Committee will administer the construction works, ensure compliance of safeguard issues and monitor the implementation progress. Members of SSC will include women and elder who is representative of the IP community. SSC will be responsible for (a) coordinating and organizing consultative meeting and public announcement among the stakeholders particularly with student parents; (b) checking construction progress and ensuring compliance to all safeguard related issues; (c) receiving complaint from student parents and communities and send to Grievance Redress Committee for action.

## 4.2. MONITORING, DOCUMENTING, REPORTING FOR SEIP

206. Given the small scope of civil works to be carried out within each target schools under the Project (Component 1) and the fact that selection of priority investment would follow the



participatory planning and consultation process described in this policy, significant adverse negative impacts to indigenous peoples land and resources are not expected to occur. The project will therefore seek to strengthen the self-monitoring and problem resolution capacity of local communities, through school support committee, including but not limited to indigenous peoples communities. Participatory Monitoring and Evaluation (M&E) will be carried out during implementation to allow affected population to assess project effects and identify measures to broaden positive benefits and address negative impacts. Also, whether conflicts involving ethnic groups have occurred and been resolved in compliance with this document will be monitored and reported by project focal person.

207. The PMT through its focal person will conduct regular internal monitoring and evaluation of the IPPF/IPP including review of monthly progress report submitted by site engineer. The said monitoring and evaluation is intended to help ensure that the IPPF/IPP are prepared according to the OP4.10 and relevant Government law and regulations and that it is implemented as planned. Internal monitoring will be bi-monthly conducted by the social safeguard focal person. All findings of the internal monitoring should be reported to the PMC (bi-monthly) and incorporated into project progress report submitted to the World Bank every six month. Monitoring indicators shall be clearly specified in the IPP document.

208. **A social safeguard specialist of the World Bank** will be providing supports for monitoring and implementation of IPPF/IPP, and compliance. The social specialist can (a) conduct regular site visit to project sites (at least twice per year) in order to check IPPF/IPP progress and compliance issues; (b) check whether or not the free, prior, and informed consultation with the affected Indigenous Peoples' communities was conducted by the PMC's focal person; (c) coordination of IPPF/IPP activities with construction schedule; (d) measure level of satisfaction of IP with the provisions and implementation of the IPPF/IPP's activities; (e) check grievance redress mechanism and procedure; and (f) conduct social safeguard training for MoEYS.

### 4.3. TRANSPARENCY AND GRIEVANCE MECHANISM

209. The World Bank's resettlement policy requires an investment project to establish mechanism for grievance resolution in order to ensure indigenous peoples' satisfaction with implementation of IPPF related activities, and provide the IPs with a legal platform for on the ground monitoring and reporting on the implementation of IPPF related activities. Specifically, the purpose of the grievance mechanism is to allow IPs and persons who believe they are affected persons to seek satisfactory resolution to grievances they may have in relation possible land acquisition, resource restriction or other project interventions. The key principles of the grievance mechanism are to ensure that:

- (k) The basic rights and interests of IPs are protected
- (l) The concerns of IPs arising from the project implementation process are adequately addressed; and
- (m) Entitlements or livelihood support for IPs are provided on time and accordance with the above stated government and World Bank's safeguard policies.
- (n) IPs are aware of their rights to access and shall have access to grievance procedure free of charge for the above purposes.
- (o) The grievance procedure will be part of the overall Commune/Sangkat's Planning Committee, Chief and Council mechanism and form an important part of the conflict resolution mechanism that is community-based, involving representatives of vulnerable groups, and therefore, collectively managed.

210. At the beginning of the project implementation, the grievance redress committees will be established at commune, districts, and provincial levels built on the existing structures consisting of concerned departments, NGOs, community organizations, women and ethnic representatives, if exist. At the village the existing grievance mechanisms that are chaired by elder and/or



spiritual/tribal leaders, which are largely acceptable to local communities and will be strengthened as the first tier conflict resolution mechanisms of the Commune/Sangkat Council. This arrangement helps ensure that a system is in place to help resolve any grievances to or complaints that may occur after project intervention. The grievance mechanism will be applied to persons or groups that are directly or indirectly affected by a project, as well as those that may have interests in a project and/or have the ability to influence its outcome either positively or negatively. The project will provide training and support to strengthen these existing structures for effectively and collectively dealing with possible grievances that may be raised by PAPs during the course and after the implementation of IPs related activities.

211. As a normal practice if project involve implementation of land acquisition a Grievance Redress Committee is established for the Project. The GRC will deal all aspects of a proposed sub-project including, environment, resettlement and indigenous issues, if exist, through negotiations with the aim to reach a consensus. MoEYS or IRC (if IRC is involved in ARAP/RAP implementation) requests to the Provincial Governor to establish the Grievance Redress Committee (s) at local (provincial, district, and commune) levels to be headed respectively by the Provincial Governor or Provincial Vice-Governor, Chief of District, and Chief of Commune. At GRM Commune level, the members of GRM also comprise of representative of AH/IP (the representative of AH/IP shall be chosen among the PAPs or IP community). These committees will receive, evaluate and facilitate the resolution of PAP/IP and PAH concerns, complaints and grievances. The grievance redress committees will function, for the benefit of PAP/IP and PAH, during the entire life of SEIP and beyond.

212. PAPs or IPs, if not satisfied or unclear about the implementation of resettlement/IPPF related activities including the provision of compensation or livelihood improvement, may raise their complaints to the village committees or direct to commune council, the lowest level of GRC and can be brought further to provincial level if PAP/IP does not satisfy with the solution or clarification.

213. **At Commune level:** An aggrieved PAP/IP may bring his/her complaint to the commune chief directly or through school support committee or school principal. The commune chief will call for a meeting of the group to decide the course of action to resolve the complaint within 15 days, following the lodging of complaint by the aggrieved PAP/IP. The meeting of the group would consist of the commune chief, representative(s) from community including traditional leader. The commune chief is responsible for documenting and keeping file of all complaints that are directed through him/her. If after 15 days the aggrieved PAP/IP did not hear from Commune Council or school support committee, or if the PAP/IP is not satisfied with the decision taken at the first stage, the complaint may be brought to the District Office either in writing or verbally.

214. **At District level:** The District office has 15 days within which to resolve the complaint to the satisfaction of all concerned. If the complaints cannot be solved in this stage, the district office will bring the case to the Provincial Grievance Redress Committee.

215. **At Provincial level:** The Provincial Grievance Redress Committee, which consists of Provincial Governor or Deputy Governor as a committee chairman and Directors of relevant Provincial Departments as members will meet with the aggrieved party and tries to resolve the complaint. Within 30 days of the submission of the grievance to the Provincial Grievance Redress Committee a written decision must be made and inform to the PAP/IP in writing.

216. **Provincial Court:** If the aggrieved PAP/IP is not satisfied with the solution made by the Provincial Grievance Redress Committee based on the agreed policy in the RPF-RAP or IPPF-IPP, the PAP/IP can bring the case to the Provincial court. During the litigation of the

case, RGC will request to the court that the project proceed without disruption while the case is being heard. If any party is unsatisfied with the ruling of the provincial court, that party can bring the case to a higher court. The RGC shall implement the decision of the court.

217. In the target schools where Indigenous People (IP) are affected directly or indirectly, all complaints shall be discussed among the villagers in the presence of traditional village leader or elder and negotiations is carried out in the community or village where the PAP and PAH live. Where necessary, the construction proponents will provide assistance so that the rights of indigenous minorities are protected.

#### 4.4. CAPACITY BUILDING

218. Training need assessment (TNA) will be conducted in order to design training materials that relevant to the need. TNA will be conducted among PMT down to SSC and community. Training will cover the three safeguard policies and compliance, namely environment, involuntary resettlement and indigenous people. With specific to IPPF/IPP training shall include (a) overview of the World Bank OP4.10 and Cambodia relevant laws and regulation; (b) content of IPPF/IPP and its implementation issues; (c) institutional arrangement for the project implementation including role and responsibility; (d) how to conduct public consultation using free, prior and informed approach; (e) grievance redress procedure and issues; and (f) requirement for monitoring and reporting.

#### 4.5. SCHEDULE

219. An IPP shall be prepared as soon as the site-specific projects are selected and adverse impact on IP community and submitted to the Bank as part of the implementation plan. Prior to the commencement of the implementation, the IPP shall be disclosed on MoEYS website and the World Bank InfoShop. A copy of IPP with local language shall be placed in commune council of the target schools where indigenous peoples can access to.

#### 4.6. BUDGET

220. Budget for implementing IPPF will be part of the Project budget. It uses to cover costs of project staff allowances and consultants to prepare compliance reports including supervising and monitoring reports, data collection, and preparation of IPP etc. Below is a rough budget estimate for IPPF implementation. Budget for IPP implementation is separated. There are totally 130 target schools but assume that only 30 schools will be located in the IP communities or IP with attachment to the location where target schools are located. Assuming that IPPF will require project staff input of 10 days per target school, 5 days of consultant input per target school plus 5 days of transport. Lump sum amount will be used for data collection and other expenses.

**Table 3: Budget estimate for IPPF implementation**

No.	Items	Unit	Rate	Quantity	Amount
1	Staff allowance	10	40	30	12,000
2	Consultant fee	5	300	30	45,000
3	Transport	5	200	30	30,000
4	Data collection	Lump sum	1000	30	30,000
5	Others	Lump sum	100	30	3,000
<b>TOTAL (in US Dollars)</b>					<b>120,000</b>

221. The IPP will include information on detailed cost of mitigation measures and other rehabilitation entitlements for indigenous peoples in the affected areas; and administrative and monitoring costs. Sources of funding for the various activities and financing plans for IPP will be indicated later when IPP is developed. Costs for land expropriation, if any, shall be financed by

the counterpart funds, while the training and consultation cost shall be financed by the Bank (IDA).

## **5. PUBLIC CONSULTATION AND DISCLOSURE**

### **5.1. APPROACH USED FOR SOCIAL SCREENING AND PREPARED RELEVANT SAFEGUARD DOCUMENTS**

222. Free, prior and informed consultation approach is required in all stages of the project. Firstly, it had been used during consultative meetings with local authorities, communities and school support committees during SA (at project concept stage). In subsequent stages, this approach will be used for project screening (school selection), social assessment (for preparing IPP), and project implementation and monitoring. Detail process and procedure describe in below Subsection.

223. SA was confirmed that the indigenous peoples in the Project areas (Rattanakiri and Kampong Speu) would receive the overall positive impacts from the Project but may be adversely affected by (i) land acquisition for 30 new schools and some of which may be located in their communities and (ii) inequitable access to new school because some IP communities are far away. Agreement was reached between participants of consultation meetings, inter alia, local community members including IPs, local and national government officials, who are active in the Project areas for the following approaches of the Project;

- a) Screening jointly by the MoEYS and the Bank to identify whether Indigenous Peoples are present in, or have collective attachment to, the project area, the target schools (see screening form is in Annex 2). Free, prior and informed consultation approach is used.
- b) Conducting social assessment by the MoEYS, with assistance from consultant who have social safeguard background, if the screening concludes that the indigenous peoples are presented in, or have collective attachment to, the project area. The breadth, depth, and type of analysis in the social assessment are proportional to the nature and scale of the proposed project's potential effects on the Indigenous Peoples, whether such effects are positive or adverse. Free, prior and informed consultation approach is used.
- c) Preparing Indigenous Peoples Plan (IPP) based on outcomes of the social assessment and consultation with the affected indigenous peoples. The IPP will ensure that Indigenous Peoples affected by the project receive culturally appropriate social and economic benefits; and (b) when potential adverse effects on Indigenous Peoples are identified, those adverse effects are avoided, minimized, mitigated, or compensated for; and
- d) Disclosure of the draft Indigenous People Plan to the public. The draft IPP will be uploaded into the World Bank InfoShop and the MoEYS website and translated into local language and place a copy at the commune office and another copy at school where the indigenous peoples will have access to.
- e) Updating social assessment during project implementation as part of monitoring process in order to identify unexpected adverse impacts and to propose mitigation measures. If the impact is significant the IPP will also be updated to cover the current impacts. Likely, free, prior and informed consultation approach is used.
- f) Raising awareness about the availability of "scholarship for teacher" under the Project, upgrading math and science teachers to the bachelor equivalent level, to teachers in schools where IP exists; and
- g) Including scholarship for teachers into the IPP for supporting teachers who are indigenous peoples or local residence living in villages/communes of the Project area where IPs exist. Selection process including number of teachers to grant scholarship will

be detailed in IPP document.

## **5.2. FREE, PRIOR, AND INFORMED CONSULTATION**

224. Participation is a process through which stakeholders influence and share control over development initiatives and the decisions and resources which affect them. The decision to participate is the start of the whole participatory process in the project cycle. The Bank's OP/BP4.12 and the Government Law on Expropriation and IRC's practical resettlement implementation procedure provide clear guidance and direction to project proponents in both the public and private sectors, on the need for public consultation and participation and underscore the importance of getting PAPs informed about the project and, more importantly, getting their actual and active involvement in the planning and implementation.

225. Participation is an active and continuous process of interaction among the key stakeholders, including the communities directly affected (whether positively or adversely), national agencies and line ministries, the project consultants, civil society and international donor agencies. Participation as a generic term usually encompasses two distinct dimensions: information exchange (i.e., dissemination and consultation) and varying forms of joint decision-making (i.e., collaboration or participation):

226. The Project will adopt full consultation and stakeholder participation for both Components 1 and 2. During project screening (school selection process) communities, teachers, parents and local authorities are full consulted about benefits and potential impacts. A Social Assessment will be conducted with target schools where potential impacts on indigenous peoples, land and other resources are identified.

227. Prior to consultation, the PMC will send notice to the communities informing their leaders that they will be visited by the respective focal person and local authorities and that consultation will be conducted to seek support of the project intervention and to determine potential adverse impacts as well as possible support from the project in order to address the potential impact. The notice will request that the communities shall invite to the meeting representatives of farmers, women association and village leaders. During the visit, the community leaders and other participants will present their views with regards to the proposed activities.

228. During the consultation, detailed procedures would be determined on a village-by- village basis to determine the potential impact and possible supports under the project. Further, a conflict resolution system, through established grievance mechanism, would be defined to ensure reflection of voices of the affected people (particularly for land acquisition). If a beneficiary community includes ethnic minority communities that do not belong to the majority ethnic group of the community, their representatives will be included in the conflict resolution mechanisms. This will ensure cultural appropriateness, and community involvement particularly of the ethnic groups in decision-making processes.

229. In the process, free, prior and informed consultations will be undertaken in a language spoken by, and location convenient for, potentially affected indigenous peoples. The views of indigenous peoples are to be taken into account during implementation of projects, while respecting their current practices, beliefs and cultural preferences. The outcome of the consultations will be documented into the periodical reports and submitted to the Bank for review.

230. During implementation of the project, an updated social assessment shall also be carried out to monitor the positive and negative impacts of the project, and obtain feedback from the project-affected people. Based on the outcome of the social assessment, further measures shall be taken to ensure full benefits and mitigation of the negative impacts envisaged. If necessary, additional activities for institutional strengthening and capacity building of indigenous people communities living within the project area shall be carried out. If unexpected impacts are so significant the IPP and/or RAP may need to be updated.

## ANNEXES

## **ANNEX 1: TECHNICAL GUIDELINES FOR CONSULTATION, AND PREPARATION OF IPP AND OTHER SAFEGUARD DOCUMENTS**

1. The consultation framework is designed to help to ensure that indigenous peoples are well informed, consulted and mobilized to participate in the investments to be supported under the project. Their participation will not only make school management more sustainable but also provide benefits with more certainty, or protect them from any potential adverse impacts of investments to be financed by the project. The main features/process of the consultation framework includes an environmental and social impact assessment to determine the degree and nature of impact supported by the project. An Indigenous Peoples Plan (IPP) will be developed if indigenous peoples communities are found to be present in or have collective attachment to areas affected under the respective project implementation plan. Consultations with and participation of indigenous peoples, their leaders and local government officials will be an integral part of the overall IPP, which should be prepared along with other required project reports.

### **Selection of Target Schools**

2. Selection of the target schools will be carried out during project screening using the below criteria:

- (i) Schools that exhibit a strong commitment to the project concept and are willing to meet the project preconditions for selection; and
- (ii) Schools with high drop-out rates, low enrolment rates and high student/teacher ratios.

3. A free, prior, and informed consultation process involving indigenous groups would provide a comprehensive baseline data on social, economic and technical aspects of each investment particularly for those areas that have been identified with ethnic groups during the project screening (preparation). This also includes participatory mapping to determine exact location of school construction, land size requirement and also location of IP communities. The checklist for screening indigenous people will indicate whether or not the indigenous peoples exist in the project area and further identify potential social issues on indigenous peoples because of the investments. The MoEYS will undertake specific measures to consult with, and give opportunity to indigenous populations to participate in decision making related to the investments, should they so desire.

4. All target schools that have indigenous people communities and are candidates for project support will be visited (at the time of first consultation with communities) by the PMC's team including social safeguard focal person and relevant local authorities, including personnel with appropriate social science training or experience. Prior to the visit, the PMC will send notice to the communities informing their leaders that they will be visited by the respective focal person and local authorities and that consultation will be conducted to seek support of the project intervention and to determine potential adverse impacts as well as possible support from the project in order to address the potential impact. The notice will request that the communities shall invite to the meeting representatives of farmers, women association and village leaders. During the visit, the community leaders and other participants will present their views with regards to the proposed activities.

5. The project will identify and utilize the existing community grievance mechanism to take into account specific cultural attributes as well as traditional-cultural mechanisms for raising and resolving issues— to ensure that the concerns of different ethnic groups are received and addressed during project preparation, implementation and beyond project completion. To achieve this, projects would (a) identify and determine culturally acceptable ways to address grievances from significantly different ethnic groups within affected communities, including different ethnic or cultural groups within the project-affected area; (b) understand cultural attributes, customs, and traditions that may influence or impede their ability to express their grievances, including differences in the roles and responsibilities of subgroups (especially women) and cultural sensitivities and taboos; and (c) agree on the best way to access grievance mechanisms, taking into consideration the ways communities express and deal with grievances.



6. At this visit, the PMC's focal person or relevant official with social expertise will undertake a screening for indigenous peoples with the help of indigenous people leaders and local authorities. The screening will check for the following:

- a) Names of ethnic groups in the affected villages/commune;
- b) Total number of ethnic groups in the affected villages/commune;
- c) Percentage of ethnic people in affected villages/communes; and
- d) Number and percentage of ethnic households within a described zone of influence of the proposed investments. (The zone of influence should include all areas in which investments-related benefits and adverse impacts are likely to be relevant.)

7. Once target schools have been selected by the MoEYS through screening process and impact on indigenous peoples is potential a social impact assessment will be conducted using inventory of affected assets, baseline socioeconomic survey, and PRA method. Social and economic profile of beneficiary population or project-affected people will be collected. Free, prior and informed consultations will be carried out for each of the beneficiary/affected communities/villages and the respective communes, ascertaining their broad community support and determining the potential impacts and possible support under the Project. The outcome of this process will be the basis to develop safeguard documents as part of the project implementation plan that include:

- **Indigenous People's Plan (IPP)** is to be developed under the Project. The outline of the IPP is described below subsection of this document;
- **Resettlement Action Plan** is to be developed provided that land acquisition exists. Outline of RAP and guideline for preparation is described in the Resettlement Policy Framework (RPF); or
- **Due Diligent Report** is to be prepared if no land acquisition or impact on indigenous peoples.

8. If unexpected impacts (both on indigenous or land acquisition) occur during project implementation (particularly during construction) and it is significant the IPP and RAP will be updated. IPP and RAP shall be implemented prior to construction commencement.

**Table 1A: Matrix of Project Phase Vs. Safeguard Documents Required**

Project Phase	Pre-selection of target schools (Project Concept)	Selection of target schools (Project Screening)	Selected target schools with potential impact (Approval of target schools)	Construction of school's facilities (Project Implementation)
Assessment	Social assessment	Safeguard Screening	Social Assessment	Updated Social Assessment
Safeguard Required	Preparation of IPPF and RPF input into ESMF	<ul style="list-style-type: none"> <li>List of target schools with potential impacts</li> <li>Prepare DDR for schools with no impact</li> <li>Documentation of consultative meetings</li> </ul>	<ul style="list-style-type: none"> <li>Prepare IPP;</li> <li>Prepare RAP if land is acquired;</li> </ul>	<ul style="list-style-type: none"> <li>Update and Implementation of IPP and RAP;</li> <li>Monitoring reports</li> </ul>

## Social Assessments

9. In addition to the social assessment that was carried out at the pre-selection of the target schools, a social assessment will be undertaken among the selected target schools that have potential impact. The SA will be conducted by qualified social development specialist



knowledgeable about the culture of the concerned ethnic minorities. At this stage, the social assessment will not only gather relevant information on demographic data; social, cultural and economic situation, but also project impacts covering social and economic aspects, either positive or negative. The breadth, depth, and type of analysis required for the social assessment are proportional to the nature and scale of the proposed project's potential effects on the Indigenous Peoples. Outcomes of the assessment will be used to prepare IPP.

10. The social assessment includes the following elements, as needed:

- (a) A review, on a scale appropriate to the project, of the legal and institutional framework applicable to Indigenous Peoples.
- (b) Gathering of baseline information on the demographic, social, cultural, and political characteristics of the affected Indigenous Peoples' communities, the land and territories that they have traditionally owned or customarily used or occupied, and the natural resources on which they depend.
- (c) Taking the review and baseline information into account, the identification of key project stakeholders and the elaboration of a culturally appropriate process for consulting with the Indigenous Peoples at each stage of project preparation and implementation.
- (d) An assessment, based on free, prior, and informed consultation, with the affected Indigenous Peoples' communities, of the potential adverse and positive effects of the project. Critical to the determination of potential adverse impacts is an analysis of the relative vulnerability of, and risks to, the affected Indigenous Peoples' communities given their distinct circumstances and close ties to land and natural resources, as well as their lack of access to opportunities relative to other social groups in the communities, regions, or national societies in which they live.
- (e) The identification and evaluation, based on free, prior, and informed consultation with the affected Indigenous Peoples' communities, of measures necessary to avoid adverse effects, or if such measures are not feasible, the identification of measures to minimize, mitigate, or compensate for such effects, and to ensure that the Indigenous Peoples receive culturally appropriate benefits under the project.

11. Free, prior and informed consultations will be conducted through a series of meetings, including separate group meetings: ethnic village chiefs; ethnic men; and ethnic women, especially those who live in the zone of influence of the proposed work under the target schools. All consultation will be conducted in easily accessible locations. All will be carried out in relevant local languages. Discussions will focus on investments impacts, positive and negative; and recommendations for design of investments. If during the series of consultation meetings the communities reject the proposal even after all measures to mitigate negative impacts are considered, the investments will not be approved (and therefore no further action is needed).

12. Updated social assessment will also be carried out periodically during project implementation as part of monitoring process in order to identify unexpected adverse impacts and to propose mitigation measures. Experience from previous projects indicates unexpected adverse impacts occurred during construction or cause by overlooked issues during the project screening. If the impact is significant IPP will be updated based on outcome of updated social assessment. Likely, the free, prior and informed consultation process will be applied.

## **Indigenous People Plan (IPP)**

13. On the basis of the social assessment and in consultation with the affected Indigenous Peoples' communities, the PMT will prepare an Indigenous Peoples Plan (IPP) that sets out the measures through which the SEIP will ensure that (a) Indigenous Peoples affected by the project receive culturally appropriate social and economic benefits; and (b) when potential adverse effects on Indigenous Peoples are identified, those adverse effects are avoided, minimized, mitigated, or compensated for. The IPP is prepared in a flexible and pragmatic manner and its level of detail varies depending on the specific project and the nature of effects to be addressed. The borrower integrates the IPP into the project design. When Indigenous Peoples are the sole or the overwhelming majority of direct project beneficiaries, the elements of an IPP should be

included in the overall project design, and a separate IPP is not required. In such cases, the Project Appraisal Document (PAD) includes a brief summary of how the project complies with the policy, in particular the IPP requirements.

14. The IPP includes the following elements, as needed:

- (a) A summary of the information about (a) legal and institutional framework applicable to Indigenous Peoples and (b) baseline information on the demographic, social, cultural, and political characteristics of the affected Indigenous Peoples' communities, the land and territories that they have traditionally owned or customarily used or occupied, and the natural resources on which they depend.
- (b) A summary of the social assessment.
- (c) A summary of results of the free, prior, and informed consultation with the affected Indigenous Peoples' communities that was carried out during project preparation and that led to broad community support for the project.
- (d) A framework for ensuring free, prior, and informed consultation with the affected Indigenous Peoples' communities during project implementation.
- (e) An action plan of measures to ensure that the Indigenous Peoples receive social and economic benefits that are culturally appropriate, including, if necessary, measures to enhance the capacity of the project implementing agencies.
- (f) When potential adverse effects on Indigenous Peoples are identified, an appropriate action plan of measures to avoid, minimize, mitigate, or compensate for these adverse effects.
- (g) The cost estimates and financing plan for the IPP.
- (h) Accessible procedures appropriate to the project to address grievances by the affected Indigenous Peoples' communities arising from project implementation. When designing the grievance procedures, the borrower takes into account the availability of judicial recourse and customary dispute settlement mechanisms among the Indigenous Peoples.
- (i) Mechanisms and benchmarks appropriate to the project for monitoring, evaluating, and reporting on the implementation of the IPP. The monitoring and evaluation mechanisms should include arrangements for the free, prior, and informed consultation with the affected Indigenous Peoples' communities.

15. To prepare IPP below information is required:

- The basic census, socio-economic data and inventory of affected assets;
- Household ownership of economic and productive assets
- Annual income from primary and secondary employment opportunities
- Economic information of community (e.g. brief information on economic and natural resources, production and livelihood systems, tenure systems)
- Social information of community (e.g. description of kinship, value system, types of social organizations of formal and informal groups)
- Potential impact of proposed project activities on basic social services (e.g. water supply, health clinics and schools)
- Potential impact of project activities on the social and economic livelihood.

## ANNEX 2: PRELIMINARY SCREENING OF INDIGENOUS PEOPLE

<b>When to do the screening?</b>	At the time of the first consultation with a commune/village			
<b>What information to be collected?</b>	Demographic data of Indigenous People who live within the school catchment			
<b>How to collect the information?</b>	It can be obtained from ethnic leaders, village leaders and commune chief			
<b>Who will do the screening?</b>	Consultants or PMC staff			
<b>Province:</b> _____ <b>District:</b> _____ <b>Commune:</b> _____ <b>School:</b> _____				
Name of village within school catchment	Name of indigenous group within school catchment	Number of IP households	Number of IP population	
			Total	Female

## APPENDIX 3: ENVIRONMENTAL SCREENING FORM

### ENVIRONMENTAL SCREENING

School and Teacher/Student facilities Construction

<b>Instructions:</b> This form has to be filled by local authorities or school committee					
<b>I. General Information</b>	1. Name of village, commune and province				
	2. Name of proposed project				
	3. Type of project	New construction	<input type="checkbox"/>	Reconstruction	<input type="checkbox"/>
		Rehabilitation	<input type="checkbox"/>	Other (please specify)	<input type="checkbox"/>
	4. Objective of the proposed project and brief description				
<b>II. Environmental Checklist</b> (please check the box where appropriate)				<b>Please check ( √ )</b>	
	5. Does the proposed project involve all types and classes of the people in the locality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	1. Does the project located in the land mine or UXO area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	2. Is there any cultural heritage area nearby the propose project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	3. Is there any mortuary site in or near the proposed project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	4. Does the project's implementation interrupt the natural flow of river, canal or any stream?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	5. Does the project's implementation increase the possibility of ground water pollution?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

6. Does the project's implementation increase the possibility of surface water pollution?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Does the project generate any waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Is there any waste management plan for the project if it generates waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Is there any chance of increased public health problem by throwing waste into open water bodies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Instructions: This form has to be filled by local authorities or school committee			
	10. For construction of school buildings, is there any chance of creating problems to water bodies that are used for irrigation or other community purposes?	<input type="checkbox"/>	<input type="checkbox"/>
	11. Does the scheme generate air and dust pollution?	<input type="checkbox"/>	<input type="checkbox"/>
	12. Does the school construction generate noise or disturbance?	<input type="checkbox"/>	<input type="checkbox"/>
	13. For the sanitary latrine construction, is there any drinking water source within 30m distance of the latrine?	<input type="checkbox"/>	<input type="checkbox"/>
	14. Is there any chance of trees to be cut down by the implementation of the proposed scheme? (If yes, then please specify the number of trees to be cut down)	<input type="checkbox"/>	<input type="checkbox"/>
	15. Is there any chance of destruction of biodiversity (fish, birds, and animals) habitat by the implementation of the scheme?	<input type="checkbox"/>	<input type="checkbox"/>
	16. Mitigation measures:		
III. Other Information (if any)			
IV. Evaluation by Environmental Safeguards Specialist			
Is the form filled correctly?		Yes <input type="checkbox"/>	No <input type="checkbox"/>

Are the proposed mitigation measures satisfactory?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
If the mitigation measures are not satisfactory, why? Any recommendations for improvement? (where necessary):			
Name of Environmental Safeguards Specialist		Signature	Date

## APPENDIX 4: GENERIC ENVIRONMENTAL MANAGEMENT PLAN (EMP) AND ESTIMATED BUDGET

ACTIVITY	PARAMETER	MITIGATION MEASURES	RESPONSIBILITY	
			IMPLEMENTATION	MONITORING
<b>A. General Conditions</b>	Notification and Worker Safety	<ul style="list-style-type: none"> <li>(a) The local construction and environment inspectorates and communities have been notified of upcoming activities.</li> <li>(b) The public has been notified of the works through appropriate notification in the media and/or at publicly accessible sites (including the site of the works)</li> <li>(c) All legally required permits have been acquired for SEIP construction.</li> <li>(d) All work will be carried out in a safe and disciplined manner designed to minimize impacts on neighboring residents and environment.</li> <li>(e) Workers' PPE will comply with international good practice (always hardhats, as needed masks and safety glasses, harnesses and safety boots).</li> <li>(f) Appropriate signposting of the sites will inform workers of key rules and regulations to follow.</li> <li>(g) EMP notice in Khmer shall display near the construction site and should be visible to all. The notice shall be well protected against water - put in a waterproofing transparent plastic bag.</li> </ul>	Contractor	MoYES site Engineer/ Safeguards Consultant / School Construction Committee
<b>B. General Construction Activities</b>	Air Quality/ Dust	<ul style="list-style-type: none"> <li>(a) Suppress dust during pneumatic drilling/ by ongoing water spraying and/or installing dust screen enclosures at site.</li> <li>(b) Keep surrounding environment (roads, paths) free of debris to minimize dust.</li> <li>(c) There will be no open burning of construction / waste material at the site.</li> <li>(d) There will be no excessive idling of construction vehicles at sites.</li> </ul>	Contractor	MoYES site Engineer/ Safeguards Consultant / School Construction Committee



ACTIVITY	PARAMETER	MITIGATION MEASURES	RESPONSIBILITY	
			IMPLEMENTATION	MONITORING
		(e) In the case of floating sites, construction of floating units will take place away from immediate house and community structures to minimize disturbance, and will be floated onto final location only upon completion.		
	Noise	(a) Construction noise will be limited to restricted times agreed to in the permit. (b) During operations the engine covers of generators, air compressors and other powered mechanical equipment should be closed, and equipment placed as far away from residential areas as possible. (c) In the case of floating sites, construction of floating units will take place away from immediate house and community structures to minimize disturbance, and will be floated onto final location only upon completion	Contractor	MoYES site Engineer/ Safeguards Consultant / School Construction Committee
	Water Quality	(a) The site will establish appropriate erosion and sediment control measures such as e.g. hay bales and / or silt fences to prevent sediment from moving off site and causing excessive turbidity in the lake.	Contractor	MoYES site Engineer/ Safeguards Consultant / School Construction Committee
	Sanitation facility during construction	(a) The construction site needs to be equipped with latrine/toilet for workers. (b) Location of temporary toilet/latrine shall at least 30m from the existing well or water drinking source. (c) After handing over of construction, the latrine shall be dismantled, pit filled, site cleaned.	Contractor	MoYES site Engineer/ Safeguards Consultant / School Construction Committee
	Waste management during construction	(a) Mineral construction wastes will be separated from general refuse, organic, liquid and chemical wastes by on-site sorting and stored in appropriate containers. (b) Contractor shall minimize the waste if there is possibility. (c) Construction waste will be collected and disposed properly by licensed collectors. (d) The records of waste disposal will be	Contractor	MoYES site Engineer/ Safeguards Consultant / School Construction Committee

ACTIVITY	PARAMETER	MITIGATION MEASURES	RESPONSIBILITY	
			IMPLEMENTATION	MONITORING
		<p>maintained as proof for proper management as designed.</p> <p>(e) Whenever feasible the contractor will reuse and recycle appropriate and viable materials (except asbestos).</p>		
<b>C.</b> Climate change adaptation	Flooding Free Level	<p>(a) Make sure that no water stagnant around the constructed building</p> <p>(b) The floor of classroom and teacher/student facilities should be raised to flood free level</p>	Contractor	MoYES site Engineer/ Safeguards Consultant / School Construction Committee
	Orientation of the building	<p>(a) The building should be laid in East-West (if land available) direction in order to minimize wall exposure to sun light</p> <p>(b) Plant more tree, especially, in West direction to provide more shade to building</p>	Contractor	MoYES site Engineer/ Safeguards Consultant / School Construction Committee
<b>D.</b> Individual wastewater treatment system	Water Quality from construction	<p>(a) The approach to handling sanitary waste and wastewater from building sites (installation or reconstruction) must be approved by the local authorities.</p> <p>(b) Before being discharged into receiving waters, effluents from individual wastewater systems must be treated in order to meet the minimal quality criteria set out by national guidelines on effluent quality and wastewater treatment. When mobilizing to the construction site, the contractor will put in place a temporary latrine and septic tank to be used by the workers during construction until the final CSEIP latrine is built.</p>	Contractor	MoYES site Engineer/ Safeguards Consultant / School Construction Committee
<b>E.</b> Historic building(s)	Cultural Heritage	<p>(a) If the building is a designated historic structure, very close to such a structure, or located in a designated historic district, notify and obtain approval/permits from local authorities and relevant Ministries and address all construction activities in line with local and national legislation.</p> <p>(b) Ensure that provisions are put in place so that artifacts or other possible “chance finds” encountered in excavation or construction are</p>	Contractor/ School Support Committee	MoYES site Engineer/ Safeguards Consultant / School Construction Committee/ Representative from Ministry of Culture and Fine Arts (MCFA)

ACTIVITY	PARAMETER	MITIGATION MEASURES	RESPONSIBILITY	
			IMPLEMENTATION	MONITORING
		noted, officials contacted, and works activities delayed or modified to account for such finds. (c) Based on Environmental Assessment site visits, there is no important landmark, monument, grave or any other conservation that need be avoided or mitigate the impact for. For all sites, the SEIP will be built in the compound of existing primary schools.		
F. Toxic Materials	Asbestos management	By its nature, the present project is unlikely to directly involve any demolition or rehabilitation and will avoid asbestos for new construction. However, the recommendations below, as well as the Good Practice Note: Asbestos by the World Bank Group May 2009 will be imposed on and closely followed by the contractors in the cases where asbestos may be encountered in the project. (a) If asbestos is located on the project site, mark clearly as hazardous material (b) When possible the asbestos will be appropriately contained and sealed to minimize exposure (c) The asbestos prior to removal (if removal is necessary) will be treated with a wetting agent to minimize asbestos dust (d) Asbestos will be handled and disposed by skilled & experienced professionals (e) If asbestos material is be stored temporarily, the wastes should be securely enclosed inside closed containments and marked appropriately (f) The removed asbestos will not be reused	Contractor	MoYES site Engineer/ Safeguards Consultant / School Construction Committee
	Toxic / hazardous waste management	(a) Temporarily storage on site of all hazardous or toxic substances will be in safe containers labeled with details of composition, properties and handling information (b) The containers of hazardous substances should be placed in an leak-proof container to prevent spillage and leaching	Contractor	MoYES site Engineer/ Safeguards Consultant / School Construction Committee

ACTIVITY	PARAMETER	MITIGATION MEASURES	RESPONSIBILITY	
			IMPLEMENTATION	MONITORING
		(c) The wastes are transported by specially licensed carriers and disposed in a licensed facility. (d) Paints with toxic ingredients or solvents or lead-based paints will not be used		
<b>G.</b> Affects forest and/or protected areas	Protection	No protected areas have actually been identified in the immediate vicinity of the project villages. The following measures apply. (a) All recognized natural habitats and protected areas in the immediate vicinity of the activity will not be damaged or exploited, all staff will be strictly prohibited from hunting, foraging, logging or other damaging activities. (b) For large trees in the vicinity of the activity, mark and cordon off with a fence large trees and protect root system and avoid any damage to the trees (c) Adjacent wetlands and streams will be protected from construction site run-off, with appropriate erosion and sediment control feature to include by not limited to hay bales, silt fences. (d) There will be no unlicensed borrow pits, quarries or waste dumps in adjacent areas, especially not in protected areas.	Contractor	MoYES site Engineer/ Safeguards Consultant / School Construction Committee
<b>H.</b> Traffic and Pedestrian Safety-	Direct or indirect hazards to public traffic and pedestrians by construction activities	The SEIP construction is located in the existing school compound. By the fact, there is no traffic concern and thus traffic congestion is not seen as a major risk. However, in compliance with national regulations (Road Law?) the Contractor will ensure that the construction site is properly secured and construction related traffic regulated. This includes but is not limited to: <ul style="list-style-type: none"> <li>▪ Sign posting, warning signs, barriers and traffic diversions: site will be clearly visible and the public warned of all potential hazards</li> </ul>	Contractor	MoYES site Engineer/ Safeguards Consultant / School Construction Committee

ACTIVITY	PARAMETER	MITIGATION MEASURES	RESPONSIBILITY	
			IMPLEMENTATION	MONITORING
		<ul style="list-style-type: none"> <li>▪ Traffic management system and staff training, especially for site access and near-site heavy traffic. Provision of safe passages and crossings for pedestrians where construction traffic interferes.</li> <li>▪ Organize suitable parking, or docking and landing areas around the construction sites and schools to facilitate access during construction.</li> <li>▪ Adjustment of working hours to local traffic patterns, e.g. avoiding major transport activities during school time and rush hours or times of livestock movement</li> <li>▪ Active traffic management by trained and visible staff at the site, if required for safe and convenient passage for the student and public.</li> <li>▪ Ensuring safe and continuous access to school buildings, office facilities, shops and residences if the buildings stay open for the public.</li> </ul>		
<b>Operation Stage</b>				
<b>I.</b> Water supply during operations	Health of SEIP users	(a) Maximize supply (capture of rain water, use rainwater collection tanks for latrines); (b) Maximize storage (tanks or cisterns), (c) Prevent contaminated surface water from contaminating wells in land sites by elevating systems when possible, and identifying well sterilization (chlorination) techniques	Community/ School Committee	PoE & DoE
<b>J.</b> Solid Waste during operation	Environment, Water Quality, Health	(a) Conduct Environmental Awareness program among school students, parents, an school support committee (b) Waste segregation (including hazardous waste) (c) Provide waste bins	Community/ School Committee	PoE & DoE
<b>K.</b> Sanitation	Environment, Water	(a) Conduct Environmental Awareness program	Community/ School	PoE & DoE

ACTIVITY	PARAMETER	MITIGATION MEASURES	RESPONSIBILITY	
			IMPLEMENTATION	MONITORING
during operation	Quality, Health	(b) Provide enough water for flashing and cleaning (c) Pumping machine should be installed to pump water to the water storage tank (d) If fund available elevated water storage tank should be built for water supply in the school	Committee	

**Estimated Budget estimate for EMP implementation**

No.	Items	Unit	Rate-USD	Quantity	Amount
1	Regular Internal monitoring (quarterly)	trips	2,000	15	30,000
2	Training/meeting	rounds	2,000	4	8,000
3	Contingencies	Lump sum			3,800 (10%)
<b>TOTAL (in US Dollars)</b>					<b>41,800</b>

Notes: This does not include allowance for staff.

# **APPENDIX 5: ENVIRONMENTAL CODE OF PRACTICES (ECOPS)**

## **FOR SCHOOL AND TEACHER/STUDENT FACILITIES CONSTRUCTION**

### **Introduction**

The environmental codes of practice (ECoPs) of the proposed Secondary Education Improvement Project (CSEIP) is prepared for SEIP construction sites to enable developers and contractors working in Cambodia to understand what standards should normally be adopted when undertaking the following building works:

- a. Site safety
- b. Site clearance and preparation
- c. Construction
- d. Maintenance and repair

It is the responsibility of the main contractor to ensure that all sub-contractors and site personnel are aware of and comply with the requirements of the codes.

### **1. Legal Framework**

Whilst compliance with the code of practice is voluntary it should avoid the need for enforcement action using statutory notices. Where, however, the code of practice has been incorporated into a bidding document as part of the contract agreement, failure to comply with its requirements could result in enforcement action under Cambodia law.

### **2. Community Relations**

Based on experience of construction works within community/village area clearly demonstrated the benefit of warning residents and commercial operators in advance of the disruption that may arise. It is to ensure that contractors who are intending to undertake construction works:

1. Establish a local point of contact for any inquiries and/or complaints relating to the construction works,
2. Nominate a member of staff (from contractor side) who will liaise (as necessary) with MoEYS, residents and commercial operators,

In addition the main contractor should display at the prominent position on the site boundary details of his name, address and telephone number, together with an indication of the likely duration of works.

### **3. Working Hours**

It is important that the following working hours should apply when there are sensitive receptors (e.g. school, hospital, pagoda, residential property) adjacent to the construction site.

08:00 – 18:00 hours Monday-Friday  
08:00 – 12:00 hours Saturday-Sunday

Unless agreed in advance with MoEYS, no working should be undertaken on Public Holiday. MoEYS also acknowledges that some activities may be undertaken on site without causing disturbance to neighbors (e.g. electrical rewiring, painting) and therefore may be scheduled outside the normal working hours. Prior warning of such works should be given to the Environmental Safeguards Specialist of the project.



#### **4. Child Labor Is Not Accepted**

(Refer to ILO Conventions 138 and 182 and to the UN Convention on the Rights of the Child)

According to the UN Convention on the Rights of the Child, a person is a child until the age of 18. Child labor is not allowed in the construction site. No person shall be employed at an age younger than 15 or younger than the legal age for employment. The contractors must take the necessary preventive measures to ensure that they do not employ anyone below the legal age of employment.

#### **5. Security and Safety Fence**

Construction sites should be fully enclosed to protect the general public, student, and pupil and deter unauthorized entry. The safety temporary fence should have appropriate high above pavement level.

Temporary safety fence should not be used for advertising. However, it may be used to display details of the site including project name and duration, name, address and telephone number of the main contractor and/or site agent.

#### **6. Access Gates and Scaffolding**

Access to and from the site should be organized to allow vehicles to enter and leave the site in a forward gear. When necessary a gate marshal should be employed to ensure the safety of pedestrians using adjacent public footpaths.

#### **7. Lighting**

Though SEIP site is in the village but the contractors should ensure that any lighting of the site and its perimeter is sufficient to ensure the safety of workers and other pedestrians. In addition the lighting should be located and orientated so that it does not cause intrusion to adjacent residential property or distract passing motorists.

#### **8. Access Road Management**

Where reasonably practicable all loading and unloading of contractors' vehicles should be within the site boundary. Deliveries and collections should be scheduled to coincide with the normal working hours.

#### **9. Environmental Control**

##### **9.1 Dust**

The CSEIP will be located on land where it is easy to access to construction materials and other supply to the construction. Though the construction is not in the target village but other community whose do not benefit from the project shall not be affected by construction activity, for instance, dust.

1. Bulk storage of potentially dusty materials should be located away from the site boundary.
2. Mixing large quantities of concrete on site should be undertaken using enclosed plant.
3. Cutting and grinding operations should be undertaken using appropriate dust suppression techniques.
4. Potentially dusty spoil and other waste materials should be damped down regularly when handled and transported in sheeted vehicles.
5. Rubble-chutes should be used with care and drop heights kept to a minimum.

##### **9.2 Air Pollution**

Smoke, fumes and particulate emissions can be minimized by ensuring that:

1. No on-site bonfires are used for the disposal of any waste.
2. All plants are properly maintained and throttled down or switched off when not in use.
3. Fuel storage tanks are located away from the site boundary and vented at a point remote from sensitive receptors (e.g. school, hospital, pagoda or residential property).

### 9.3 Land Contamination

In some cases, the remediation of known or suspected land contamination may require the excavation and disposal of soils and other waste materials. Such materials should be adequately segregated and removed to a suitably licensed facility in accordance with article 13 and article 16 of Sub-decree on Solid Waste Management (No. 36 ANRK.BK, April 1999). If there is likely to be an offensive odour or vapour associated with the excavation and disposal operation the local authorities should be advised in advance.

### 9.4 Asbestos

Works involving the treatment of asbestos products should be undertaken by carefully and handled in accordance with hazardous waste management of Solid Waste Management Sub-decree, 1999, of the Ministry of Environment.

### 9.5 Noise and Vibration

The contractors shall take necessary measures to minimize noise and vibration impacts to nearby community. Noise from the proposed construction works should comply with article 7 of Sub-decree of Air Pollution Control and Noise Disturbance (July 2000) of Ministry of Environment. See table below.

#### Maximum Permitted noise level in public and residential area (dB(A))

**Remark:** This standard is applied to control of noise level of any source of activity that emitted noise into the public and residential areas.

No	Area	Period of Time		
		From 6:00 - 18:00	From 18:00 - 22:00	From 22:00 - 6:00
1	Quiet areas - Hospitals - Libraries - School - Kindergarten	45	40	35
2	Residential area: - Hotels - Administration offices - House	60	50	45
3	Commercial and service areas and mix	70	65	50
4	Small industrial industries intermingling in residential areas	75	70	50

The contractors have to use the best practicable means to minimize noise for example:

1. All equipment should be selected having regard to its published sound power level.
2. If an activity is inherently noisy (e.g. driven piling) then an alternative technique should be investigated.

3. Effective silencers and acoustic covers should be provided and maintained in good working order.
4. Temporary structures and buildings may provide useful noise screening.
5. Fixed items of plant (e.g. generators) should be electrically powered rather than diesel or petrol driven.
6. Sufficient time should be allocated for large concrete pours.
7. Anti-social behaviors involving swearing, shouting and loud radios should be avoided.

### **9.6 Water and Effluent**

Water and effluent generated from on-site activities should be treated and disposed of in accordance with the provisions on waste and hazardous discharge of the Sub-decree on Water Pollution Control, April 1999 of Ministry of Environment.

Adequate pollution prevention techniques should be adopted to ensure that any potentially hazardous substances do not come into contact with vulnerable water (e.g. via surface water drainage systems). Recycling water should be encouraged.

### **9.7 Pest Control**

Preventive measures should be adopted to control any rodent activity on site and test baiting may be necessary to confirm the existence or otherwise of an infestation. All redundant drainage and sewerage infrastructure should be improved or stopped up and accumulations of putrescible waste should be avoided.