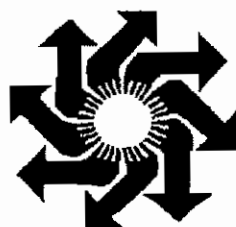


9 SAFEGUARD DOCUMENTS

The Royal Government of Cambodia's

Seila Program



**Rural Investment and Local Governance Project
Framework for Land Acquisition Policy and Procedures**

SEILA TASK FORCE

March 11, 2003

Cambodia: Rural Investment and Local Governance Project Framework for Land Acquisition Policy and Procedures

Introduction

The Kingdom of Cambodia seeks an International Development Association credit in support of its Seila Program through a Rural Investment and Local Governance Project (RILGP). The Seila program promotes governmental decentralization and increased local participation. Within the RILGP, support of the Commune/Sangkat Fund is the key component, promoting village and commune participatory processes for prioritizing investment in small-scale infrastructure or improved public services.

Supported infrastructure subprojects – primarily improvements to existing village and commune roads, irrigation and water control, wells, and schools – are small in scale and generally cause little or no significant adverse impacts. Nonetheless, Seila Program experience shows that such activities sometimes do cause loss of land or loss of access to other resources. In practice, land is acquired on an ad-hoc basis; the Seila Program has no policies or procedures upon which to develop a more systematic approach. To meet the requirements of World Bank OD 4.30, Involuntary Resettlement, borrowers in Bank-supported projects must avoid or minimize such losses. And, if involuntary imposition of such losses cannot be avoided, measures must be established to improve, or at least restore, the incomes and living standards of those involuntarily affected.

For Commune/Sangkat Fund investments, local communes will decide on investment priorities during the course of project implementation. Because it is impossible to prepare land acquisition plans in advance, the Kingdom of Cambodia has prepared this Framework for Land Acquisition Policy and Procedures. The Framework defines terms and provides guidance for involuntary acquisition of land or other assets (including restrictions on asset use), and establishes principles and procedures to be followed to ensure equitable treatment for, and rehabilitation of, any persons adversely affected.

Key Definitions

Land Acquisition: A process by which any person is compelled to relinquish ownership, possession, control or use of all or part of their land, structures, or other assets. This includes land or assets for which the possessor or user enjoys customary or uncontested access but lacks legal title.

Project-Affected Person: Any person who, on account of the execution of the Project, or any of its components would, as a result of taking of land, have their:

- (i) right, title or interest in any house, land (including residential, agricultural and grazing land) or any other fixed or movable asset acquired or possessed, in full or in part, permanently or temporarily;
- (i i) business, occupation, work, place of residence or habitat adversely affected;
- (i i i) standard of living adversely affected; or
- (iv) access to productive assets adversely affected temporarily or permanently.

Replacement Cost: With regard to land and structures, 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 the 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.

Voluntary Contribution: A process by which an individual owner or user agrees to provide land (and attached assets) for provision of public goods without compensation in cash or in kind. Voluntary contribution is an act of informed consent; voluntary contributions are made with the prior knowledge that other options are available, and are obtained without coercion or duress. For the purposes of Commune Fund investments, only minor contributions (no more than 5% of any holding of productive land, or buildings or other fixed assets worth no more than \$100) will be sought and/or accepted; voluntary contributions will not be sought or accepted where they would significantly harm incomes or living standards of individual owners or users.

Scope of Commune Fund Investment Activities

RILGP will involve more than a thousand communes in 15 provinces. Commune-level decision-making processes will determine local priorities for investment, selecting from priority lists resulting from village-level participatory processes. Commune Fund investments will be limited to provision of improved public services or small-scale infrastructure: construction or improvement of local roads, bridges or culverts; improvement or repair of irrigation works; construction or improvement of public markets, schools, clinics, or community centers; or provision or improvement of water supply systems.

All infrastructure subprojects that involve new physical works or changes in the siting of existing infrastructure may cause land acquisition. Subproject screening measures will ensure that no major land acquisition or resettlement-related impacts occur. Specifically, screening will exclude the following:

- a) Subprojects requiring relocation of residences or commercial enterprises
- b) Subprojects adversely affecting more than 200 persons in total
- c) Subprojects for which sources of necessary compensation have not been established
- d) Subprojects requiring destruction of significant numbers (e.g., more than 10) crop trees or mature forest trees

For any subprojects requiring acquisition of land or other assets, mitigation measures will be provided in consistency with this framework.

Policy Principles

The fundamental principle incorporated in this Framework is that all necessary measures will be undertaken to improve, or at least restore, incomes and living standards of all persons adversely affected as a result of land acquisition. The Framework further incorporates the major guiding principles espoused in World Bank OD 4.30, and in relevant laws of the Kingdom of Cambodia.

Key Principles of World Bank OD 4.30:

General principles and objectives of World Bank OD 4.30 are as follows:

- a. Acquisition of land and other assets should be avoided when feasible and otherwise minimized;
- b. If any persons are to be adversely affected, mitigation measures must provide them with sufficient opportunities to improve, or at least restore, incomes and living standards;
- c. Lost assets should be replaced in kind, or compensated at replacement cost;
- d. Compensation should be paid in full, net of taxes, fees or any other deductions for any purpose;
- e. If any persons are required to relocate, transfer costs and subsistence allowances will be paid in addition to compensation at replacement cost for lost structures and other assets.
- f. Absence of legal title to land or other affected assets will not be a barrier to compensation or other suitable forms of assistance;
- g. Adversely affected persons will be provided information relating to impacts and entitlements, will be consulted as to their preferences regarding implementation arrangements, and will be informed regarding methods and procedures for pursuing grievances.

Relevant Laws of the Kingdom of Cambodia

Key provisions of current legislation governing land ownership, resettlement and compensation in Cambodia are established in the national Constitution, the Land Law of 1992, and the Land Law of 2001. Key aspects are as follows:

- a. All land in Cambodia is vested in the state. No land ownership prior to 1979 is acknowledged;
- b. Registration of land by private citizens has been possible since 1989. Although there is a process for obtaining formal land title, progress has been slow with very few titles being issued;
- c. There is provision for land acquisition where the public interest requires it. Where this is done, the registered owner is entitled to "fair and just" compensation.

No laws or regulations specifically relating to land acquisition or resettlement exist, however. In practice, land often is obtained without compensation or through ad-hoc local negotiations.

Resolving Inconsistencies:

In the event of conflict or inconsistency between Cambodian law and Bank principles as established in this Framework, the Kingdom of Cambodia will waive Cambodian law to the extent necessary for effective implementation of this Framework.

Avoidance and Minimization of Adverse Impacts

It is anticipated that the great majority of commune subprojects funded through RILGP will be sited on public land and / or will involve rehabilitation of existing infrastructure rather than new construction. Small amounts of land, currently in private use or ownership, may be required, for example for widening of an existing road. In these cases, and provided that the amount required from any individual does not exceed 5% of that

individual's holding, the most effective means to avoid involuntary acquisition of land is likely to be through reliance on local level participatory processes. The Commune Council, acting in cooperation with the village representatives to the Commune Planning and Budgeting Committee (CPBC) may assess the willingness of individual owners or users to voluntarily contribute land. The results of such assessments shall be publicly disclosed and validated by a public meeting of villagers.

Communes proposing to undertake involuntary land acquisition in order to construct infrastructure on private land, or land which is currently in private use, will be obliged to demonstrate that no satisfactory alternative is available and to prepare a Land Acquisition Report (LAR) for review by the provincial governor (or his designee). The review and approval of the LAR (as part of the review process for each Commune Development Plan) must take place prior to adoption by the commune of the Commune Budget which includes the proposed subproject. In other words, land acquisition issues must be resolved in the planning year before the implementation of the subproject.

Planning and Reporting Requirements

As commune investment subprojects are relatively small in scale, the number of persons to be adversely affected by land acquisition is likely to be very small. Accordingly, planning and reporting requirements are kept as simple as possible.

Confirmation That No Involuntary Land Acquisition Required:

For all Commune Fund investments for which no involuntary acquisition is necessary, the relevant commune will provide to the PRDC the following information:

EITHER a statement, signed by the Commune Chief and countersigned by the Technical Support Staff, that the subproject will be implemented entirely on public land which is not under private use;

OR a report indicating the following information:

- a) an estimate of the amount of land and other assets to be utilized, and field measurement results indicating that no more than 5% of total land holdings and/or other assets of value greater than \$100 are needed from any household;
- b) a description of methods used to inform potentially affected individuals regarding the proposed investment, and their rights and options regarding land or other assets required, and confirmation that individuals have been informed that they have the option of refusing land contribution;
- c) signed Statements of Voluntary Contribution from each individual voluntarily contributing land (and any attached assets), indicating their informed consent; and
- d) A report of the village meeting at which the voluntary land acquisition arrangements (including siting maps) have been disclosed to, and validated by, villagers.

Land Acquisition Report Required:

In cases where land or other assets will be acquired involuntarily, a Land Acquisition Report must be prepared, including the following elements:

- a) description of the subproject necessitating land acquisition;
- b) basic data identifying impacts and persons to be affected by them;
- c) arrangements for in-kind replacement of land, or for compensation at replacement cost, including signed statements by all affected landowners confirming that these arrangements are satisfactory;
- d) arrangements to ensure adequate performance by contractors relating to compensation for temporary impacts;
- e) a schedule of assets (other than land), which will require to be replaced as part of the construction contract, and signed statements by the affected owners confirming that these arrangements are satisfactory;
- f) an implementation schedule indicating that replacement land will have been provided before implementation of the subproject begins;
- g) a siting map and field measurements validated by villagers, showing land to be acquired and replacement land to be provided, sufficiently detailed to allow verification;
- h) arrangements for disclosure of information, consultations, and procedures for pursuing grievances.

The planning report is to be prepared as part of feasibility studies and will be reviewed as part of the technical assessment process prior to provincial approval of commune plans. Following provincial approval, provision of in-kind asset replacement, other than that to be included in the subproject implementation contract, will be completed before the contract for subproject implementation is signed.

Entitlements Relating to Specific Categories of Impact

If substantial acquisition of land or other assets is necessary, the following provisions will be followed in development of mitigation measures:

Loss of agricultural land: Any persons losing a significant proportion (i.e., more than 5%) of their agricultural land must be provided an opportunity for in-kind replacement, obtaining access to land of equal productive value. Such persons also may be offered optional cash compensation at full replacement cost. Those whose land holdings are not significantly affected can be compensated at full replacement cost.

Loss of productive assets: Landowners contributing land upon which seasonal crops are standing have the right to insist that subproject implementation is delayed until the crops are harvested, or to be compensated at the market value of the crop. Those losing perennial fruit or pulp trees should be compensated in cash at net present value, where it is possible to do this from local cash contributions to the subproject.

Temporary loss of land: No land may be taken temporarily during construction except by voluntary arrangement between the landowner and the contractor. Contractors should be informed before bidding of any case where use of private land or damage to private property, including crops, is likely to be necessary, in order that compensation or restoration costs can be included in the bid price.

Loss of structures: Project funds may not be used to fund activities which will require demolition or relocation of permanent dwelling or private business premises. For ancillary structures that may be affected, compensation will be paid at replacement cost.

Loss of other assets: Where fixed assets other than land (such as fencing) will be lost, replacement of these should be negotiated with the owner and should then form part of the contract for construction of the subproject.

Consultations and Information Disclosure

As stated above, obtaining land or other assets through voluntary contribution and negotiated agreement requires that individuals potentially involved are informed about their rights and options. Prior to such negotiations, and prior to any land acquisition proceedings, the Commune Council must provide information about key provisions of this Framework. Potentially affected individuals must be informed that they are not obligated to voluntarily contribute land for subproject purposes, that involuntary acquisition of land without appropriate compensation is not permitted, and that lodging of a valid objection by an affected landowner will be sufficient cause for subproject approval to be delayed or withheld. Additional information to be disclosed will include: entitlement to replacement in kind or compensation at replacement cost; methods to be used in establishing compensation rates; and procedures for pursuing grievances, including contact information. Information should be presented in a language and medium accessible to those potentially involved or affected.

Grievance Procedures

Each village will have an opportunity to comment on annual commune reviews of subproject implementation performance. Any grievances may be addressed as part of the review process. If project-affected persons are not satisfied with proposed entitlements or implementation arrangements, or are dissatisfied with actual implementation, they also can seek satisfaction through the Commune Council or its designated officials. If this does not result in resolution of issues, project-affected persons can also make grievance verbally or in written form to district-level and/or provincial-level officials responsible for project facilitation and information dissemination. If this does not result in resolution of issues, project-affected persons can make grievance verbally or in written form to the provincial governor and ultimately to the national-level Seila Program Task Force. At each level, specified authorities should record receipt of grievances and reply to the project-affected person or persons within ten days after receiving the grievances. Project-affected persons will be exempted from any administrative or legal charges associated with pursuing grievances.

Organization Roles and Financial Responsibilities

To achieve the objectives of this Framework, Seila Program manuals and procedures will establish the following roles and responsibilities:

Commune Council: As the local authority and as the subproject planning and implementing body, the Commune Council has the primary responsibility to ensure that the rules and procedures set out under this Framework are adhered to. Specifically, the Commune Council or its designated officials will:

- a. Ensure that potentially involved village residents are informed regarding proposed investments, and their rights and options relating to land or other assets that may be involved
- b. Ensure that CPBC village representatives are informed about their responsibilities under this Framework;
- c. Closely monitor and assist the CPBC village representatives in all matters relating to land acquisition, and attend and monitor public meetings to discuss land acquisition issues with villagers;

- d. Review and approve village-level reports (as outlined above) as part of subproject feasibility study, prior to PMP appraisal for any investment activities requiring access to privately owned or utilised land or other assets;
- e. Ensure timely provision of compensation in cash or in kind, as required;
- f. Review contractor performance to ensure that any required payments to individuals for materials or temporary use of land are made, and to ensure that any temporarily utilised land is adequately restored, and;
- g. Respond to any grievances submitted by adversely affected persons.

CPBC Village Representatives: At the village level, CPBC village representatives will assist the Commune Council in all matters concerning information, communication, discussion and negotiation with landowners, or with the villagers collectively, about land acquisition matters. Specifically, village representatives will assist the Commune Council in:

- a. Scheduling open meetings to ensure that potentially involved village residents are informed regarding proposed investments, and their rights and options relating to land or other assets that may be involved;
- b. Identification of impacts on land and assets, individuals potentially involved, and the amounts and types of land and other assets sought from each individual;
- c. Scheduling open meetings for public validation of field measurements and maps relating to siting of proposed activities, and public disclosure and validation of any land-related agreements;
- d. Seeking voluntary contributions or negotiated agreements;
- e. Preparing required reports on matters relating to land acquisition;
- f. Facilitating compensation in kind and exemptions from local contributions in relation to land acquisition.
- g. Conducting public meetings to review commune-level annual reviews of implementation performance, to solicit villagers' views on the adequacy of implementation, and to address any grievances, if possible.

District and Provincial Facilitation Teams: In line with their broader facilitation roles, the DFT and the PFT will:

- a. provide advice and facilitation to Commune Councils and Planning and Budgeting Committees with their roles and responsibilities listed above;
- b. supervising and ensuring effective implementation of this framework; and
- c. respond to extent possible to grievances submitted by affected persons.

Provincial Office of Local Administration: At the provincial level, POLA will be responsible for:

- a. Ensuring that all Commune Councils participating in Commune Fund activities are informed about their responsibilities under this Framework;
- b. Assigning trained personnel to assist Commune Councils with preparation of a Land Acquisition Report where necessary;

- c. Approving or rejecting any LARs prepared in support of proposed commune-level Commune Fund investments;
- d. Verifying that the Commune Council has sufficient funds or other resources to pay necessary compensation or meet other obligations associated with acquisition of land or other assets; and
- e. Monitoring implementation of any approved LARs and ensuring that any inadequate implementation is corrected.

Provincial Governor: The governor of each province (or an official delegated by the governor) will respond to any grievances submitted by adversely-affected persons.

Sources of Funding for Land Acquisition-Related Activities

As the borrower, the Kingdom of Cambodia carries official responsibility for meeting terms of this Framework, including financial obligations associated with land acquisition. In practice, Royal Government funds will not be regularly available to Commune Councils for this purpose. Therefore, where a subproject is proposed that would require land acquisition, and where no sufficient source of necessary compensation funds can be identified, the proposal will be disqualified. Intermediate sources of support for land acquisition may include:

- a. For very minor land acquisition, where the value of the land taken from a person is approximately equal to the share of the cash contribution for which the person is responsible, exemption of individuals from contributing cash for necessary village Commune Fund contributions may be sufficient compensation; and/or
- b. With the approval of the relevant commune officials, village cash contributions (at least 3% of estimated subproject costs) collected from unaffected villagers may be used for payment of compensation to affected villagers.

World Bank Supervision Arrangements

The World Bank will undertake periodic project supervision in RILGP provinces to assess compliance with Framework requirements, and to recommend any corrective measures that may be necessary to resolve implementation problems or inadequacies. To facilitate Bank supervision, all approved LARs will be available for Bank review at the Provincial Rural Development Committee office. And all village-level land use reports, including Statements of Voluntary Contribution and Statements of Negotiated Agreement, will be available for Bank review at the commune level.

GUIDELINES FOR PREPARING A LAND ACQUISITION REPORT

Who should make the report?

The Land Acquisition Report should be carried out by a provincial official who has been trained to do this work. The land survey work that is needed to make the report should be done with the participation of the people who will be affected by the project. Ordinary people should be encouraged to take part, not just the Commune chief or other people who are involved in promoting the project. It is best if many different types of people participate – young people and old people, women and men, farmers, monks etc.

Disclosure

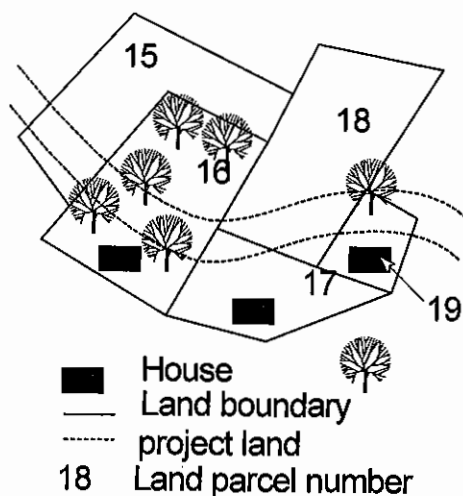
The first step of the Land Acquisition Report is to ensure that all the people who will be affected by the project know about the project proposal, and know what their rights are as land users.

There should be a public meeting in each village where people live, who will be affected by the proposal. At the meeting, the official should explain about the project, about the rights of land users, and about the procedure that will be followed for making the land acquisition report. The project map and the Statement of Land User's Rights should be fixed to a notice board or other suitable place in each village.

Participatory Land Survey.

There should be at least 1 week after the disclosure and before the Participatory Land Survey. This is so that the local people, who will not all attend the disclosure meeting, have time to find out about the proposal, to consider how it will affect them, and to discuss amongst themselves.

In the Participatory Land Survey stage, local people, including the land users, should help the official to make a map of the project site, showing who uses each parcel of land that will be affected. Each parcel of land should be given a code (a letter or number) and information about the parcel should be recorded on the Schedule of Land Acquisition.



Example of land survey map.

The Schedule of Land Acquisition shows the following information about each parcel of land:

- The name of the land owner (or user);
- The area of land that will be lost
- The total area of land used by that land user
- The area that will be lost as a percentage of the total area
- What kind of annual crops are growing on the land now (for example, paddy rice);
- What date the crops will be harvested;
- The number of crop trees (trees used for any economic or household purpose) that will be lost;

- The number of mature forest trees that will be lost;
- Information about any other kind of assets that will be lost.

It may be difficult to get exact information about the total area of land used by each land user. However, in most cases approximate information will be sufficient. For example, Mr. A will lose 200 m² (= 0.2 hectares). Mr. A has three rice fields of “about half a hectare,” each one, in different parts of the village. So his total land is more than one hectare and it is easy to see that he will lose less than 5%. Mrs. B will lose 0.1 hectares from her garden, which is 0.25 hectares total. She does not have any other land. So it is clear that she will lose more than 5%. If the percentage estimated for any land user is close to 5%, it may be necessary to measure the land used by that land user carefully.

Preparing Land Acquisition Agreements

From the schedule we can see which land users must receive compensation for loss of their land. However, do not forget that even for those land users who will lose less than 5%, the Commune cannot take their land unless they agree and sign to show that they have agreed. The Commune Chief should make a list of these land users, showing how much land they have agreed to contribute to the project, and ask them to sign on the list.

For the land users who will receive compensation, the Commune Chief should make a Land Acquisition Agreement using the form. The Land Acquisition Agreement shows:

- A. Who the land user is** (name, ID number, sex, age, occupation and address);
- B. Details of the land that will be lost:**
- Description, area and map code (parcel number) of the affected land, and impact of the project;
 - What annual crops are growing on the land, and when the crop will be harvested;
 - Trees that will be destroyed, divided into fruit trees, sugar palms, other types of tree that are used for economic or domestic purposes, and mature forest trees;
 - Other assets (for example, fence, well) that will be lost or must be moved.
 - Any temporary impacts that will result from construction of the project.
- C. Compensation that is offered**
Details of compensation offered, divided into:
- land that will be provided in compensation, with present owner, area and map code;
 - Date on which the compensation land will be transferred to the new owner (this must be before procurement starts);
 - Other type of compensation that is offered;
 - Any work that the contractor will do, for example repair fence that will be damaged.

D. Land User’s Declaration

There are two declarations that the land user can sign.

- If the land user agrees to accept the compensation offered for his land, he or she should sign the first declaration.
- If the land user does not agree, he or she should sign the second declaration.

Submitting the Land Acquisition Report

The official responsible will prepare the Land Acquisition Report. This will have the following parts:

- Information about the project;
- Description of how public disclosure was carried out;
- Information about the participatory land survey;
- The land ownership map;
- The Schedule of Land Acquisition;
- All the land acquisition agreement forms;

- The list of land users who have agreed to contribute land voluntarily. NOTE: this form can also be used by the Commune Chief for projects that do not need a full Land Acquisition Report;
- A schedule for activities to be completed before procurement for the project can begin.
- A schedule of activities that must be included in the construction contract (for example repairs to assets that will be damaged);
- The list of people who participated in the land survey;
- Signature.

Approval of the Land Acquisition Report

The Land Acquisition Report will be submitted to POLA. POLA will check that the report is completed correctly. POLA will also check that the proposed compensation arrangement conform to the guidelines. If the report is not correct or does not conform to the guidelines, POLA may ask the official responsible for the report to agree a revised version with the Commune Chief and re-submit the report.

If there are any Land Users who have indicated that they are not satisfied with the compensation offered for their land, the project cannot proceed until this issue has been resolved. POLA must notify the Provincial or Municipal Governor about this problem. The Governor will then arrange for a review of the compensation arrangements. The Governor does not have the right to reduce the amount of compensation offered to any land user. The Governor may instruct that the project cannot proceed, unless the amount of compensation offered is increased.

When the report has been accepted and the compensation arrangements finalised, POLA should notify the Commune Chief to begin implementing the compensation arrangements.

Documentation of compensation arrangements

Compensation in land or money, or other type to be paid before procurement

When the compensation in replacement land or money, or other types except for activities that will be included in the contract, have been completed, the Commune / Sangkat Chief should submit a report. The report should include a list of the amount of compensation paid to each land user, and the signature of the land user, to POLA.

POLA should ask the official who completed the land acquisition report to visit the commune and check that the compensation arrangements have been completed. This should include visiting some or all of the land users to make sure that they are satisfied that the compensation process has been completed fairly.

Compensation activities to be included in the contract

Where it is planned that compensation activities (for example, the reconstruction of a fence that will be destroyed) are included in the contract, these activities must be described clearly in the contract documents. The official who prepared the Land Acquisition Report should check the contract documents to make sure that this has been done.

Removal of objection to Technical Clearance

When the official responsible for the Land Acquisition Report has notified POLA that all compensation activities have either been completed, or are included in the contract documents, POLA should notify the Commune / Sangkat Chief that the objection to Technical Clearance is now removed, and procurement for the contract can proceed.

Commune Infrastructure Project

STATEMENT OF LAND USER'S RIGHTS

Description of project:

WHO IS AN AFFECTED LAND USER?

For any land that will be used by the project, any person who owns the land, or uses the land for residence, business or agriculture at present (even if they do not have a land title) is an affected land user.

LAND USER'S RIGHT TO INFORMATION

All land users who will be affected by the proposed project have the right to be fully informed about the project proposal, and about proposed compensation for loss or damage. All land users have the right to know about grievance procedures and to use the grievance procedures without any cost to themselves.

VOLUNTARY CONTRIBUTION OF LAND TO THE PROJECT

The Commune Council may ask land users to make voluntary contributions of small amounts of land to the project. The Commune Council must not ask any land user to contribute more than 5% of the land owned or used by that land user. The Commune Council must not ask any land user to contribute land or other assets with a value of more than 400,000 riels.

The land user has the right to refuse to make a voluntary contribution. The Commune Council may not take any contribution of land unless the land user has signed to show that he or she agrees to make the contribution. If a land user contributes land voluntarily, the land user will not be asked to make a money contribution to the cost of the project.

RIGHT TO COMPENSATION

If the Commune Council takes any land for the project, except small voluntary contributions, the Commune Council must compensate the land user for loss of the land and assets on the land.

The Commune Council does not have any right to take land if this will cause a house where people live to be moved or destroyed, or a building used for business to be moved or destroyed.

Agricultural land must be compensated by other land of equal value, or else the value of the land and the assets on the land, in money. If compensation is in money, the amount must be the full cost of buying land of the same area and quality (taking into account location, fertility and any other relevant factors) as the land that is lost. The full compensation amount must be paid to the land user with no deductions for taxes, fees or administrative costs of any kind.

If there are seasonal crops growing on the land, the land user has the right to harvest the crops before construction of the project begins. If crops are destroyed the Commune Council must pay the value of the crops to the land user. If trees are destroyed, the Commune Council must pay the land user the value of the trees.

Temporary loss of land: No land may be taken temporarily during construction except by voluntary arrangement between the landowner and the contractor. The contractor will be responsible to repair any damage to the land before giving it back to the land user.

Loss of other assets: Where fixed assets other than land (such as fencing) will be lost, replacement of these should be negotiated with the owner and should then form part of the contract for construction of the subproject.

GRIEVANCE PROCEDURES

Any land user who feels that he or she has not been treated fairly or given enough compensation for the loss of his or her land or assets, may complain verbally or in writing to the Commune Chief. If this does not solve the problem, the land user may complain to the District Facilitation Team member responsible for the Commune. If this does not solve the problem, the land user may complain verbally or in writing to the Provincial Governor. If this does not solve the problem, the land user may complain verbally or in writing to:

*The Seila Task Force Secretariat (STFS)
Building "E"
Government Palace
Sisowath Key
Phnom Penh.*

At any level, the land user has the right to receive a written reply to their complaint, within 10 days after making the complaint.

The land user does not have to pay any charge of any kind in order to make a complaint under this grievance procedure.

**Commune / Sangkat Infrastructure Project
LAND ACQUISITION REPORT FORM**

Province / Municipality	Commune / Sangkat
	GIS Code

Name of Project	Proposed construction start date
Description of project	
Name of official responsible for report	

1. Public Disclosure

Describe how the people who will be affected by the project were informed about the project proposal and about their rights as affected land users.

Date of Public Disclosure

2. Participatory Land Survey

Date of Participatory Land Survey	Number of villagers participating (attach list)
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3. Map

Attach a map showing in detail who owns the land that will be used by the project. Each parcel of land should be numbered. Each parcel of land must be described in the Schedule of Land Acquisition.

4. Land Acquisition Agreement Forms

For each parcel of land that is more than 5% of the land holding of any land user, or where any building will be moved or destroyed, complete a Land Acquisition Agreement Form. The land owner should sign the form to show that he / she agrees to the compensation offered, or that he / she does not agree to the compensation offered. Make two copies of the form. Give one copy to the land owner and attach the second copy to this Report.

SCHEDULE OF LAND ACQUISITION

Map Code	Name of owner	Land Area lost	Annual crops on land	Harvest date	Number of trees that will be destroyed		Other assets that will be lost	Total land owned by this land user	% of land that will be lost	Value of land and other assets that will be lost
					Crop trees	Forest trees				

**Commune Infrastructure Project
Land Acquisition Agreement Form**

Name of land user		ID Card Number	
Sex	Age	Occupation	
Address			
Description of land that will be taken by the project			Area affected
			Map Code
Annual crops growing on the land now			Next harvesting date
Trees that will be destroyed		Type	Number
Fruit trees			
Trees used for other economic or household purposes			
Sugar palm trees			
Mature forest trees			
Describe any other assets that will be lost or must be moved to implement the project			
Describe any temporary impacts of construction of the project			
Land that will be provided in compensation		Present Owner	Area
			Map code
Date on which ownership of the compensation land will be transferred to the landowner			
Other type of compensation that will be provided before construction of the project begins			
Work that will be carried out by the construction contractor to compensate for damage to existing property			
Land User's Declaration: Sign one of the following two statements			
I understand fully about my rights to compensation for loss of my land taken by the proposed project. I accept that the compensation offered is adequate			
Signature		Date	
I do not accept that the compensation offered is adequate. I understand that the Provincial Governor will review the Land Acquisition Report and may agree to increase (but not reduce) the amount of compensation offered.			
Signature		Date	

SCHEDULE OF ACTIVITIES TO BE COMPLETED BEFORE PROCUREMENT BEGINS

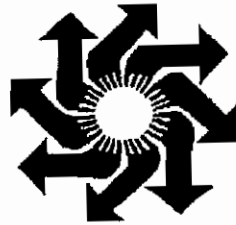
Activity	Planned Date	Means of verification

Signature of official responsible for report

Date

The Royal Government of Cambodia's

Seila Program



**Rural Investment and Local Governance Project
Environmental Analysis & Sub-project Review Procedures**

SEILA TASK FORCE

March 11, 2003

Rural Investment and Local Governance Project Environmental Analysis & Sub-project Review Procedures

Introduction

The purpose of this brief environmental report is to describe potential sub-project investments eligible for financing under the Rural Investment and Local Governance Project (RILGP) and to identify specific environmental concerns and possible mitigation measures associated with each investment type. The report also describes the procedures for environmental planning, screening and sub-project EA expected to be used for different sub-project proposals.

The RILGP will finance small scale village and commune level infrastructure throughout Cambodia. RILGP will actively work in about 1,110 communes in fifteen provinces nationwide. Using nationally standardized planning approaches developed for the Seila program, commune-level decision-makers will determine local priorities for investment, selecting from proposals prepared by village-level committees. Use of commune funds for investments will be limited to community infrastructure needs such as construction or improvement of tertiary roads, access tracks, bridges or culverts; improvement or repair of small irrigation works; construction or improvement of public buildings such as schools, clinics, and community centers; and provision of or improvements to community water supply systems.

Environmental Issues

Potential environmental issues associated with the vast majority of sub-project investments are not expected to be significant. Most investments will be of less than \$10,000 each and are likely to involve rehabilitation of existing infrastructure which is in a dilapidated state or construction of new facilities which are very small in scope. To the extent that there would be any adverse effects, they will primarily be related to construction phase activities. Most adverse impacts will be highly localized (i.e., effects rarely more than 10-20 m. from the construction works), temporary in nature (i.e., experienced during construction phase only) and easily mitigated through the application of sensible site selection criteria, good construction practices and diligent management practices in the operational phase.

Based on Bank field evaluation of Seila sites and discussions with Seila implementation teams, similar sub-projects financed under the Seila program in the past seem to have experienced few environmental problems. Still, some adverse impacts from small scale infrastructure sub-projects have been described depending on the specifics of each site. While most activities will have limited effects, those that involve new physical works or changes in the sites of existing infrastructure could have some adverse environmental implications. Notable examples are new road construction and the construction of new irrigation facilities. In these cases, local problems have been identified with respect to poor site selection decisions resulting in drainage problems, restricted flows in natural water course, conversion of local habitat, and erosion problems during the operational phase following road construction.

The potential for adverse impacts from any sub-project investment will ultimately depend on the magnitude of the specific investment type, the characteristics of the specific location, and in some cases the long term operations of the sub-project. Anticipated effects include dust and noise generated during construction; modifications to local drainage patterns; small-scale habitat loss from vegetation clearing or drainage of wetland areas; erosion and increased sedimentation resulting in reduced water quality; and pollution resulting from inappropriate disposal of construction waste materials. A more complete description of sub-project types, environmental concerns, and possible management measures is presented below.

These potential adverse impacts need to be evaluated with a balanced view as some sub-projects will also have environmental benefits. For example, rehabilitation of degraded rural roads can have significant improvements to local drainage and to improving sedimentation resulting from run-off from highly degraded road surfaces. Based on the small scale nature of the sub-projects and the unlikely prospects of cumulative effects of these small investments, the Project has been rated as a B category environmental risk according to World Bank policy OP 4.01 Environmental Assessment.

Environmental Review Procedures

The Project's basic approach to environmental review will be to fully integrate consideration of adverse impacts into the commune level program planning, design, construction procurement and operations. Based on a review of the proposed nationally approved commune planning guidelines, several key points in the overall decision process lend themselves to including environmental review. These are summarized below. (See the Commune Sangkat Planning Guidelines for a full description of each planning step).

Key Steps in Commune Planning and Sub-Project Implementation

Planning Steps 1-3 Commune / Sangkat Data Assessment

- Basic data gathering to support and verify Commune Needs Assessments
- Outputs at this step include the production of lists of commune issues plus commune maps identifying environmentally sensitive areas and other development constraints

Planning Step 4

- Identify priority goals environmental and NRM priorities
- Identify alternative solutions and strategies

Planning Step 5

- Outline list of projects. Potential environmental impacts and land acquisition issues identified and discussed.

Planning Steps 7

- Draft 3-year Commune Investment Plan is prepared . Based on this plan, a workplan for project preparation activities is agreed with the TSS.

Planning Steps 8 to 11

- Finalisation and approval of Commune Development Plan and Commune Investment Program
- Project Preparation activities can proceed contemporaneously with these steps.

Sub-Project Preparation Phase

- Use of environmental site selection criteria in design
- Environmental Screening for projects requiring environmental analysis (EA)

Technical Clearance Phase

- EA prepared for sub-projects identified through screening.

The Project will work closely within the commune councils during the planning phase to identify potential environmental problems. At the planning stage, emphasis will be placed on integrating environmental and natural resource education and awareness raising at the village level. During commune planning, emphasis will be placed on careful site selection for infrastructure to ensure that problems are avoided or minimized right from the start. Provincial and District Facilitation teams (PFT, DFT) will be required to introduce and discuss environmental issues during consideration of alternative investments with Commune Councils and with individual villages as appropriate. DFT will be given training and standard reference materials to assist them in helping communes to identify environmental problems at the commune level and to set environmental goals within their commune development plans (See Attachment 4 for an example of an environmental training module being tested during sub-project preparation phase)

The Project will also adopt the use of sound and consistent application of technical design standards which address possible adverse effects of each sub-project type. The Project will expect the provincial technical support service (TSS) teams responsible for individual sub-project designs to take into account environmental problems commonly encountered in specific infrastructure Projects. As a key step, the Seila Technical Manual will be adopted as the principal technical guideline. This manual has proven useful and relevant under Cambodian field conditions and standardized technical designs are being developed and revised to take into account environmental concerns.

The Project will also require the inclusion of environmental management clauses in all construction contracts. Contractors responsible for construction of proposed works will be required to adhere to contract clauses with specific expected performance standards relating to environment protection. For most sub-projects this will simply mean that contractors have to adopt "good-housekeeping" measures to ensure erosion is controlled on-site and that waste materials are disposed of in appropriate manner. Seila has included contractual clauses into recent contracts and this practice will be expected to be continued and expanded under the Project. While such practice has already begun under LDF programs but its use is not widespread and supervision has been limited in the past.

Finally, communes will be expected to adhere to good management practices during sub-project operations. These measures are expected to be simple, low cost and feasible under Cambodia field conditions. For example, communities would be expected to adopt community rules to prevent contamination of water wells and to undertake periodic monitoring to ensure that water quality is maintained in wells. The Project as a whole will develop and refine guidance and reference materials which identify common risks and possible mitigation measures suitable for these small-scale sub-projects.

Environmental Screening

For the majority of sub-projects, formal environmental analysis will not be required. Environmental analysis will be required in the following cases:

- Construction of the sub-project may cause damage to any place that is important for environmental or cultural reasons (for example, forest, a National Park or wildlife park, or a temple);
- Construction of the sub-project may cause damage to water supplies used by people;
- Construction of a new road alignment;
- Construction of a new irrigation scheme.

For all sub-projects, the Commune Chief will carry out sub-project studies with the assistance of the TSS. These studies will include screening to identify those sub-projects requiring environmental analysis. The TSS will be trained to conduct this initial screening. The screening will lead to one of two recommendations: no EA required, or EA required. The results of the sub-project screening will be submitted to the Provincial Office of Local Administration (POLA) on the Project Information Form.

Environmental Analysis

In each Province, one or more Provincial Officials will be nominated by ExCom for training in the environmental analysis procedures required for the Project. These officials will be required to sign an agreement to be available to carry out this work when required.

For sub-projects requiring EA, POLA will commission either an official, who has received appropriate training, or an independent consultant with the appropriate skills, to carry out the EA. The official assigned to the task will carry out the EA with the participation of local people who will be affected by the sub-project. The EA will consist of the following parts:

1. Participatory environmental mapping: preparation of an environmental map of the project. The map will identify:
 - a. Topography: Steep slope, slight slope or flat land, with direction of slope;
 - b. Soil types: highly erodible, slightly erodible and not erodible;
 - c. Vegetation and land use
 - d. important cultural sites;
 - e. Access routes to the site;
 - f. Water courses
 - g. Extents of seasonal inundation.
 - h. Areas of human habitation and type of domestic water supply.
2. Completion of a checklist common types of environmental impact, to be classified as "High risk," "Medium Risk," or "Low risk." For medium / high risks mitigation measures should be proposed.
3. An Environmental Management Plan (EMP) showing proposed changes to the project design, measures to be included in the Contractor Workplan during construction, and proposed measures to mitigate environmental impacts of operation. Responsibilities for implementation will be defined.
4. A Monitoring Plan showing monitoring activities to be carried out.

A format for the environmental analysis, including the EMP and the monitoring plan, is provided in Attachment 3. This proposed format is open to refinement and editorial changes through the Project implementation period.

The Commune Chief will be responsible for making results of the EA public and for ensuring that issues raised in the EA are discussed in a public forum before a final decision is made on whether to proceed with the sub-project or not.

The EMP and monitoring plan will be agreed with the Commune Council. The report of the EA, including these plans, will then be submitted to POLA. POLA will be responsible for technical clearance of the EMP in collaboration with the Provincial Department of the

Environment. For all sub-projects of the Commune Councils, Technical Clearance is required before procurement for sub-project implementation can begin.

Organizational Roles And Responsibilities

Commune Council As the principle decision making body for community investments, the Commune Council has the primary responsibility to ensure that all investment decisions are given due environmental consideration. The Commune Council is responsible for approving changes to the sub-project proposal, including the EMP.

Commune Chief The Commune Chief is responsible for implementation of the Commune Development Plan. The Commune Chief is responsible for ensuring that village residents are kept informed regarding possible environmental concerns relating to investment proposals. He or she should work closely with the DFT to ensure that information on possible impacts is made available in a timely manner to facilitate informed decision-making. In addition the Chief will closely monitor and assist the village committees in matters relating to environment. With the assistance of the TSS, Commune chiefs will also be responsible for monitoring contractor performance to ensure that any environmental clauses are adhered to and respond to any grievances submitted by adversely affected people.

PFT/DFT The provincial and district facilitation teams will have an important role in advising communes on potential environmental implications of investment decisions. The DFT will take a pro-active role in public awareness raising and education of commune council members about potential environmental problems. They will be responsible for advising the commune council on site selection criteria and they should assist the councils in their attempts to minimize adverse impacts.

Technical Support Staff (TSS) Teams. The TSS will be responsible for ensuring that standard technical designs are applied at the field level. They should also take steps to ensure that site-specific measures to protect against environmental disturbance are included in sub-project design. The TSS will assist the Commune Chief in environmental screening. The TSS may also assist in proposing mitigation measures during preparation of the Environmental Management Plan. The TSS will assist the Commune Chief in monitoring the work of the contractor, including compliance with environmental protection measures.

Officials or consultants assigned to perform Environmental Analysis The officials or consultants assigned to this task will be responsible to ensure that environmental analysis is carried out in a timely and effective manner, and that the views and concerns of local people, who may be affected by environmental impact of the sub-projects, are heard and taken account of. The officials will report their recommendations to POLA and will monitor implementation of the EMP.

Monitoring

A Technical Committee comprising the Senior TSS and other senior ExCom officials, and assisted by the PLG Infrastructure Adviser, will carry out technical audits of completed subprojects. For sub-projects having an EMP, the audit will include assessing the effectiveness of the environmental mitigation measures undertaken.

The Project will develop mechanisms for monitoring effectiveness of the environmental review criteria and screening mechanisms. At a minimum, the Project will require periodic stocktaking of the planning process and in addition efforts will be made to compare Project results with other Projects undertaking similar approaches. Monitoring of field implementation will be undertaken during supervision missions.

Disclosure And Consultation

Disclosure of Project safeguards documents and procedures will occur on several different levels. On the national level, significant consultation and debate over the Commune planning guidelines has taken place over the last several years. The environmental review criteria and requirements for environmental assessment, while recently added, are an integral part of the national planning procedures and will be subject to continuous review and refinement throughout the evolution of the Seila program.

A draft version of these Procedures, in English and in Khmer, has been made available for public review and comment, through the Seila Task Force office in Phnom Penh and through the PRDC of each participating province, as required by standard World Bank disclosure procedures. Location of this document was advertised in the Cambodian press on 27 January 2003 for public comments.

A public review period of no less than 30 days was given to allow interested stakeholders time to provide written feedback on the procedure to be followed under the Project. The document has also been made available through the World Bank's information center in Phnom Penh as well as in the World Bank's Info Shop in Washington D.C.

More importantly public disclosure and consultation is an integral part of the Commune planning process and public input will be solicited at numerous points in the overall planning process. Community leaders and other stakeholders will be given several opportunities to identify environmental issues in the commune, to influence the type, scale and location of sub-projects and to review EA reports in cases where these may be required.

For sub-projects requiring a stand alone EA, consultation and disclosure of EA reports will take place at the commune level. It will be the responsibility of the Commune Chief to post the EA reports in a public place prior to a final decision meeting on whether to proceed with a particular sub-project. In addition, the EA report will be a required agenda item during the final decision meeting for any sub-project.

Financing Of Environmental Mitigation Actions

For sub-projects requiring EA or EMP, the costs of preparing these studies or implementing the required management measures will be borne by the Provincial Project Support budget and by the Commune Council. If mitigation measures result in an increase in sub-project implementation costs, these costs will be incorporated into the sub-project costs.

World Bank Supervision Arrangements

The World Bank will undertake periodic Project supervision of all RILGP provinces to assess compliance with these requirements and to recommend any corrective measures that may be necessary to resolve implementation problems or inadequacies. To facilitate Bank supervision, any approved EMPs will be made available for Bank review at each PRDC. Reports of technical inspections of completed schemes, by a technical committee including the Senior TSS, will record compliance with environmental protection measures, and these reports will be held at TSU for review by the Bank.

Sub-Project Environmental Review Criteria

For the majority of sub-projects, it is proposed that in place of a formal EA, simple site selection criteria and technical design standards be adopted through the planning process. The Project will prepare a manual which will provide specific guidance on the types of investments to be supported under the Project; environmental implications of such sub-projects; technical design considerations; sample construction contract clauses; and suggested management measures during operations. The PFT and DFT will use Khmer translations of these guidelines as a technical resource during the planning phase. Some examples of such reference materials are provided in the following sections. These examples will continue to be refined throughout the preparation phase of the Project. The design is intended to be flexible allowing for easy modification and creation of new guidelines for different sub-project types.

Attachment 1 Environmental Issues and Review Criteria for Selected Examples

Example 1 Bridges And Small River Crossings

PROJECT ACTIVITIES.

Small-scale bridge construction sub-projects may involve both permanent or temporary structures with a pier support structure or shore-to-shore suspension spans. Sub-projects may involve both rehabilitation or replacement of existing structures as well as new construction. bridges supported by the project may be very small facilitating village track to road connections allowing low volume passages of tractors, bullock carts, pedestrians, bicycles, motorcycles and small cars. Alternatively they may be more substantial structures designed to facilitate increased motor vehicle or truck traffic. Construction materials typically include poured reinforced concrete, steel support beams, wood, or combinations of these materials.

ENVIRONMENTAL CONCERNS.

Environmental impacts associated with bridge construction usually involve disturbance to banks and streambeds to establish foundations. Erosion of stream-banks may adversely affect aquatic habitats and water quality locally and downstream. The use of heavy construction equipment in or near water bodies may result in inappropriate hazardous substance contamination from fuel, lubricants, and greases.

In some cases ancillary works associated with bridges may involve bank stabilization with rip-rap, river training works, and dredging. Bridge construction may adopt measures which confine river flow in order to protect the structure from future flood damage. These flow changes can lead to unexpected changes in stream flow velocity immediately downstream of the bridge. The most likely effects of such confinement is increased erosion downstream of the bridge. Depending on the site, dredge materials may contain toxic or hazardous substance.

In general, environmental concerns are only indirectly related to bridge length. More important factors include volume of excavation for foundation work; modifications to flow velocity and channel alignment, introduction of new or modified traffic patterns and increased traffic volumes leading to dust and noise concerns. In some cases, the increased access provided by bridges and other rural road development can encourage use by vehicles which exceed the capacity of the bridge leading to shortened life span and bridge failures.

In some locations - and depending on the size of construction - bridges may become focal points for small markets and commercial enterprises. Such development is typically spontaneous and unplanned leading to traffic congestion, and pollution from increased commercial activity. These indirect effects may exceed the direct impacts of construction.

PLANNING AND SITE SELECTION CRITERIA

- Identify and avoid environmental sensitive sites
- Prefer suspension bridge design where feasible
- Select site to minimize land acquisition
- Evaluate foundation site stability
- Evaluate any pre-existing problems with existing bridges
- Avoid sites where creation of stagnant pools may become a problem

- Evaluate expected traffic / vehicle types

TECHNICAL DESIGN CONSIDERATIONS

- Design by qualified engineer / architect with reference to standard designs
- Design should incorporate adequate erosion control measures during construction and measures to reduce erosion post-construction phase;
- Avoid sites which require changes to hydrological regime

CONSTRUCTION CLAUSES

- Construction by qualified and experienced contractors
- Construction in dry season
- Protection of streams from sediment runoff using erosion barriers
- Ensure protection during construction; erosion prevention using plastic fencing; re-vegetation or physical stabilization
- Disposal of dredge spoil or excavation materials in designated sites. Direct dumping into streams should generally be avoided
- Site restoration after construction, including re-vegetation of riverbanks, bank erosion control measures;
- Ensure construction contracts have appropriate clauses addressing appropriate site management, spoil disposal, construction materials storage and disposal,
- Cleanup of construction sites following construction
- Proper signage / control of access to construction site safety

OPERATIONS AND MAINTENANCE

- Community monitoring and control of inappropriate traffic and usage

Example 2 Community Buildings

Project Activities. There are several types of village buildings that could be supported by the project and qualify as sub-projects. These include schools, health centers, stores, and community centers that act as meeting or gathering places. Work on these buildings may range from minor rehabilitation, rehabilitation with major construction, to new constructions.

Environmental concerns. Concerns are generally greater with sub-projects that include major re-construction or dilapidated buildings or new construction on previous unutilized space. Conditions that differentiate between minor rehabilitation and major rehabilitation include the end use of the building being rehabilitated, the amount of demolition, and the involvement of any land clearing. Environmental concerns generally include erosion control from land clearing, good housekeeping on construction sites, noise control, hazardous materials such as asbestos, safe building design, and clean water supply and sanitation. For minor rehabilitation, good management practices should be followed to reduce environmental impacts.

Planning and Site Selection Criteria

- Site new construction location away from natural habitat areas, fragile lands, or areas that contain threatened or endangered species
- Minimize land allocated for new buildings
- Limiting the number of trees cut for clearing the site location – i.e., only cut what is necessary.
- Site sensitive buildings (schools, health clinics) away from roads where dust and noise would be significant concerns

Technical Design Considerations

- Adhere to predefined SEILA technical standards
- Use qualified architect / engineer to design major structures
- Provide proper water supply and sewage disposal on site
- Use building materials at specified standards

Construction Clauses

- Require “good housekeeping” on all construction sites including storage of construction materials,
- Ensure adequate worker sanitation
- Undertake safety measures to control fire hazards
- Carry out post-construction landscaping of construction site
- Adopt on-site erosion control.
- Control dust during construction
- Construct works during normal business hours to minimize noise
- Dispose of old building materials such as glass, asbestos in an appropriate manner

Operations Phase

- Verify that water supply and sanitation systems in schools and health centers are adequately maintained and remain operational
- Confirm that disposal of any health center medical waste is done in a proper and sanitary manner

Example 3 Rural Roads

PROJECT ACTIVITIES.

The RILGP could fund sub-projects to rehabilitate existing rural roads as well as construct new roads. These roads are small 3-5 m wide and are usually laterite surface. Most rural road subprojects will involve road rehabilitation rather than construction of new roads. Road projects may involve realignment, raising the road bed, provision of lateral and cross drainage, bridges and river crossings.

ENVIRONMENTAL CONCERNS.

Road rehabilitation or maintenance sub-projects do not usually result in significant environmental impacts because the ROW are typically small, traffic volumes are low and the existing ROW are usually followed. However, there are a number of concerns which should be taken into consideration when proposing rural roads rehabilitation sub-projects.

Impacts from road rehabilitation may occur on-site during construction. For example, erosion along road alignment can be significant as well as at areas such as quarries where construction material is being obtained or transported. Impacts during operation can result from increased erosion, traffic safety, changes to air quality from dust. Impacts occurring during operation, such as noise nuisance and safety hazards, should be considered if road upgrading significantly changes traffic patterns. In many parts of Cambodia the composition of vehicle traffic is usually limited to small farm vehicles and motorcycles.

Major concerns in new rural road construction are erosion and loss of habitat resulting from vegetation clearing. Construction during rainy season can leave soils exposed and can cause significant erosion. Dust from road construction and operation can damage crops or affect human and livestock health. In Cambodia, roads built on raised embankments can interfere with cross drainage and can impede the flow of water leading to changes in the local hydrology. In such cases roads have been known to exacerbate local flooding problems if adequate drainage is not taken into account.

Environmental impacts of new construction include direct impacts at the road construction site and in the immediate environs of the right of way. Air and water pollution and noise, generally associated with highways, are not typically major problems in rural roads because traffic volumes are low. However, dust raised from the road and blown by vehicles pose a significant local nuisance and, under extreme prolonged conditions, possible health hazards. Damage to vegetation, crops and livestock nearby roads is also known to be problematic. If the road is paved, some water pollution can occur from chemicals carried away in runoff. Other possible sources of water pollution are chemicals applied along the roadside or on the right-of-way for the control of weeds or dust.

Other sedimentation problems can also occur through slips and landslides in steeper areas where slope control measures have now been adopted. This can lead to serious sedimentation and siltation problems in nearby surface waters. With their greater potential for causing environmental problems, roads built in steep, humid zones will require higher standards and costs than roads on flatter low lying areas. In flatter areas of Cambodia, for example, roads built on raised embankments interfere with cross drainage. Movement of water can permanently impair the biological cycles and productivity of the wetland areas and these roads can cause flooding of adjacent areas by blocking the flow of water and by increasing runoff.

Siting of a road is the most critical decision in road construction. It will largely determine the type and magnitude of environmental and social impacts that will result from road

construction. Once the area for the road is chosen, care must be taken to avoid constructing it on steep slopes, unstable soils and places where runoff and drainage will be problematic. Siting decisions typically involve consideration of baseline data on the climate, soil, topography, hydrology, biology/ ecology, and social factors of the sites proposed for construction.

Maintenance of rural roads also poses several concerns. Maintenance costs are often underestimated and maintenance routines deficient, especially on low volume roads such as roads through lightly populated regions. Adequate road maintenance can be costly but is essential to avoid environmental problems and to ensure the expected economic returns. Overloading of trucks and buses is a chronic problem that should be taken into account in road design and maintenance. To the extent possible, road maintenance should be supported technically and financially by the provincial government, but carried out by local authorities and the community.

In those rare instances where a new road is to be built, especially in areas of undisturbed natural habitat, an environmental analysis (EA) will be required. New roads should be evaluated for their direct impacts and appropriate measures developed for mitigation and management of problems. In some situations an evaluation of possible indirect effects such as increased potential for illegal logging or spontaneous development should also be taken into account. Among other issues an EA should evaluate the possible impact on existing terrestrial and aquatic habitats, erosion concerns, noise, air quality, siting of quarries and borrow pits and construction waste management issues. An EA for such projects should provide a map of the project area showing important sensitive areas; a mitigation plan; and a monitoring plan to be implemented during construction.

Planning and Site Selection Criteria

- Limit the amount of construction undertaken in rainy season
- Use existing alignment / limit
- For new roads, consider several alternative alignments to minimize impacts
- Evaluate potential for local drainage problems
- Identify pre-existing problem areas of significant erosion and request special measures such as drainage or retaining walls
- Avoid environmentally sensitive areas such as forest or wetlands

Technical Design Considerations

- Include appropriate lateral and cross drainage facilities along road alignment
- Identify borrow pit areas in advance

Construction Clauses

- Contractor to prepare brief environmental site management plan
- Avoid construction in rainy season
- Require use of sediment control fencing, or other suitable barriers, near all permanent water courses or residences which may be affected
- Mitigate noise through agreed operating and construction hours
- Post appropriate signage to ensure local safety during construction
- Mitigate fugitive dust through period watering of road surface during construction
- Require contractor to dispose of hazardous construction and waste materials in designated location according to agreed waste disposal plan
- Contractor to ensure vehicles transporting road construction materials such as sand, topsoil etc. are covered with a tarp to avoid unnecessary dust and spillage;
- Apply vegetative erosion control measures such as vetiver grass along road embankments close to permanent water sources

- For quarries or borrow pits, contractor should specify location and site remediation measures such as landscaping and re-vegetation measures to be undertaken following completion of the site;
- On-site compliance monitoring and supervision of road contractors

Operations and Maintenance

- Ensure adequate financing for road maintenance
- Local monitoring and control of inappropriate traffic
- Periodic watering to control dust during dry season

Example 4 Village Water Supply

Project Activities. The project would finance village water supply sub-projects designed to provide reliable and safe drinking water to communities. These sub-projects may take on various designs including rain-water collection tanks, jars, ring wells, drilled wells with pumps, and community ponds. The scale of these investments are typically very small. They are usually designed to serve the needs of a few families but could involve the provision of water supply for several families or even entire villages in some cases.

Environmental Concerns. One of the most important environmental considerations with regard to water supply subprojects is avoiding well-water contamination and subsequent exposure to humans. Contamination poses direct human and animal health risks and will affect the long-term viability of the investment. During construction and operation of the wells measures need to be taken to prevent contamination from sedimentation, agricultural, livestock and human waste disposal. Once a well or pond is contaminated it not only affects the utility of the specific investment but may impact other downstream users as well.

In wells and ponds, contamination usually results from inadequate care and attention to controlling contaminants from entering through the well or pond itself. Hand dug wells and open ponds are the most susceptible to contamination. Typical contaminants include: sediments entering the groundwater during construction of the well itself; sediment from erosion on the periphery of ponds; sediments entering through the well directly or from failure in the well casing; animal waste entering the water supply through uncontrolled livestock. Depending on the situation wells and ponds could also be contaminated from hazardous materials stored near the water supply or from agricultural runoff which introduces pesticides into the supply.

Some typical sources of contamination within a small to medium sized village might include: storage of gasoline, diesel or other fuels; storage and application of manure, fertilizers and pesticides; poor quality surface water runoff from irrigation schemes; animal feeding pens; sewage disposal; open pits or quarries from previous construction activities; land clearance for agricultural or living quarters; small scale manufacturing or industrial activity (e.g. machine shop, animal slaughterhouse, vehicle repair etc.)

Depending on the characteristics of the aquifer or surface water source, contamination may also come from sources far from the village itself. For systems designed to serve the needs of many individuals it is important that possible sources of contamination are identified during the planning stages.

Measures should also be taken to determine the reliability and quality of water sources. For example, it is increasingly documented that arsenic in groundwater is becoming a more significant problem. In areas known to be prone to this type of contamination water quality testing is recommended. This is normally done through initial groundwater assessment to determine the quality of water. For water supply projects it is desirable to carry out basic inventory to determine the possible sources of contamination within a village.

Supervision of water supply projects should also be organized periodically. Testing of the water supply should be performed regularly to detect any contamination to the system, and this should be done in conjunction with periodic treatment. Hence, proper training of technicians is critical to ensure that adequate maintenance occurs.

Planning and Siting Criteria

- Conduct a simple community inventory of potential contamination sources (livestock; fertilizer/pesticide use; storage of hazardous materials; sedimentation from land use or construction projects)
- Choose site for well or pond to avoid contamination sources;
- Establish a wellhead or pond protection area within the village;
- Educate families within the village on the importance of protecting the water supply source;
- Establish some community guidelines for livestock near wells;
- For systems designed for many households undertake basic water quality analysis
- Visit other villages in area to determine the experiences with water supply;

Technical Design Considerations.

- Mark off protection area with fence;
- Follow SEILA technical design manual
- Use of better quality pumping equipment
- Ensure proper drainage near pumping stations;
- Ensure appropriate community participation in site selection;

Construction Clauses

- Select a qualified contractor to build the well;
- Protection of vegetation during construction
- Clean up after construction

Operations and Maintenance

- Establish a community water committee to oversee operations and supervise agreed management practices
- Periodic review of water quality as per provincial monitoring program

Attachment 2: Format for Environmental Analysis

**Commune / Sangkat Infrastructure Project
ENVIRONMENTAL ANALYSIS FORM**

District	

Date of participatory environmental analysis	Name of official responsible for analysis
Place of doing the analysis	How many local people took part in the analysis (attach a list)

Reason for carrying out Environmental Study (can be more than one)

Project may damage area that is important for environmental or cultural reasons	
Project may cause damage to domestic water supplies	
The project is to build a new road	
The project is to build a new irrigation system	

Checklist of types of environmental damage that may occur

Problem	Severity	Locations on the map
Damage will be caused by vehicles transporting materials to the site	Big impact	
	Some impact	
	No impact	
Damage will be caused by excavating soil or gravel to build the project	Big impact	
	Some impact	
	No impact	
Dust problem during construction	Big impact	
	Some impact	
	No impact	
Noise problem during construction	Big impact	
	Some impact	
	No impact	
Contamination of water resources during construction	Big impact	
	Some impact	
	No impact	
Damage to natural trees	Big impact	
	Some impact	
	No impact	
Damage to wild animals that live in the area	Big impact	
	Some impact	
	No impact	
Other kind of damage to valuable natural area or natural resources	Big impact	
	Some impact	
	No impact	

Checklist of types of environmental damage that may occur (2)		
Problem	Severity	Locations on the map
Damage to valuable cultural site, for example by construction in the area of an ancient temple.	Big impact	
	Some impact	
	No impact	
Damage to agricultural land	Big impact	
	Some impact	
	No impact	
Damage to domestic water supplies	Big impact	
	Some impact	
	No impact	
Damage to fish stocks	Big impact	
	Some impact	
	No impact	
Erosion caused by removing vegetation	Big impact	
	Some impact	
	No impact	
Erosion caused by changes to alignment or size of streams	Big impact	
	Some impact	
	No impact	
Flooding.	Big impact	
	Some impact	
	No impact	
Noise pollution from traffic.	Big impact	
	Some impact	
	No impact	
Dust pollution from traffic	Big impact	
	Some impact	
	No impact	
Road safety problems	Big impact	
	Some impact	
	No impact	
Problems caused by people moving to live in the area	Big impact	
	Some impact	
	No impact	
Problems caused by more people coming to use natural resources in the area	Big impact	
	Some impact	
	No impact	
Other problem (describe)	Big impact	
	Some impact	
	No impact	
Other problem (describe)	Big impact	
	Some impact	
	No impact	

Describe any good impact of the project on the environment

ENVIRONMENTAL MANAGEMENT PLAN

Problem	Mitigation measure	Cost		Who is responsible		Impact remaining with mitigation (Big / Some / None)	Priority High Medium Low	Comments
		Installation	Operation	Installation	Operation			
1. Recommended changes to the design of the project								
2. Recommended changes to the way the project will be constructed								
3. Recommended changes to the way the project will be operated or maintained								

ENVIRONMENTAL MONITORING PLAN

What	Where	How	When	Who
What will be monitored?	Place for monitoring	How to monitor	Times when monitoring will be done	Who will be responsible to monitor?

RECOMMENDATION

		CHECK 1
1	IF THE PROJECT IS IMPLEMENTED FOLLOWING THE EXISTING DESIGN, THERE WILL NOT BE ANY UNACCEPTABLE IMPACT ON THE ENVIRONMENT.	
2	THE PROJECT CAN HAVE AN UNACCEPTABLE IMPACT ON THE ENVIRONMENT. HOWEVER, IF THE RECOMMENDATIONS ARE FOLLOWED, THERE WILL NOT BE ANY UNACCEPTABLE IMPACT.	
3	THE PROJECT WILL CAUSE UNACCEPTABLE BAD IMPACT ON THE ENVIRONMENT.	

SIGNATURE

Draft Procedure for carrying out Environmental Analysis

1. WHO SHOULD DO THE ENVIRONMENTAL ANALYSIS?

The Environmental Analysis should be carried out by the competent provincial official with the participation of the people who will be affected by the project. Ordinary people should be encouraged to take part, not just the Commune chief or other people who are involved in promoting the project. It is best if many different types of people participate – young people and old people, women and men, farmers, monks etc.

2. WHERE SHOULD THE ENVIRONMENTAL ANALYSIS BE DONE?

The EA should be done near the project site, at a public location where it is convenient for people to participate. For some projects it will be necessary for the official responsible for the analysis to walk over the project site together with local people.

3. HOW TO BEGIN THE ENVIRONMENTAL ANALYSIS

The official should begin by making sure that the people who participate in the analysis know about the project. They should know clearly how the project will be constructed, what the outputs will be and what the expected benefits (the reason for doing the project) are. Then the official should explain the reason why it is necessary to carry out an environmental analysis for this project. The official should make sure that the people understand that the result of the analysis will be recommendations only – sometimes it may happen that recommendations are made during the analysis, but it is not possible to follow the recommendations fully.

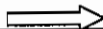


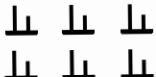
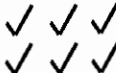

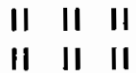
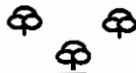
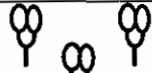





4. ENVIRONMENTAL MAP

The first stage of the analysis is to make a map of the project. This should be based on the project map in the Project Information Form. The environmental map should be drawn on big paper first so that the local people can see and participate. The official should copy the map onto smaller paper for the report later.

The important information to show on the map is:

- a. Topography: Steep slope, slight slope or flat land, with direction of slope;
- b. Soil types: highly erodible, slightly erodible and not erodible;
- c. Vegetation and land use
- d. important cultural sites
- e. Access routes to the site;
- f. Water courses
- g. Extents of seasonal inundation.
- h. Areas of human habitation and type of domestic water supply.

The following symbols should be used on the map:

Symbol	Meaning
	Steep slope (more than 5%) Arrow points down hill
	Slight slope (less than 5%) Arrow points down hill
 Silt	Highly erodible soil: silt or dispersive clay
	Paddy fields
	Fields for annual crops
	Fruit Tree crops
	Grass land
	Forest with small trees
	Forest with big trees
 Ring wells	Area of houses. Write down what kind of water supply.
	Water all year
	Water part of the year
	Cultural site
	Access route to site

5. CHECKLIST OF ENVIRONMENTAL IMPACTS

The environmental analysis form has a checklist of common types of environmental impact caused by small infrastructure projects.

For each problem on the list, the official should explain the meaning to the local people and agree with them if this problem will occur. For each problem on the list, the official should mark it as "Big impact," "some impact," or "no impact." Big impact means that the problem is big enough that some change must be made to the project, to solve the problem.

For problems marked as "Big impact," or "some impact," the places where the problems will occur should be marked on the map. Each place should be marked by a letter. For example,

damage will be caused by excavating soil at Place A and Place B. Write, "A, B" in the column on the form and mark the places A and B on the map.

There may be problems that are not on the list. At the end of the list there is a place to describe any other kind of bad impact on the environment that may occur, because of the project.

Infrastructure projects may also have good impacts on the environment. The form has a place to write about any good impacts on the environment, expected from the project.

6. ENVIRONMENTAL MANAGEMENT PLAN

The environmental management plan shows what changes to the project are recommended, to reduce the bad impacts on the environment.

All the problems shown as having a "Big impact" should be listed on the management plan.

Recommendations are divided into: changes in the project design (for example, changing the place for a bridge); changes in the way the project is constructed (for example, show which access road the contractor must use to bring materials and equipment to the site); and changes in the way the project is operated and maintained (for example, opening water gates slowly to reduce erosion).

Changes in the way the project is constructed should be included in the Contractor Workplan before the contractor starts work.

For each recommendation, estimate the cost of implementing the recommendation, and any operational cost that will occur. Write down who will be responsible for implementing the recommendation.

For each problem, write down how severe the problem will be, if the recommendation is implemented (big impact / some impact / no impact).

Write down any other comments.

The environmental management plans should be discussed with the local people who will be affected by the project. Then the plan should be presented to the Commune Council for approval.

7. RECOMMENDATION

The last part of the form is a place for the official responsible for the analysis to make a summary of the findings and to make his recommendation.

There are three recommendations the official can make:

- The project will not have any unacceptable impact on the environment;
- The project design should be changed to avoid unacceptable impact on the environment;
- The project should not be implemented, because the impact on the environment will be bigger than the benefit from the project.

There is a place for the official to write comments explaining his or her recommendation.

The official should sign the Environmental Analysis and send the completed form to POLA. POLA should make a copy of the report for the Commune Chief.

8. MONITORING

The final part of the Environmental Analysis report is a monitoring plan. There are two kinds of monitoring we can do:

- monitor compliance of the project owner and the contractor with the recommendations of the EA report;
- monitor the actual effects on the environment.

The official responsible for the EA should monitor implementation of the recommendations and report to POLA on this.

The Commune / Sangkat chief should arrange for monitoring of the impact of the project on the environment. The Monitoring Plan shows how this will be done. The Monitoring Plan shows:

- **What** is to be monitored. For example, “dust from traffic,” “water quality,” etc.
- **Where** to monitor;
- **How** to monitor? For some kinds of problem it may be possible to make actual measurements – for example, the maximum depth of flooding at a particular location. However, for other kinds of problem, for example dust in the air, we can only measure by asking the people affected, for example, “worse than before / the same as before / better than before.”
- **When** to monitor? For example, “one time per month,” “every day during construction,” etc.
- **Who** will monitor? Who will be responsible to carry out the work?



Ministry of Rural
Development



Seila Program

Technical Support Staff Basic Training

Training Documents

(English Translations)

Lesson 11

Environmental Impact of Small-Scale Infrastructure Projects

TSS Basic Training

LESSON 12: ENVIRONMENT

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Environmental impact of rural infrastructure projects

A. Introduction

1. What do we mean by environmental impact?

Any infrastructure project will have impacts other than the impacts that we plan (the reason for implementing the project).

Example: a village has only one well for the whole village. The old well is not very deep, but it always has water. However, there are too many users. Many of the users have to walk a long way to collect water.

The commune council plans a project to make three more wells in the village. The benefit of the project will be that the people who live in houses far away from the old well, will be able to find water close to their houses.

What will the impacts of the project be for the people who live near the old well?

- Good impact: there will not be so many people trying to use one well all at the same time.
- Bad impact: all the villagers will use more water. Perhaps the water table will go down and the old well may become dry.

Environmental impact is the impact that a project will have upon the natural environment and on the living conditions of human beings. Environmental impacts can include damage to forests and to wildlife, damage to the quality of water supplies and of the air, impacts on the fertility of agricultural land, and impacts on human health. Almost any impact that will result from the project, except for the benefit we plan from the project, can be called an environmental impact.

When we talk about environmental impacts, usually we mean bad impacts. However, sometimes projects can have good impacts on the environment also.

2. Types of environmental impact

Environmental impacts may result from construction of the project, from use of the project output, or from other human activities that result from the project. The last kind we can call indirect impacts.

IMPACT DUE TO CONSTRUCTION OF THE PROJECT: EXAMPLE

A contractor building a bridge has to construct the foundations of the bridge in the bed of the river. There is some water flowing in the river while the construction work is carried out. The construction work makes the water dirty, and oil from the construction machines is spilled into the water. The dirty water causes damage to crops further down the river.

INDIRECT IMPACT DUE TO HUMAN ACTIVITY RESULTING FROM THE PROJECT: EXAMPLE

A new road is built to a village in a forest area. At first the people who live in the village are very happy because they can go to the market and to the local health clinic much more easily than before. However, now that it is easy to travel to the village, more people come to live there. In the past, the villagers have always cut wood and taken other products from the forest. Because there were not many people, the damage to the forest was small. Now that there are a lot of people, the damage to the forest is much more, and the people have to travel much further from the village to find firewood and other forest products.

DIRECT IMPACT DUE TO USE OF THE PROJECT : EXAMPLE

Traffic from a new laterite road causes a lot of dust. The dust blows into the houses of the people who live near the road, causing many problems. The children who live in the houses have chest infections more often than they did before the road was built.

3. What is environmental sustainability?

A non-sustainable project is one in which the environmental impact of the project will cause the project to fail.

Even if a project is sustainable, it may cause some damage to the environment. We have to compare the value of the benefits from the project with the size of the damage to the environment. For some projects, the damage to the environment may be too much, and it may be best not to construct the project. For other projects, we may have to change the location of the project, or the design of the project, or the method by which the project is constructed, or the way the project is operated, in order to reduce the impact on the environment.

EXAMPLE

Groundwater irrigation schemes (when water is pumped from wells for irrigation) often have good results at first, but are not sustainable because of impacts on the environment. There are two main ways in which groundwater irrigation schemes have a bad effect on the environment:

- The groundwater table becomes lower because of pumping water out. This makes irrigation more expensive (it needs more fuel to pump water from a deep well). It can also mean that ordinary wells for domestic water do not have any water any more. This is already starting to happen in Prey Veng province because of groundwater irrigation.
- The groundwater often contains minerals that are harmful to crops. In the first year the amount of minerals may be very small, but the minerals stay in the soil each year and the amount increases until the soil is not fertile. In the world, millions of hectares of agricultural land become useless each year because of this problem.

4. What is Natural Resource Management?

Natural resources include forests, fisheries, minerals, water resources and all kinds of things that are natural but are useful to human beings. Natural Resource Management means planning to use natural resources in a sustainable way, so that the resource will not be used too much and destroyed.

The biggest and best-known natural resource management issue in Cambodia is conservation of the forests. The forests are being cut down much faster than they will grow again. The cost of bad impacts on the people who live in forest areas and on the whole environment may be more than the value of the wood that is cut. This is a problem that the Royal Government has to solve. However, there are many other natural resource management issues that can be solved by local planning.

NATURAL RESOURCE MANAGEMENT: EXAMPLE

A commune has a small lake. Some people use the lake to catch fish. Other people use the lake to keep ducks and to bring their buffalo to the water there. Other people want to pump water out of the lake to irrigate rice fields and vegetable gardens. If too much water is pumped out for irrigation, there will be no fish and no water for the ducks and the buffalo. The Commune Council tries to make a plan to use the lake for the most benefit for everybody.

5. What is an Environmental Impact Assessment?

An Environmental Impact Assessment (EIA) is a study to find out the impact a project will have on the environment, before the project is constructed. The EIA is done at the same time as the feasibility study (or we can say it is a part of the feasibility study).

The Environmental Impact Assessment process has 5 main steps:

STEP 1: SCREENING

Some projects do not need an EIA. The first step is to decide whether a full EIA is needed, or not. Deciding whether a full EIA is needed is called screening.

STEP 2: SCOPING

Scoping means deciding what problems must be studied in the EIA. The main environmental impacts that may result from the project are identified.

STEP 3: PREDICTION AND MITIGATION

The next step is a detailed study of the problems that have been identified in Step 2.

Prediction means estimating how serious the environmental impacts caused by the project will be.

Mitigation means recommending changes to the project design, or the way the project will be constructed, or to how the project will be operated, so as to make the environmental impacts as small as possible.

The recommendations from the study are called an **Environmental Management Plan**

STEP 4: MANAGEMENT AND MONITORING

The next step is to implement the recommendations from the Environmental Management Plan. The impact of the project on the environment is monitored during construction and after operation (use) of the project begins.

STEP 5: EVALUATION

The result of the EIA should be evaluated so that lessons can be learned for future projects.

B. Impact of small-scale rural infrastructure projects.

1. Environment and Natural Resources in the Commune Planning Process.

The environmental impact of small-scale rural infrastructure projects is usually very small. The most severe environmental impact is likely to result from construction activities. However, for some kinds of project, use of the project output may also have a bad impact on the environment.

When the Commune Council plans and implements a project, the impact on the environment should be considered at every step.

In Phase I of the Commune Planning Process (Analysis) the villagers and the Commune Planning and Budgeting Committee should identify any special issues related to the environment and natural resource management in their commune.

The Commune Map should show areas that are environmentally sensitive (for example, forests and wildlife reserves);

In Phase II (Strategy) the Commune Planning and Budgeting Committee will identify goals and priorities for protection of the environment and management of natural resources in the commune. They will identify alternative solutions and strategies for achieving their goals.

In Phase III (Projects) the Commune Planning and Budgeting Committee will select projects and ask the TSS to carry out a feasibility study. When the TSS carry out the feasibility study they will consider whether the project can have any bad impact on the environment. For some kinds of project, it will be necessary to carry out an Environmental Impact Assessment. This is the EIA step we call screening.

EIA screening of Commune Projects

Projects that will always need an Environmental Impact Assessment are:

- New road (not rehabilitation of an existing road);
- New irrigation project (not rehabilitation of an existing project).

Other types of project may sometimes need an Environmental Impact Assessment, for example if the project will have an impact on an environmentally sensitive area such as a forest or a national park.

When the TSS make the project design they should think about the environmental impact and make the design to reduce the environmental impact of the project. The designs in the Seila Technical manual follow guidelines for reducing environmental impact.

It is very important to make sure that damage to the environment from construction of the project is as small as possible. The contract form must say that the contractor is responsible to protect the environment, for example by disposing of waste materials properly. The Contractor Workplan should include a section on protection of the environment. The Workplan should identify any problems related to the environment, and say how the contractor plans to solve these problems.

If there are any special activities, connected with operation or maintenance of the project, that must be done to protect the environment, these should be included in the Project Operation and Maintenance Plan.

The Commune Council should monitor the environmental impacts as part of its monitoring and evaluation of the results of projects.

2. ENVIRONMENTAL IMPACTS OF DIFFERENT TYPES OF PROJECT

Type of project	Type of impact	Mitigation measures
New road	Construction stage: <ul style="list-style-type: none"> • Damage to fields near construction • Damage caused by laterite excavation • Damage caused by trucks transporting laterite 	Careful construction technique Agree which road trucks should use.
	OPERATION IMPACTS <ul style="list-style-type: none"> • Changes to natural drainage of the area (road causes flooding or road drains take the water away from rice fields) • Erosion due to drainage changes • Problems caused by increased traffic • Problems caused by dust 	Choose the best alignment for the road Design the road drainage carefully.
	INDIRECT IMPACTS <ul style="list-style-type: none"> • More people come to live in the area, causing damage to natural environment. 	The CC should consider these problems when it makes the Commune Development Plan
Bridges and Culverts	Construction impacts <ul style="list-style-type: none"> • Damage caused to the area around the construction site. • Pollution of the stream during construction 	Careful construction technique. Construct during the dry season
	Operation impacts <ul style="list-style-type: none"> • Erosion upstream or downstream from the structure. 	Examine existing structures to see if there are any problems. Design carefully

Type of project	Type of impact	Mitigation measures
Irrigation Projects	Construction impacts Damage caused during construction.	Careful construction technique
	Operation impacts <ul style="list-style-type: none"> • Flooding upstream from the project. • Lack of water downstream from the project • Erosion around structures and in canals. • Poor quality drainage water flows back to the stream • Damage to soil fertility due to salt or other minerals in irrigation water. 	Careful design. Get agreement with upstream and downstream water users. Check if any problems have resulted from other irrigation schemes in the same area.
	Indirect impacts <ul style="list-style-type: none"> • Agriculture methods change to use more fertilizer and pesticides. • Natural resources (for example, fish traditionally caught in rice fields and canals) may be damaged. 	The Commune Council should discuss these problems when they make the Commune Development Plan
Buildings	Construction impacts <ul style="list-style-type: none"> • Damage to the area around the construction site. • Pollution from waste materials. • Hazardous materials (e.g. fibro-cement). • Damage caused by transport of materials • Tree cutting to make room for construction. • Bad hygiene because no sanitation provided for the workers on the site. 	Choose a site where damage will not be severe. Careful construction technique. Proper disposal of waste materials.
Water supplies	Construction impacts <ul style="list-style-type: none"> • Pollution from wastewater during well drilling. • Water supply is contaminated because of bad technique during construction. 	Agree where waste water will flow to. Contractor must have good technical capacity.
	OPERATION IMPACTS <ul style="list-style-type: none"> • Contamination of the water source • Problems caused by dirty waste water from around the water point • Lowering of groundwater table because too much water is used. 	Good design of the well. Good drainage away from the well. If groundwater table becomes low, may have to agree to limit use of water.

3. Environmental Management in the Contractor's Workplan

The Contractor's Workplan should have a section on environmental management. This should not be very long, but it should include the following subjects:

- identify any environmental problems that may occur during construction;
- show what the contractor must do to solve these problems

EXAMPLE: ENVIRONMENTAL MANAGEMENT PLAN FOR SCHOOL CONSTRUCTION (a new building at an existing school)	
Problem	Solution
Road damaged by trucks transporting materials.	Agree which road the contractor will use The contractor will not transport materials when it is raining.
Dust from the construction will blow into the classrooms in the existing school	The contractor will spray water to reduce the dust when the weather is dry.
Noise from the construction will disturb the classes in the existing school	The contractor will try to do the noisy jobs when the children are not studying
Sanitation for the workers at the construction site	The contractor will provide temporary sanitation for the workers
Waste materials and hazardous materials (fibro-cement, fuel, oil, cement etc).	The contractor will guard the materials to prevent the children playing with them.
Cleaning the site after construction	The contractor will clean the site carefully and remove all waste materials.

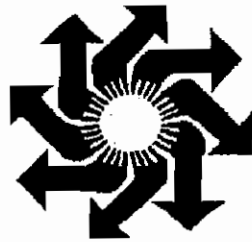
4. Responsibility for Environmental Impact Assessment

The TSS will not be responsible for carrying out the EIA. However, the TSS will be responsible for the screening stage: identifying projects that will need an EIA. In each Seila Province, there will be somebody who is trained to carry out the full EIA and who will do the EIA when it is needed.

The TSS will be responsible to assist the Commune in the Management and Monitoring phase of the EIA process.

Roles and responsibilities for the EIA Process		
Stage	Who is responsible?	
1	Screening	TSS
2	Scoping	Staff in each province who have EIA skills
3	Prediction and Mitigation	Staff in each province who have EIA skills
4	Management and Monitoring	Commune Council, with advise from TSS
5	Evaluation	Commune Council

**The Royal Government of Cambodia's
Seila Program**



**Rural Investment and Local Governance Project
Highland Peoples Development Plan**

SEILA TASK FORCE

March 11, 2003

Cambodia: Rural Investment and Local Governance Project

Highland Peoples Development Plan

INTRODUCTION

1. The World Bank is preparing a Rural Investment and Local Governance Project (RILGP) to support expansion of the Royal Government of Cambodia's Seila Program. This program fits within a broader official campaign promoting decentralization of, and heightened local-level participation in, development planning. The key program component supported by RILGP promotes participatory village-level identification and prioritization of needs. The project provides financial assistance to commune-level elected councils, which select and fund small-scale infrastructure improvements or public service improvements to meet the expressed needs of villages within the commune. As the project title indicates, then, the project has two fundamental objectives: to support local infrastructure or service improvements through investment, and to increase local participation (at both village and commune levels) in decision-making.

2. At present, Seila objectives and procedures do not explicitly consider program impacts on the various ethnic minorities residing within program provinces. As a prerequisite to World Bank support, however, RILGP must meet the requirements of Operational Directive 4.20 (Indigenous Peoples). This policy directive requires that special planning measures be established to protect the interests of ethnic minorities with distinctive characteristics that may make them vulnerable to disadvantage in the development process. The primary objectives of OD 4.20 are:

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

3. The Bank has determined that OD 4.20 applies with reference to "Highland Peoples" who maintain cultural and socioeconomic practices different than those practiced by the Khmer national majority. This document describes actions taken, or to be taken, by the Royal Government of Cambodia to ensure that project arrangements meet the requirements of OD 4.20. Because RILGP would empower local communities to determine their own development priorities, RILGP has two distinctive features important to design of this plan:

4. First, in RILGP, the processes of village-level prioritization of needs and commune-level selection of activities occur only during project implementation. So prior assessment of the appropriateness and impacts of particular activities to be funded under the project is impossible.

5. Second, the plan focuses on one objective: ensuring appropriate opportunities for local participation at both the village and commune levels. With appropriate participation, project activities responding to needs identified by villagers themselves can be considered to be "culturally appropriate" by definition. Similarly, with appropriate participation there is no basis for considering a village to be "adversely affected" as a direct consequence of a development activity the village itself has initiated.

6. The key elements of this plan, then, are:

- a) to ensure through project design and monitoring arrangements that Highland Peoples are afforded opportunities to participate in prioritization of their needs
- b) to ensure that their expressed needs are subsequently represented at the commune level
- c) to ensure that commune-level selection of activities for funding is reasonably responsive to Highland Peoples priorities.

Highland Peoples and OD 4.20

7. The Cambodian government does not maintain official statistics regarding its ethnic minorities, and available estimates of ethnic demographics and geographic distribution are scarce and contradictory. In 1992, prior to its discontinuance, the Department of Ethnic Minorities listed 35 ethnic minority groups and estimated their total share of the national population at about four percent. The same proportion was estimated in 1995 by the Ministry of the Interior.

8. The largest ethnic minority groups, including Vietnamese and Chinese descendants, Muslim Chams and ethnic Lao, generally are not considered to be "indigenous peoples" in the Cambodian context, and do not generally exhibit characteristics of potential vulnerability as listed in OD 4.20. The Khmer majority, however, does generally consider a set of minorities known generically as "Khmer Loeu" (or upper Khmer, or "Highland Peoples" in common English usage) to be indigenous and distinctive in their cultural and economic practices. These groups generally exhibit most or all of the characteristics of potential vulnerability listed in OD 4.20:

- a) close attachment to ancestral territories and resources;
- b) reliance on subsistence modes of production;
- c) self-identification or identification by others as distinctive groups;
- d) use of a language different than prominent or official languages within the country; and;
- e) reliance on customary cultural and socioeconomic institutions.

9. Though their numbers are relatively small in proportion to the national population, the Highland Peoples are estimated to represent a majority of the population in Ratanakiri and Mondolkiri provinces, both in the northeast. They represent much smaller proportions in other provinces. These groups, among them the Tampuan, Kui,

Jarai, Phnong, Kreung, Kavaet, Brou, Stieng, Lun and others, are estimated to total about 120,000 people, or about one percent of the national population.

10. In 2002, an “Indigenous Upland Minorities Screening Study” was undertaken as part of RILGP preparation to assess whether people in the project area exhibit the distinguishing characteristics listed in OD 4.20, and to consult with potentially involved ethnic minority communities on their preferences regarding project design and implementation arrangements. The screening study concluded that Highland Peoples in project provinces of Ranatakiri, Kratie, Prey Vihear and Kompong Speu do exhibit most or all of the distinguishing characteristics listed in OD 4.20. The consultations also indicated broad popular support for participating in the project, and broad agreement that proposed implementation arrangements were satisfactory.

11. The small-scale activities chosen by villagers and funded through RILGP will not affect land tenure or otherwise cause any direct adverse impacts. The screening study confirmed, however, that Highland Peoples’ lifestyles and livelihoods are under pressure in some areas because of in-migration by others, forestry concession programs, and discouragement of shifting cultivation practices. RILGP-related improvements in services and infrastructure could well induce future in-migration and pressure on access to resources. For these reasons, the Highland Peoples are considered potentially vulnerable to disadvantage in the development process, and this plan reviews actions taken, or to be taken, to safeguard their interests. In general, participation arrangements are standardized throughout the Seila program, and thereby benefit the Khmer majority and other minority groups as well. *Measures or special arrangements referring specifically to Highland Peoples are italicized throughout.*

The Cambodian Legal Context

12. Under the Cambodian constitution, the Highland Peoples are afforded Cambodian citizenship. However, at present there is no comprehensive legislation or regulation relating specifically to protection of Highland Peoples rights or interests.

13. In 1997, a special Inter-ministerial Committee for Highland Peoples Development released a draft “General Policy for Highland Peoples Development.” The draft, culminating from a long process of consultations among local groups, NGOs, international development agencies and government, has never been formally adopted by the government. The policy statement would provide a number of protections for Highland Peoples, many relating to land rights and access to resources. Of particular importance in the context of RILGP are these provisions in the general policy statement:

- the government “shall promote understanding and respect of cultural diversity and ensure that Highland Peoples can practice their own cultures” (para. 1);
- “Highland Peoples shall have the right to be fully informed about, determine the priorities for and to exercise control over their economic, social and cultural development” (para. 6);

and this provision in the policy guidelines section of the document:

- “Highland Peoples’ communities shall be given the opportunity to participate and take responsibility in all decisions regarding infrastructure projects that affect them. The affected community and persons must have agreed, after being

fully informed in a language that they clearly understand, of the project and all its consequences for them and their natural environment, before any development project may proceed” (para. 7.2).

14. At the time of RILGP the draft “General Policy for Highland Peoples Development” remains under consideration by the government. For the purposes of RILGP, the Kingdom of Cambodia has agreed to employ measures consistent with the above policy provisions to guide project design and implementation arrangements. Specific measures to ensure adequate opportunities to participate in both village and commune decision-making processes are explained in the sections that follow.

Village-Level Participation Arrangements

15. The Cambodian Constitution, as well as basic documents of the government’s decentralization campaign, recognize the commune as the local level of government and administration; generally, villages are organic areas of residence without formal legal standing. Nonetheless, enabling laws and implementation regulations establish that the fundamental purpose of decentralization to the commune level is to promote responsiveness to local residents’ needs and interests.

16. Basic documents guiding the government’s decentralization campaign include:

- “The Law on the Administration and Management of Commune/Sangkat” (March 2001);
- “Inter-Ministerial Prakas on Commune/Sangkat Development Planning” (January 2002);
- “Sub-Decree on Decentralization of Powers, Roles and Duties to Commune/Sangkat Councils” (March 2002); and
- “Guidelines on Commune/Sangkat Planning Process” (April 2002)

17. While these documents primarily involve roles and responsibilities assigned to commune-level officials, they state that villagers are entitled to participate in prioritization of needs, as well as other aspects of planning and implementation. To ensure that Highlands Peoples are able to participate adequately at the village level in identifying and prioritizing needs, the following general arrangements apply:

Information and Facilitation:

18. To initiate each commune-level planning cycle, commune officials will assess living standards and infrastructure conditions, and provide assessment results to each village within the commune. Villagers also will be informed regarding program arrangements as they relate to participation in identifying priorities, detailed planning and implementation of RILGP activities.

19. RILGP requires that district-level facilitation teams disseminate information to villages, explain Seila procedures and ensure that all villagers are aware that they have the opportunity to participate in village planning exercises.

In Highland Peoples villages, information will be disseminated and facilitation will be conducted in the language most accessible to villagers. Additionally, facilitators working with Highland Peoples will ensure that they are provided an opportunity to consider induced changes that may accompany various development activities.

Village-Level Analysis and Discussion:


20. Each year, every village engaging in the program will hold an open meeting or workshop to review particular circumstances within the village, and to produce a list of priorities for village improvement, including small-scale infrastructure improvements. All villagers may participate (whether as individuals or as members of community associations). The form of open meeting or workshop may vary. In some villages, the meeting may be structured or facilitated by village representatives to the Commune Planning and Budgeting Committee (CPBC). In other areas, more informal open gatherings may be appropriate if consistent with local practice. Seila validation procedures require that 70% of villagers participate in the prioritization exercise.

21. The list of priorities established in each village will be officially validated by the CPBC village representatives (see the following section). The lists submitted by each village then serve as the primary basis for development of integrated commune-level development plans and selection of small-scale infrastructure or public service improvements under RILGP.

Village Representation

22. Though members of each Commune Council are to be directly elected by commune residents, there is no requirement that all villages be directly represented. Members of Highland Peoples groups are not explicitly ineligible for Commune Council service, but a requirement that council members must be able to read and write in Khmer may discourage direct participation. To ensure adequate representation from each village within the commune, a Planning and Budgeting Committee will be established to advise the Commune Council.

23. This committee will include two representatives from each village. Though these representatives formally are to be appointed by the Commune Council, they are to be chosen from among persons nominated by villagers prior to preparation of village priority lists. To promote gender equity in local governance, the Commune Council will appoint at least one woman to represent each village. In addition to appointment of two representatives from each village, the commune chief may select as many as four other village representatives to serve as members for service on the advisory committee.

 *In general, available information indicates that most rural villages in northern and northeastern Cambodia are either more or less ethnically homogeneous, or consist predominantly of members of Highland Peoples groups. For heterogeneous villages that include a significant proportion (e.g., more than a third) of Highland Peoples, the Commune Council will ensure they are represented on the advisory committee, either as nominated and appointed village representatives or as members selected by the commune chief.*

Commune Decision-Making Arrangements

24. As provided above, village populations develop their own priorities for infrastructure improvement under RILGP, and are provided direct representation in commune-level development planning through the advisory CPBC. Through involvement of village representatives in the CPBC, villagers have opportunities to exert influence in various stages of commune decision-making.

25. Prior to preparation of a draft commune development plan, CPBC members will review village priority lists and formulate longer-term commune development objectives and strategies.

In communes with Highland Peoples villages, Seila procedures require that representatives of minority groups participate in the process of formulating commune development objectives and strategies, and that minutes of the process are taken.

26. During the process of formulating the commune development plan itself, one or more village meetings will be held to accomplish the following:

- a) The CPBC will prepare a draft commune development plan for consideration by the Commune Council. Prior to action by the Commune Council, the draft plan will be disseminated in all commune villages for public comment.
- b) The draft commune development plan will include preliminary project specification with maps and other relevant documents. For villages in which such activities are sited, an open village meeting will be held to confirm the accuracy of maps and relevant documents.
- c) If the commune development plan calls for villagers to contribute cash, labor or land, an open meeting will be held to disclose and discuss such arrangements.

27. Commune development plans will reflect consideration of special circumstances that may be of particular importance to Highland Peoples:

- a) The Commune Planning and Budgeting Committee will review maps assess whether mutually acceptable boundaries exist between villages. Where boundary disputes exist, the committee will negotiate mutually acceptable solutions prior to selection of project activities affecting areas of dispute.
- b) The Commune Planning and Budgeting Committee will assess whether proposed activities benefiting one area of the commune may have negative affects on other villages nearby.

In communes with Highland Peoples villages, this assessment will include potential induced effects, specifically whether mapping and land rights are sufficiently clear to protect Highland Peoples from in-migration or loss of access to resources.

- c) Village lists of priority needs provide the primary source of activities for inclusion in the commune development plan. If the Commune Council ultimately selects for funding an activity not included on the village lists,

additional consultations must be undertaken at the village level to assess the willingness of the village to participate.

RILGP will not fund any activities that affect Highland Peoples without their consent, as demonstrated through acceptance at a facilitated village meeting.

- d) In heterogeneous communes, the priorities identified by Highland Peoples villages may be in competition with those identified by Khmer or other villages. Because RILGP promotes integrated commune development planning, it is inappropriate to establish ethnically-based preferences or strictly proportionate criteria for investment. Of course, patterns of exclusion of Highland Peoples village from RILGP benefits also would be inappropriate.

In cases where annual commune development plans do not address any of the priority needs identified by Highland Peoples villages, the Commune Council will utilize its three-year financing plan within its broader five-year planning horizon to make explicit commitments as to when, and to what extent, their priorities will be addressed.

Monitoring Arrangements

28. In RILGP, responsibility for project monitoring is divided among national, provincial, and commune authorities. District-level facilitation teams bear primary responsibility for monitoring village-level participatory activities. For most activities, monitoring includes recording of attendance and minutes of proceedings. Opportunities are also provided for participatory monitoring at the village level during implementation. Each year, the Commune Council will disseminate a report on the status of program implementation. Each village may review this report for general accuracy. Additionally, each year the village chief will review project activities within its boundaries, to confirm whether construction, contracting arrangements, and other aspects have been implemented appropriately.

Conflict Resolution Procedures

29. In general, Highland Peoples resort to traditional leadership and institutional arrangements to resolve conflicts arising from within the village. RILGP views these arrangements as the most appropriate venue for initial airing of project-related conflicts. In the event that conflicts cannot be resolved at this level, district facilitation teams may provide additional mediation. If mediation fails, disputes relating to preparation of the commune development plan will be addressed by the Commune Council prior to plan approval. Disputes arising in the course of implementation will be addressed by the Commune Council prior to submission of its annual implementation report.

DRAFT

Training Module for Commune Councils, PLG LCBA, PFT and DFT in Ratanakiri, Mondolkiri, Kratie, Preah Vihear, Kompong Speu and Pursat.

Commune Councils and Highland People



Objective: Participants will facilitate the participation of Highland People (where relevant) as an important feature to improve upon the quality of the planning process and service delivery and to make sure that their issues are addressed in the planning process.



Time span: approx. 3 hours



Material required: Flipchart, markers and handouts



Notes for the trainers: In this session, stress the principle of participation as a real benefit for the Councils as it that improves the quality of planning process. Highlight the point that participation means participation of all, women and men and Highland People from villages where they live. Draw their attention to the fact that bringing in the Highland People groups requires special efforts.



Reference material: Inter-ministerial prakas and guidelines on Commune/Sangkat development planning. Plus the RILG Highland Peoples Development Plan and the amendment to the Prakas on Commune/Sangkat Development Planning Article 9, PBC formation, (draft text attached to this document).

How to facilitate the session:

Brief participants that they are now going to look at an important aspect of decentralisation and planning in particular in more detail: participation and facilitation of Highland People in the planning process.

Legal Framework:

Review with the participants the excerpts from the Cambodian Constitution and the draft "General Policy for Highland Peoples Development." These documents outline the need to ensure the inclusion and not exclusion of Highland People. Also refer to the

RILGP Highland Peoples Development Plan. Refer to handout section 1 for the documents.

This module will talk about Highland People. Ask the group to brainstorm names that these people are known by? The group should come up with a list such as: ethnic minorities, hill tribes, highlanders, highland people, indigenous people, Khmer Leu or Choncheat.

For the purposes of this module the term Highland People will be used rather than other terms as most of these people live in upland areas such as Mondulhiri, Ratanakiri, Kratie, Stung Treng, Peah Vihear and Kampong Speu.

Brief History of Highland People in Cambodia:

Go over the brief history of Highland People in Cambodia in the handout section 2.

Ask the group - so why do these groups require attention especially when considering development? The main reason is that because these people have a specific social or cultural identity which is different from the dominant or mainstream society. This in itself can make them vulnerable to being disadvantaged in the process of development. Therefore we need to put measures into place to make sure that Highland People actually are represented, that their participation is facilitated and that development projects do not affect their culture and/or lifestyle.

Main characteristics of Highland People:

Divide them into smaller sub-groups and ask them to think of "What are the main characteristics of Highland People" in Cambodia?

Refer to handout section 3 for more information.

In summary - the main characteristics are:

- 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 socioeconomic institutions.

Divide them into smaller sub-groups and ask them to think of the main reasons (objectives) to facilitate Highland People in the planning/ development process.

- 1 to ensure that such groups are afforded meaningful opportunities to participate in planning that affects them;
- 2 to ensure that opportunities to provide such groups with culturally appropriate benefits are considered; and

3 to ensure that any project impacts that adversely affect them are avoided or otherwise minimized and mitigated. Complement what they have said from the handout.

Putting This Into Action

So how do we do this? Firstly we need know where these people are living and therefore identify Commune Councils where Highland People are living. The screening study done by the World Bank provides some good information on this. Please refer to the handout in section 4.

Location of Highland People

From studies undertaken we know some information about where Highland people live in the following provinces: Ratanakiri, Stung Treng, Mondolkiri, Preah Vihear, Kratie and Kompong Speu. The following tables from the World Bank's screening study provides information on Ratanakiri, Kompong Speu, Preah Vihear and Kratie. It will be important for the P/DFTs to develop a list with the same headings as shown below so that Highland People are known by Commune Councils. This list should be kept by the Commune Council. The provincial Departments of Planning should be able to help put this list together. Please refer to the handouts section 4 for an example table to follow in your

Ratanakiri

DISTRICT	COMMUNE	UPLAND MINORITY	VILLAGE	COMMUNE CODE	VILLAGE CODE
Ochum	Cha Ung	Kreung	Char Ung Chan	160601	16060102
Ochum	Cha Ung	Kreung	Thuy Ampil	160601	16060103
Ochum	L'ak	Kreung	Kam	160607	16060704
Ochum	L'ak	Kreung	Phum Pir	160607	16060704
Andong Meas	Ta Lav	Kachak	Ka Nat (Thom)	160104	16010403
Borkeo	Ke Chong	Tampuan and Jarai	Pa Ar	160302	16030205
Borkeo	Ke Chong	Tampuan and Jarai	Khun	160302	16030202
Borkeo	Kak	Tampuan and Jarai	Sala	160301	16030102
Borkeo	Kak	Tampuan and Jarai	Yeun	160301	16030105
Veunsai	Kok Lak	Kavet	La Lal	160907	16090701
Veunsai	Kok Lak	Kavet	Rak	160907	16090702
Veunsai	Kok Lak	Kavet	La Meuy	160907	16090703
Taveng	Taveng Kraom	Brao	Sleng Say	160802	16080204
Taveng	Taveng Kraom	Brao	Tun	160802	16080211
Taveng	Taveng Kraom	Brao	Veang Chan	160802	16080210
Taveng	Taveng Leu	Brao	Sanh	160801	16080106
Taveng	Taveng Leu	Brao	Plev Doich	160801	16080110

provinces.

Preah Vihear

DISTRICT	COMMUNE	UPLAND MINORITY	VILLAGE	COMMUNE CODE	VILLAGE CODE
Tbeng Meanchey	Pal Hal	Kuy	Pal Hal	130702	13070204
Tbeng Meanchey	Pal Hal	Kuy	Pearekech	130702	13070205
Tbeng Meanchey	Preah Khlaeng	Kuy	Anlong Svay	130706	13070601
Tbeng Meanchey	Preah Khlaeng	Kuy	Krang Doung	130706	13070602
Rovieng	Rumdaoch	Por	Kok Ampil	130510	13051003
Rovieng	Rumdaoch	Por	Ov Loek	130510	13051004
Rovieng	Reaksa	Por	Rumdaoch	130509	13050905
Rovieng	Reaksa	Por	Preal	130509	13050903

Kratié

DISTRICT	COMMUNE	UPLAND MINORITY	VILLAGE	COMMUNE CODE	VILLAGE CODE
Kratié	Kantuot	Phnong	Tompeng Sangkei/A Loch	100204	10020401
Kratié	Kantuot	Phnong	Srea Non	100204	10020405
Kratié	Kantuot	Phnong/Pheak	Antong Vien	100204	10020402
Kratié	Khmel	Kuy	Khnach	100215	10021502
Kratié	Khmel	Kuy	Kra Saing	100215	10021503
Sambor	Ou Kreang	Kraol		new	
Sambor	Rolus Meanchey	Mel	Rolus	100406	10040602
Sambor	Srae Chis	Kraol	Ampok	100409	10040901
Sambor	Kbal Dam Rei	Phnong	Ou Por	100403	10040302
Sambor	Sandan	Phnong	Sangkom	100408	10040804
Sambor	Kbal Dam Rei	Phnong	Srae Traeng	100403	10040305
Snuol	Pir Thnu	Stieng	Thmor Halveal	100502	10050205
Snuol	Pir Thnu	Stieng	Cheung Khlé	100502	10050201
Snuol	Srae Char	Stieng	Meanchey	100504	10050404
Snuol	Srae Char	Stieng	Kbal Trach	100504	10050402

Kompong Speu

DISTRICT	COMMUNE	UPLAND MINORITY	VILLAGE	COMMUNE CODE	VILLAGE CODE
Oral	Roleak Kang Cheung	0		50406	
Oral	Reaksmel Sameaki	0		50402	
Oral	Trapeang Chour	Soly		50403	
Oral	Chh'en	Soly		50407	
Oral	Chh'en	Soly	Chambok	50407	5040705
Oral	Chh'en	Soly	Putrea/Tanll	50407	5040707
Oral	Chh'en	Soly	Kaoh Doun Tel	50407	5040704
Oral	Haong Sam Nam	0		50401	
Oral	Ta Sal	0		50405	
Oral	Sang Kea Satob	Soly		50404	
Oral	Sang Kea Satob	Soly	Chum Naob	50404	5040401
Oral	Sang Kea Satob	Soly	Kantout	50404	5040408
Oral	Sang Kea Satob	Soly	Dam Bang Venh	50404	new
Thpong	Amleang	0		50801	
Phnom Sruoch	Tang Sam Rong	0		50610	
Phnom Sruoch	Krang Del Vay	0		50801	
Phnom Sruoch	Chambok	Kreung end Tampuan		50605	
Phnom Sruoch	Chambok	Kreung and Tampuan	Katary or Tanll	50605	5040709
Phnom Sruoch	Krang Del Vay	0	Prey Totueng	50605	5060507

Dissemination and explanation of information

Before the planning process starts for the Commune Councils - and once you know where the Highland People are living, it will be important to provide information about the planning, budgeting and implementation process to these people in a manner which is accessible to them. For example if there are Commune Councilors and/or Planning and Budgeting Committee members from the Highland People groups then they could have a meeting in their own language and explain the planning and budgeting process. This meeting would be best to take place in the villages and you will need to make sure that if there are different Highland Groups in the commune that the information is disseminated to all the different groups. If any of the PFT or DFT have knowledge of local languages and cultures these facilitators could also provide the preliminary information or this could be done through translation. This information dissemination should take place before or during step 1 of the planning process. Make sure that minutes are kept of the meeting and held by the C/S Council. See the handout section 5 for a sample minute form.

Representation of Highland People

An Amendment to the Prakas on Commune/Sangkat Development Planning, PBC Formation, Article 9 in provinces where there are Highland People will be arranged through MOI and MOP. This amendment will provide arrangements for adequate representation of Highland People on the Planning and Budgeting Committees of the Commune Councils in which they are living. For example in communes where in the corresponding villages there are more than one third of Highland People it is important to make sure that these groups are represented on the Planning and Budgeting Committee. If these groups are already represented on the CC and/or the Planning and Budgeting Committee then there is no need to add members to the PBC. However if these groups are not represented on the CC or the PBC then it is requested that additional PBC members are recruited. In this case, the Commune Chief would invite the traditional elders to nominate a representative to the Planning and Budgeting Committee. This will ensure that where there is more than 30% of Highland People from different ethnic groups in villages then

these people will be represented on the C/S Councils
Planning and Budgeting Committee.

Commune decision making arrangements

During step 2 of the planning process in communes with Highland People it will be important to make sure that the Highland People are present during the village meetings. It will also again be necessary to make sure that there is translation available or that the Commune Councilors and/or Planning and Budgeting Committee members representing the Highland People are present and can translate. During this step Highland people may also come up with project specific to their own needs. Some examples of these types of projects are provided in the handouts, section 6 for your information. It is important to make sure that the Highland People agree with the village priority list as well as identify which priorities they themselves have identified (Form 2). See handouts, section 6 with changes to Form 2 from the planning process guidelines. Again minutes of these meetings are to be taken and kept by the Commune Council using the form in section 5 of the handouts.

During step 3 of the planning process in communes with Highland People – hold a village meeting with the Highland People and map/ draw/mark Highland Peoples' access to natural resources and traditional sites. Then mark proposed activities on the same map. Discuss if there is any negative affects between the activities and Highland Peoples' loss of access to resources. Record in the minutes if there are any problems or if there are no problems resulting from this mapping exercise. These minutes go to the CC and are discussed previously. The map produced from the commune profile could be used for this activity. A sample map from the commune profile is provided in the handouts section 6 for your information. This map can be used and you get it from the Department of Planning or a hand drawn map can be used. Form 3 will need to be approved by any Highland People and refer to handouts section 6 for a revised form 3.

During step 4 - identification of strategies and priorities. In communes with Highland People any problems identified in step 3 need to be resolved at this meeting. This could mean that a proposed activity does not go ahead or if there is no objection from Highland People step 4 can proceed. This step may require effective and culturally sensitive facilitation by the DFT. Make sure that Highland Peoples' representatives from the CC and/or the PBC are present. Make sure that minutes are kept of the meeting.

During Step 5 – In this step the PBC is identifying projects from table 3. The DFT will need to make sure that the Highland People are represented and present from the CC and/or the PBC. Table 5 has been revised in handouts section 6. In communes where Highland People are present any projects which benefit Highland People will be identified and Highland People will be requested to state if they agree to the projects on the revised form 5.

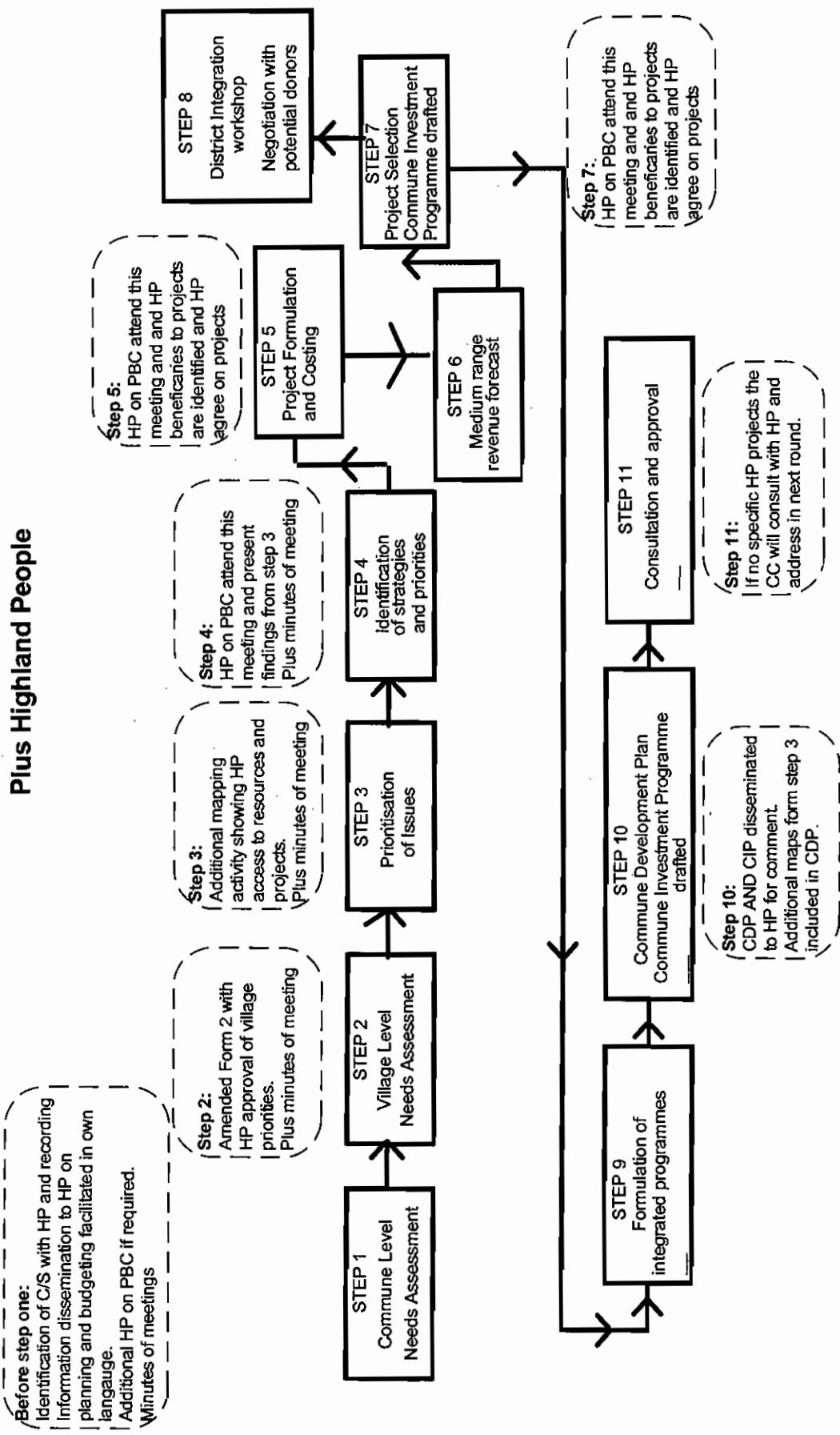
During Step 7 - during this step a list is prepared of priority projects to be presented at district integration workshops and form 7 from the planning guidelines is the summary for which is sent to the Department of Planning. Form 7 has been revised, see handout, section 6 for the revision. At the meeting where form 7 is developed, make sure that the Highland People on the PBC are present, make sure minutes are kept and record the Highland people as any beneficiaries to projects and that they support the projects being presented. **Remember that no projects will be presented for reimbursement under RILGP without Highland Peoples' consent where relevant.**

During Step 10 - Prepare a draft commune/sangkat development plan and a draft commune/ sangkat investment program, for submission to the Council. Before finalisation of the CDP and CIP the representatives of the Highland People on the C/S Councils and/or the PBC will hold meetings with the relevant Highland People to disseminate the plan for public comments. Any additional maps included in step 3 are attached to the CDP. Minutes are to be kept of these meetings.

During Step 11 – in reviewing the CDP and CIP in C/S where there are Highland People if there are no priority projects listed which have been identified by Highland People only, then the CC will undertake discussion with Highland People representatives and find out why this occurred. The CC will determine how to address this issue with the Highland People in the next round of CIP. One example of a Highland People's specific project is taken from the World Bank's Screening Study is provided in the handouts, section 6.

The following diagram is a summary of where the Highland Peoples issues have been integrated into the C/S planning process.

COMMUNE / SANGKAT PLANNING PROCESS Plus Highland People



Monitoring and Evaluation

Monitoring and evaluation of Highland Peoples development plan will be undertaken. Please refer to the handouts section 7 for a monitoring and evaluation table with tasks and responsibilities identified.

Conflict Resolution Procedures

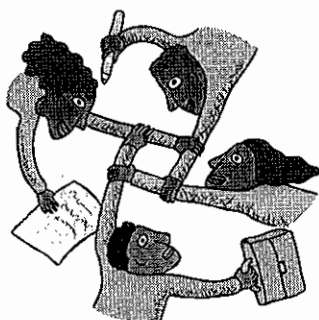
In general, Highland Peoples resort to traditional leadership and institutional arrangements to resolve conflicts arising from within the village. These arrangements are the most appropriate venue for initial airing of project-related conflicts. In the event that conflicts cannot be resolved at this level, district facilitation teams may provide additional mediation. If mediation fails, disputes relating to preparation of the commune development plan will be addressed by the Commune Council prior to plan approval. Disputes arising in the course of implementation will be addressed by the Commune Council prior to submission of its annual implementation report.

Any Highland Person who feels that he or she has not been treated fairly may complain verbally or in writing to the Commune Chief. If this does not solve the problem, the Highland Person may complain verbally or in writing to the Provincial Governor. If this does not solve the problem, the land user may complain verbally or in writing to:

*The Seila Task Force Secretariat (STFS)
Building "E"
Government Palace
Sisowath Key
Phnom Penh.*

Handouts

Commune Councils and Highland People



The Cambodia Constitution, Article 32 states:

"Khmer citizens shall be equal before the law and shall enjoy the same rights, freedom and duties, regardless of their race, colour, sex, language, beliefs, religions, political; tendencies, birth origin, social status, resources and any position".

The Inter-Ministerial Prakas on Commune/Sangkat Development Planning, Article 8 states:

"All civil society organisations may participate in the commune/sangkat development plan, investment program preparation and shall be responsible for: representing the interests of local communities and specific stakeholders groups like women, youth, the poor, ethnic minorities".....

1 The legal framework

The Cambodia Constitution, Article 32 states:

"Khmer citizens shall be equal before the law and shall enjoy the same rights, freedom and duties, regardless of their race, colour, sex, language, beliefs, religions, political; tendencies, birth origin, social status, resources and any position".

In the debate on the Constitution in the National assembly, the representatives discussed and debated the definition of Khmer citizens. It was agreed that the term included some Cambodian ethnic minorities, such as the Highland People known as Khmer Leu and the Khmer Islam¹.

In 1997, a special Inter-ministerial Committee for Highland Peoples Development released a draft *"General Policy for Highland Peoples Development."* The draft, culminating from a long process of consultations among local groups, NGOs, international development agencies and government, has never been formally adopted by the government. The policy statement would provide a number of protections for Highland Peoples, many relating to land rights and access to resources. Of particular importance are these provisions in the general policy statement:

the government "shall promote understanding and respect of cultural diversity and ensure that Highland Peoples can practice their own cultures" (para.1);

¹ International Centre for Ethnic studies and Minority Group International, London 1995. Minorities in Cambodia. ICES London.

“Highland Peoples shall have the right to be fully informed about, determine the priorities for and to exercise control over their economic, social and cultural development” (para. 6);

and the provision in the policy guidelines section of the document:

“Highland Peoples’ communities shall be given the opportunity to participate and take responsibility in all decisions regarding infrastructure projects that affect them. The affected community and persons must have agreed, after being fully informed in a language that they clearly understand, of the project and all its consequences for them and their natural environment, before any development project may proceed” (para. 7.2).

The RILGP Highland Peoples Development Plan is annexed to this handout. See Annex 1. Please also refer to that text in terms of RILGP implementation.

1 Brief History of Highland People in Cambodia

The following texts are taken from publications called: 1) *Indigenous Peoples /Ethnic Minorities and Poverty Reduction Cambodia, Asian Development Bank June 2002*; and 2) *Cambodia: Rural Investment and Local Governance Project Indigenous Upland Minorities Screening Study, World Bank October 2002*.

Cambodia is a multi-ethnic society with a majority of ethnic Khmer. These include the Vietnamese, Cham, Chinese and indigenous peoples. Among the indigenous populations (Highland People) as the word implies, account for the most ancient inhabitants of the country. Their religion and whole way of existence for centuries has been founded on their relationship with this environment.

All through their history the Highland People have maintained close relationships with one another as well as with the Khmer and other people in the plains.

There is much archaeological, historical and other anecdotal evidence to prove that the upland minorities in the province have been there for centuries. A close attachment to ancestral territory can thus be said to exist. Likewise, 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.

In the absence of thorough research into the historical origins of Cambodia's indigenous peoples, much of what is speculated about the history of these communities is based on a consideration of their languages². Linguistically, the vast majority of Cambodia's indigenous populations (including the Khmer)

² p86 White, J. 1995

speaking languages belonging to the Mon-Khmer branch of the Austro-Asiatic family, the sole exceptions being the tongues of the indigenous Jarai and Cham ethnic groups (and a small group of Rhade speakers in Monduliri), which belong to the Austronesian family. There is speculation that while most long-term migrations of Cambodia's indigenous peoples have been from the north, the Jarai, Tampuan and Kachok migrations have been from the southeast.

Living near one's ancestors is important. During the Pol Pot regime, several villages were moved and/or broken up. Some also fled the Vietnamese soldiers. After the situation became more stable, many people seem to have returned to their original villages.

"We have been living here for fifteen years. Before we lived at Tha Yu Mountain, near the Lao border, because we had to escape from the Vietnamese and Khmer Rouge soldiers. We lived there for three years. /.../ this is where our former village was. We have farmland here. Our ancestors also lived here."
RAT

In recent years, Cambodia's scattered populations of Highland People have been subjected to a period of rapid change. Some have assimilated, either by choice or by force, while others have retained a lifestyle distinct from the Khmer majority.

Traditional upland society is based on a powerful relationship with the land. Each village has its own customary lands and forests, with certain 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 re-grow, 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 centuries³. 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 perfectly sustainable⁴.

After cultivation 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 foodstuffs⁵.

Traditionally, the belief systems of the highland peoples have been animist in nature – that is the respect for spirits dwelling in the mountains, trees, and other natural objects. The blessings of these spirits are sought on all major

³ p3 Vann P. and Fox, J. 1996

⁴ p339 White, J. 1996, p10 Colm, S. 1997

⁵ See Bann, C. 1997 for an inventory and valuation of forest products in one small forest region

occasions and for all major decisions, such as the selection of a new chamkar. Ceremonies are performed that usually involve communal feasting, drinking, music and the sacrifice of one or more animals.

For Highland People it is not really possible to separate the spiritual world of from the physical. Highland peoples' relationship to the natural world is defined by their relationship to the world of the spirits, and thus their religious beliefs are closely linked to the sustainable use of natural resources.

3 Characteristics of Highland People

The Cambodian government does not maintain official statistics regarding its ethnic minorities, and available estimates of ethnic demographics and geographic distribution are scarce. In 1992, prior to its discontinuance, the Department of Ethnic Minorities listed 35 ethnic minority groups and estimated their total share of the national population at about four percent. The same proportion was estimated in 1995 by the Ministry of the Interior.

The largest ethnic minority groups, including Vietnamese and Chinese descendants, Muslim Chams and ethnic Lao, generally are not considered to be "indigenous peoples" in the Cambodian context, and do not generally exhibit characteristics of potential vulnerability. The Khmer majority, however, does generally consider a set of minorities known generically as "Khmer Loeu" (or upper Khmer, or "Highland Peoples" in common English usage) to be indigenous and 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 socioeconomic institutions.

Though their numbers are relatively small in proportion to the national population, the Highland Peoples are estimated to represent a majority of the population in Ratanakiri and Mondolkiri provinces, both in the northeast. They represent much smaller proportions in other provinces. In 2002, an "Indigenous Upland Minorities Screening Study" was undertaken as part of RILGP preparation. The screening study concluded that Highland Peoples in project provinces of Ratanakiri, Kratie, Prey Vihear and Kompong Speu do exhibit most or all of the distinguishing characteristics referred to as Highland People as well. These groups, among them the Tampuan, Kui, Jarai, Phnong, Kreung, Kavaet, Brou, Stieng, Lun and others, are estimated to total about 120,000 people, or about one percent of the national population.

4 Location of Highland People

P/DFTs need to fill in a list as provided in the example below in provinces where we know Highland People reside. This list should be kept by the Commune Council. This list will assist the Commune Councils to decide if they need to include additional members to the Planning and Budgeting Committees as representatives of the Highland People.

PROVINCE -RATAKANIRI - (EXAMPLE ONLY)

Date:

DISTRICT	COMMUNE	UPLAND MINORITY	VILLAGE	COMMUNE CODE	VILLAGE CODE
Ochum	Cha Ung	Kreung	Char Ung Chan	160601	16060102
Ochum	Cha Ung	Kreung	Thuy Ampil	160601	16060103
Ochum	L'ak	Kreung	Kam	160607	16060704
Ochum	L'ak	Kreung	Phum Pir	160607	16060704
Andong Meas	Ta Lav	Kachak	Ka Nat (Thom)	160104	16010403
Borkeo	Ke Chong	Tampuan and Jarai	Pa Ar	160302	16030205
Borkeo	Ke Chong	Tampuan and Jarai	Khun	160302	16030202
Borkeo	Kak	Tampuan and Jarai	Sala	160301	16030102
Borkeo	Kak	Tampuan and Jarai	Yeun	160301	16030105
Veunsai	Kok Lak	Kavet	La Lai	160907	16090701
Veunsai	Kok Lak	Kavet	Rak	160907	16090702
Veunsai	Kok Lak	Kavet	La Meuy	160907	16090703
Taveng	Taveng Kraom	Brao	Sieng Say	160802	16080204
Taveng	Taveng Kraom	Brao	Tun	160802	16080211
Taveng	Taveng Kraom	Brao	Veang Chan	160802	16080210
Taveng	Taveng Leu	Brao	Sanh	160801	16080106
Taveng	Taveng Leu	Brao	Plev Doich	160801	16080110

5 Dissemination and explanation of information

Sample form for minutes of meetings with Highland People

Date of meeting:

Highland People groups Represented

Location of meeting:

Was translation required? By whom?

Summary of what was discussed.

Signed: Commune Chief =====

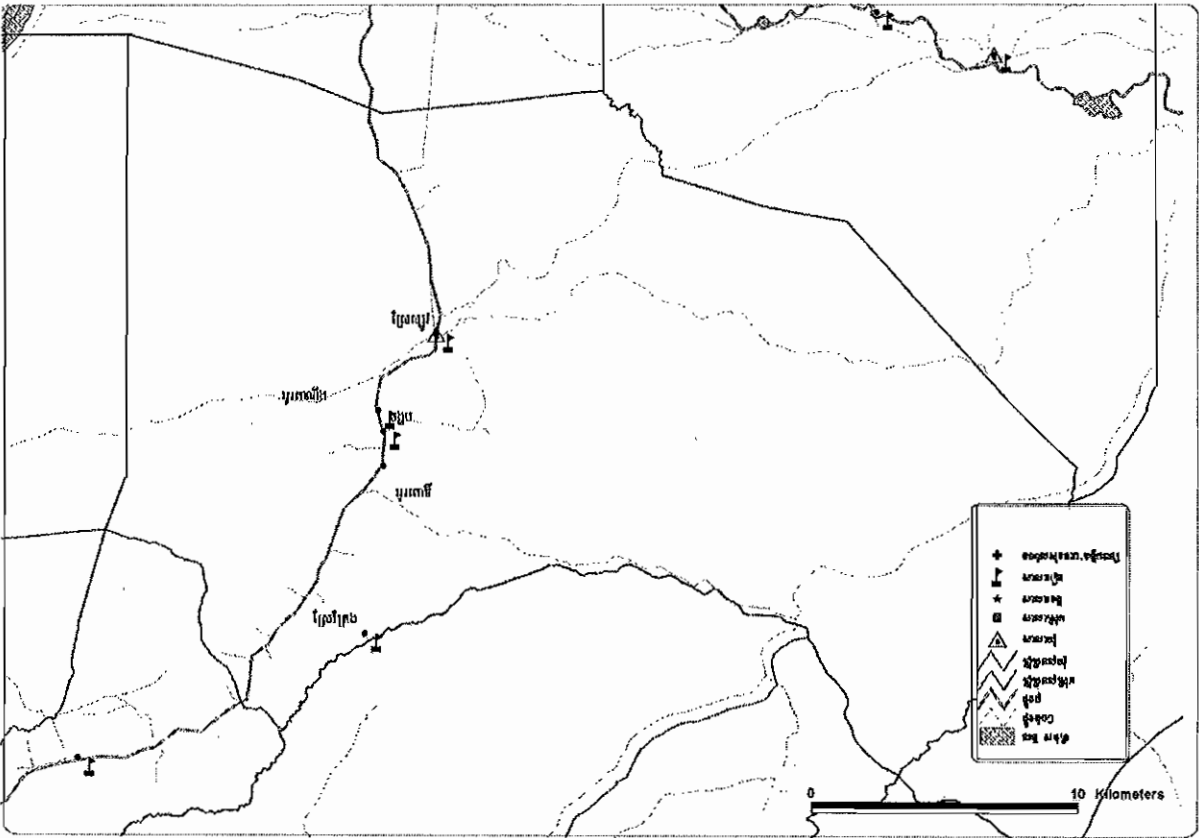
6 Commune decision making arrangements

Step 2 of the planning process:

Some examples of priorities from Highland People which could be identified are provided as follows. These have been taken from the World Bank's Screening Study.

- Treatment of specific diseases, especially malaria.
- Midwifery services for pregnant women (mainly from women's group interviews).
- Birth spacing/family planning services (mainly from women's group interviews).
- Women's health and health education services (mainly from women's group interviews).
- Health education for villagers.
- Medical emergency service/mosquito nets.
- A school for children in or near the village.
- Teachers.
- Study materials such as books and pens and teaching equipment.
- Khmer language training: improved oral and written skills to better communicate with Khmers.
- Train locals who can live and teach in the village to become teachers.
- Encourage parents to send their children to school and to understand the importance of an education.
- Khmer literacy training for adults (mainly from Ratanakiri groups).
- Basic education for adult women (mainly from women's group interviews).
- Lined wells with hand pumps for access to safe drinking water and water for household domestic use.
- New road construction.
- Road repairs and associated bridge and culvert construction and repair.
- Another common request was the construction of water storage and irrigation infrastructure.
- Regular agricultural extension services to the villages.
- Agricultural extension services to assist farmers in improving lowland rice production.
- Provision of draft animals for land cultivation, principally for lowland rice production (see livestock below).
- Support to acquire domestic livestock, particularly quality breeds of pigs and sometimes poultry.
- Veterinary and livestock extension services, including the provision of livestock vaccines and animal husbandry training to address endemically high livestock mortality rates.

During step 3 of the planning process in communes with Highland People – hold a village meeting with the Highland People and map/ draw/mark Highland Peoples’ access to natural resources and traditional sites. Then mark proposed activities on the same map. Discuss if there is any negative affects between the activities and Highland Peoples’ loss of access to resources. Record in the minutes if there are any problems or if there are no problems resulting from this mapping exercise. These minutes go to the CC and are discussed previously. The map produced from the commune profile could be used for this activity. A sample map from the commune profile is provided below, these are from the commune profile. Use the revised form 3 on the following page and make sure that any Highland People agree to the list.



Step 3 continued

Form 3 Revised in C/S Where there are Highland people.

3. Commune/Sangkat wide prioritized problems/preference in [name of C/S] in [year]

PROBLEMS/PREFERENCE	From village priority list				C/S Wide*	Priority	Highland People Agree
			
Economic							
<i>Agriculture</i>	✓	✓					
<i>Credit</i>							
<i>Infrastructure</i>							
<i>Others</i>							
Social							
<i>Health</i>			✓				
<i>Education</i>							
<i>Watsan</i>							
<i>Others</i>							
Natural Resources and Environment							
.....							
.....							
<i>Others</i>							
Administration and security							
.....							
<i>Others</i>							
Gender							
.....							
<i>Others</i>							

Step 11 –

An example of a Highland People's specific project is provided below:

This example involved commune councils purchasing the malaria self-diagnosis and treatment package Malarine. The kit is easy to use if the information that has been developed for it is appropriately conveyed. This could be being piloted in a commune where malaria is prevalent. A commune council could pay the Department of Health or an NGO to have a qualified health professional (with experience working in upland minority communities where necessary) come and explain to commune councils and selected village representatives how to use it and how to not use it. Follow-up visits should be included in the price of the service. Needless to say, villagers would have to be involved in the planning process leading up to such a project. Commune inhabitants would need to agree that malaria is a problem that it is worth spending money on to combat. It would be important that everyone was aware of how they would evaluate the project's success.

7 Monitoring and Evaluation

Task Summary	Who Monitors?	How Do they Monitor?	Available Where?
Information disseminated and facilitation conducted in HP languages where appropriate. Minutes taken should specify if facilitators, commune council members or village representatives were required to convey information in indigenous languages after meetings.	CC or PBC	Minutes taken during meetings will specify if interpretation was available.	In CC Office
"	DFT	Facilitators discuss with HP to see if they have been offered to participate in discussions and informed of decisions made at meetings. To have discussions at least once in the planning cycle.	In ExCom Office

Task Summary	Who Monitors?	How Do they Monitor?	Available Where?
Facilitators should provide opportunities for Highland People to consider induced changes that may accompany development activities.	PLG LCBA	Interview HP about specific projects in order to determine whether or not they are aware of potential changes accompanying development projects. To do this at completion of planning cycle.	Report in PLG monthly reports to STFS
For heterogeneous villages that include a significant proportion of upland minorities, the commune council will ensure they are represented on the PBC	CC assisted by DFT and DOP	CCs will keep records of village representatives and their ethnicity.	CC office
In communes with HP villages, Seila procedures require that representatives of minority groups participate in the process of formulating commune development objectives and strategies, and that minutes are taken.	CC and DFT	Minutes after step 4	CC office
In communes with upland minority villages, assessments whether projects benefiting one area has negative effects on villages nearby will include potential induced effects, specifically whether mapping and land rights are sufficiently clear to protect Highland Peoples from in-migration or loss of access to resources.	CC and DFT	Minutes after step 3 taken should record assessments of potential induced negative effects.	CC office
RILGP will not fund any activities that affect upland minorities without their consent, as demonstrated through acceptance at a facilitated village meeting.	PLG LCBA	LCBA should speak to villagers and record whether or not they were consulted on projects that affect them.	Report in PLG monthly reports to STFS
In cases where annual commune development plans do not address any of the priority needs identified by upland minority villages, the commune council will utilize its three-year financing plan within its broader five-year planning horizon to make explicit commitments as to when, and to what extent, their priorities will be addressed.	CC and DFT	Facilitators should verify that commune councils have specified this in their three-year financing plans.	CC office