

**KINGDOM OF CAMBODIA**  
**NATION RELIGION KING**

**Ministry of Industry, Science, Technology & Innovation**  
**Ministry of Public Works and Transport**



**Water Supply and Sanitation Acceleration Project**  
**(WASAC) - P178417**

**INDIGENOUS PEOPLES PLANNING FRAMEWORK**  
**(IPPF)**

**September 2023**

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## LIST OF ACRONYMS

EIA	Environmental Impact Assessment
EMP	Environment Management Plan
ESIA	Environment and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
FPIC	Free Prior and Informed Consent
GRM	Grievance Redress Mechanism
IP	Indigenous Peoples
IPO	Indigenous People Organization
IPP	Indigenous People Plans
IPPF	Indigenous People Planning Framework
MISTI	Ministry of Industry, Science, Technology & Innovation
MOE	Ministry of Environment
MPWT	Ministry of Public Works and Transport
NGO	Non-Government Organization
RAP	Resettlement Action Plan
RGC	Royal Government of Cambodia
RPF	Resettlement Policy Framework
ROW	Right of Way
SA	Social Assessment
UN	United Nations
WASAC	Water Supply and Sanitation Acceleration Project
WB	World Bank

## **PREFACE**

This Indigenous People Planning Framework (IPPF) has been prepared for the Water Supply and Sanitation Acceleration Project (WASAC) in Cambodia by both the Ministry of Industry, Science, Technology & Innovation (MISTI) and the Ministry of Public Works and Transport (MPWT) as part of the WASAC's Environment and Social Management Framework (ESMF). This IPPF will be applied, where relevant, to all investments financed by the World Bank (WB) Group for technical and/or financial support for WASAC.

The Project will be implemented by the Ministry of Industry, Science, Technology & Innovation (MISTI) and the Ministry of Public Works and Transport (MPWT). This Document has been prepared by the individual E&S safeguard consultant of MISTI/MPWT and will be carried out by social and environmental safeguards focal persons of MISTI/MPWT with the assistance from the E&S Safeguards Consultants.

This document is considered a living document and shall be modified and updated in line with the changing situation or scope of the activities. Detailed Indigenous Peoples Plans (IPP) will be developed, where required, in close consultation with stakeholders and the World Bank. Clearance of future IPPs by the World Bank will be required.

# 1 PROJECT DESCRIPTION

## 1.1 Project Objective

1. The Project Development Objective (PDO) is to increase access to safely managed water supply and sanitation services in selected areas, strengthen institutions for water supply and sanitation service delivery, and in case of an Eligible Crisis or Emergency, respond promptly and effectively to it.
2. The proposed project has three components, (i) Provincial Water Supply Component, (ii) Provincial Sanitation Component; (iii). Contingent Emergency Response Component (CERC). The first two components will comprise infrastructure development and support to address sector level issues to improve the enabling environment for acceleration of access and sustainability of clean piped water supply and the provision of safe wastewater disposal.

## 1.2 Project Components

### 1.2.1 Component 1: Province-wide Water Supply Development

3. Component 1: Focuses on increasing access to safely managed water supply service through the development of piped water supply system across the selected provinces by supporting public provincial waterworks and private water operators to expand and improve their service, while at the same time bringing in professional water operators to the greenfield areas. Under this component, a “province-wide approach” will be adopted where investments to expand piped water supply<sup>1</sup> in provincial municipalities and other potential districts outside provincial municipalities would be considered in totality, and fostering an enabling environment at the sector level to accelerate progress, and at the operational level, to sustain long-lasting investment. Implementing such approach would require clear financing framework to support private water operators, along with capacity building support and regulatory enforcement. This component is proposed to include three sub-components covering (i) the support to selected provincial waterworks (who operate within the provincial towns), (ii) the support to improve water supply systems owned and operated by the private operators outside provincial towns, and (iii) the sector-level governance support and project management support.
4. Sub-component 1.1: Supports provincial waterworks in Mondul Kiri, Battambang and Pursat municipalities: The support will be provided to extend water supply network and build water treatment plant in Mondul Kiri, Battambang and Pursat municipalities which are currently operated respectively by Mondul Kiri, Battambang Waterworks and Pursat Waterworks. The support will also be provided to the two waterworks to strengthen their operational performance and modernization, along with the support to help the government in transforming the waterworks, which are currently public entities, into state-owned corporatized waterworks. The additional role of provincial waterworks may also be developed and strengthened to expand their reach in offering continuous technical backstopping support to private water operators within the respective provinces.
5. Sub-component 1.2: Develops and improves water supply systems in areas outside provincial towns in Battambang and Pursat provinces: A framework to support private water operators (PWOs) will be developed to enable water operators to professionalize their operation, to expand their service coverage within their licensed areas, and to densify their network within the existing service areas. The framework will be developed such that PWOs are classified into different categories based on their performance, whereby proposed project support will be tailored to each PWO based on the categorization and the specific characteristics of the PWO. The proposed project support options may

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<sup>1</sup> Note that there are two types of piped water supply in Cambodia: one run by operators (public or private) based on financial return on tariff, and another run by community. The project supports the former.

consist of a mix of investment finance support (likely in the form of a range of viability gap financing and tailored debt options), and technical assistance support to PWOs including through enhanced and continuous technical backstopping. The above support options are proposed to be underpinned by regulatory measures aimed at exiting weak performers and non-starting PWOs that are unviable for support at the current scale or level of service. These may be complemented by incentives for aggregation of PWOs to facilitate improved operations and investment capacity. While the proposed framework is envisaged to be a country-wide framework, Sub-component 1.b will support initial implementation in two provinces.<sup>2</sup> Support will also be provided to attract stronger private operators to greenfield sites, where feasible, by strengthening the qualification- and selection criteria of the PWOs coupled with relevant financial support.

6. Sub-component 1.3: Supports Sector-level and project management. This sub-component is proposed to complement Sub-components 1.a and 1.b, recognizing that effective regulation is essential to incentivize improved service quality and efficiency, as well as customer orientation. Support is envisaged for rationalization of reporting protocols; support to service providers in meeting regulatory requirements; improving monitoring architecture, including through greater delegation to sub-national entities and enhanced use of digital systems – including ensuring the Water Supply Monitoring System<sup>3</sup> is functional and effectively used; and strengthening customer feedback. Support will also be provided to foster joint planning and coordination in water resource management in close collaboration with the proposed Bank-financed Cambodia Water Security Improvement Project. Support will also be provided to MISTI in undertaking project management of Component 1.

## **1.2.2 Component 2: Provincial Municipality Sanitation Development**

7. Component 2: Focuses on increasing access to safely managed sanitation service in selected provincial municipalities through development of wastewater treatment plant, sewerage network construction, and improvement of fecal sludge management service for parts of municipalities that cannot be served by sewerage. Each component above will be accompanied with support on improving sector governance and planning, strengthening institutional capacity, enhancing financial sustainability and sustaining operational management of the service. This component is proposed to consist of two sub-components including (i) provincial town sanitation system development, and (ii) national sector support and project management.
8. Sub-component 2.1: Focuses on Sanitation system development in Battambang, Pursat and Ta Khmau municipalities: Activities will support extension of wastewater collection networks and provision of household connections to the sewerage network in selected provincial municipalities to deliver wastewater to existing (or planned) wastewater treatment plants developed under other projects. Support will also be provided to develop new wastewater treatment plants, including fecal sludge treatment facilities, wastewater collection networks and house connections in areas of selected provincial municipalities where services are currently not available. Adopting the concept of City-Wide Inclusive Sanitation (CWIS), support will be provided for city-wide planning for sanitation to guide investments in sanitation in selected municipalities, to ensure that sanitation solutions are proposed for all parts of the municipalities. In turn, development of fecal sludge management services in selected provincial municipalities to complement network wastewater investments will be supported. Consideration will also be given to identify solutions that are suitable for the specific context of the selected municipalities, including decentralized systems, simplified sewerage, where possible. In tandem with wastewater investments, project funds will support investments in limited key drainage infrastructure in selected municipalities to reduce water logging or flooding that may damage wastewater infrastructure and/or affect the performance of the wastewater system. Alongside infrastructure, support will also be provided for the establishment and development of institutional and operational capacity of a wastewater entity at the municipality level to ensure sustainable operations, including option to engage private operator, where possible, for operation and maintenance. Application of a tariff framework for sanitation in municipalities will be supported with the objective to introduce a tariff system that may cover the operation and maintenance expenses of sanitation services, inclusive of

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<sup>2</sup> The number of provinces to be supported under Sub-component 1.b will be reconfirmed closer to appraisal.

<sup>3</sup> The Water Supply Monitoring System was developed by MISTI with the Bank's TA and is currently being revamped.

fecal sludge management services.<sup>4</sup> Implementation of sanitation uptake programs (sewer connections and pit emptying service) will be also supported.

9. Sub-component 2.2: Focuses on National sector support and project management: Activities will support strengthening of institutional capacity of MPWT and relevant agencies for sector visioning, strategic planning, setting up benchmarking system for sanitation, coordinating with provinces to establish sustainable operational management of sanitation at the provincial level, and implementing relevant regulations including tariff framework. Support will also be provided to MPWT in undertaking project management of Component 2.

### **1.2.3 Component 3: Contingent Emergency Response Component (CERC)**

10. Component 3: Focuses on Contingent Emergency Response component, this component is to enable response to unexpected crises and emergencies during the project implementation period. The CERC will be established and managed in accordance with the provisions of the World Bank Policy and World Bank Directive on Investment Project Financing.

### **1.2.4 Geographic Scope**

11. The project locations are tentatively identified in four target provinces: Mondul Kiri, Battambang, Pursat and Ta Khmau of Kandal province. While towns of these provinces are classified as urban areas, access to piped water and sanitation in these provinces remains a challenge. The selection of sites for investment in districts/towns outside the provincial municipality will be carried out taking into account measures to maximize project benefits to local peoples particularly the vulnerable/marginalized groups, including IPs, as well as to minimize E&S risks and impacts arising from the investments.

### **1.3 Purpose of IPPF in the Project**

12. The World Bank's Environmental and Social Standard 7 on Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities (herein referred to as "Indigenous Peoples" or IP) is triggered for this project, given that it is not yet known in which communities the project will be implemented and thus there is the possibility that some project activities could affect IP communities or be intended to serve IP communities.
13. This Indigenous Peoples Planning Framework (IPPF) has been prepared by MISTI & MPWT to guide the project if and when sites are selected where there are Indigenous Peoples (IPs) or where resources the IPs depend upon for their livelihood would be affected. The project itself, with guidance from this IPPF and the Stakeholder Engagement Plan (SEP), has been designed to assure there will be meaningful consultations with those IP communities in a manner and language accessible to them, from design to implementation. The project is also designed to assure that the beneficiaries would include IPs, if there are IPs living within any of the subproject areas served by the water supply or sanitation systems.
14. Once communities have been selected where the project will be implemented, MISTI & MPWT will be responsible for screening for IPs in the areas served by and/or affected by the project. For those IP communities that might meet the criteria under WB ESS7, the project will consult with the WB to determine if the project activities for water supply or sanitation are sufficient to meet the requirements of ESS7, by providing the IP community with equitable access to project benefits and taking into account their concerns and preferences. As stated in the WB ESS7, "The concerns or preferences of [IP] Communities will be addressed through meaningful consultation and project design, and documentation will summarize the consultation results and describe how [IP] Communities' issues have been addressed in project design. Arrangements for ongoing consultations during implementation and monitoring will also be described."

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<sup>4</sup> The work on development of tariff framework is ongoing under the current WaSSIP Project (P163876)

15. If the WB determines there are special circumstances affecting any IP community, with potential impact on any of their land, resources, livelihoods, or significant impacts on the culture or customs of the community, the project may be required to prepare a site-specific Indigenous Peoples Plan (IPP) for that community.

## 2 OVERVIEW OF INDIGENOUS PEOPLES IN CAMBODIA

### 2.1 General Information on Indigenous Peoples in Cambodia

16. The Cambodian government has made reference in various laws and policies to indigenous peoples. The indigenous peoples are also referred to as “Khmer Loeu” or “hill tribes.” as defined in the National Policy for the Development of Indigenous Peoples (2009), indigenous peoples are distinct groups living in Cambodia who have their own distinctive languages, culture, traditions, and customs different from those of the Khmer people.

17. There are varying estimates of the number of indigenous peoples, with estimates ranging from about 1% to 1.5% of the country’s population. Larger groups have populations in the tens of thousands, while a number of smaller groups have only a few persons. Table 1 shows the number of indigenous peoples in the country, according to a census by the Ministry of Planning, while Table 2 shows the number of IPs by province based on information from the 2017 Commune Database.

**Table 1:** Number of Indigenous Minority People by Ethnic Groups in Cambodia, 2018

1	Bunong	47,296
2	Tumpoun	51,947
3	Kuoy	13,530
4	Jarai	13,326
5	Kreung	22,385
6	Brao	13,902
7	Stieng	1,279
8	Kavet	5,618
9	Kroul	7,413
10	Ja’ong	266
11	Poar	215
12	Mel	1,905
13	L’moon	763
14	Souy	0
15	Khonh	270
16	Kleung	208
17	S’och	837
18	Kajrouk	731
19	Lun	436
20	Radae	1,003
21	Mon	174
22	Kachok	328

**Source:** Final Draft Report of Census of Indigenous Peoples in Cambodia, Ministry of Planning, 2018



**Table 2: Indigenous Population in Cambodia by Ethnic Groups and Provinces**

N0	IP Group	Banteay Meanchey	<b>Battambang</b>	Kampong Speu	Kampong Thom	Kratie	<b>Mondul Kiri</b>	Preah Vihear	<b>Pursat</b>	Ratana Kiri	Preah Sihanouk	Steung Treng	Tboung Khmum	Total
1	Phnong	-	-	-	-	16,613	38,398	106	25	811	-	512	-	56,465
2	Kouy	983	14	-	13,916	10,271	-	31,260	-	-	-	5,767	-	62,211
3	Stieng	-	-	-	-	10,838	902	-	-	-	-	-	1,752	13,492
4	Mill	-	-	-	-	4,486	-	-	-	-	-	-	-	4,486
5	Khraol	-	-	-	-	3,934	953	-	-	-	-	-	-	4,887
6	Thmorn	-	-	-	-	882	264	-	-	-	-	-	-	1,146
7	Khaonh	-	-	-	-	84	-	-	-	-	-	-	-	84
8	Tompun	-	19	-	-	-	356	5	-	42,772	-	52	-	43,204
9	Char	-	17	-	-	-	132	6	-	26,619	-	1	-	26,775
10	Kroeng	-	-	-	-	-	64	5	-	27,341	-	368	-	27,778
11	Kavet	-	-	-	-	-	-	5	-	3,875	-	4,053	-	7,933
12	Saouch	-	-	-	-	-	-	-	-	-	120	-	-	120
13	Lun	-	-	-	-	-	-	-	-	944	-	470	-	1,414
14	Kachak	-	1	-	-	-	-	-	-	5,019	-	5	-	5,025
15	Praov	-	-	-	-	-	-	-	-	10,568	-	251	-	10,819
16	Chorng	-	-	-	-	-	-	-	829	-	-	-	-	829
17	Poar	-	-	-	-	-	-	811	955	-	-	-	-	1,766
18	Soury	-	-	1,675	-	-	-	14	6	-	-	-	-	1,695
19	Other	-	22	100	3	1,549	159	38	191	-	-	-	216	2,278
	<b>Total</b>	<b>983</b>	<b>73</b>	<b>1,775</b>	<b>13,919</b>	<b>48,657</b>	<b>41,228</b>	<b>32,250</b>	<b>2,006</b>	<b>117,949</b>	<b>120</b>	<b>11,479</b>	<b>1,968</b>	<b>272,407</b>

Source: 2017 Commune Database

## 2.2 Overview of Indigenous Peoples within the Proposed Project Area

18. According to the most recent information available, from the 2017 Commune Database shown in Table 2, three of these provinces thus far selected for the project – Mondul Kiri, Battambang and Pursat – which have IP populations. For Battambang and Pursat, these populations are quite low, with only 73 IPs reported in Battambang and 2,006 in Pursat. Mondul Kiri has a much larger IP population, of 41,228, mostly ethnic Bunong (or Phnong). The IP communities in Pursat are mostly remote settlements located in the Cardamom Mountains in the southwest of the province.<sup>5</sup> Although unlikely to impact any IP communities, the project will conduct screening for all sub-projects to determine if any IP communities are within the sub-project area or otherwise affected by the sub-project. This will be especially relevant for the work planned in Mondul Kiri.

## 3 RELEVANT LEGAL FRAMEWORK AND REGULATIONS

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

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

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

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

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

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

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<sup>5</sup> Source: 2017 Commune Database

23. Article 25 in the law defines indigenous community lands: “The lands of indigenous communities are those lands where the said communities have established their residencies and where they carry out their traditional agriculture”, and these lands “include not only lands actually cultivated but also includes reserves necessary for the shifting cultivation which is required by the agricultural methods they currently practice”. Article 25 also states “the measurement and demarcation of boundaries of immovable properties of indigenous communities shall be determined according to the factual situations as asserted by the communities, in agreement with their neighbors”. Article 26 states that “ownership of the immovable properties described in Article 25 is granted by the State to indigenous communities as collective property. This collective property includes all the rights and protections of ownership as are enjoyed by private owners”.
24. **The Forest Law 2002** (Article 11, 15, 16, 40) guarantees and recognizes the right of indigenous peoples to continue the use and access to certain forest areas which these groups traditionally use and to practice their way of living in term of enjoyment of benefits from the forest.
25. **The Protected Area Law (2008)** defines the framework of management, conservation and development of protected areas. The purpose of the law is to ensure the management, conservation of biodiversity, and sustainable use of natural resources in protected areas. It recognizes the right of forest dependent and indigenous peoples to sustainably use the natural resources and reside within protected areas. It divides the protected area into four zones, which defines land-use and management for that particular zone. The zones are : core zone ; conservation zone ; sustainable use zone ; community zone. This law is under the jurisdiction of the Ministry of Environment.

### 3.2 Relevant International Agreements

26. Cambodia is a signatory to a number of international instruments that protect the rights of indigenous peoples, as well as the Convention on Biological Diversity (1992), which recognizes the role of indigenous people in protecting biodiversity. In 1992, the Cambodian Government ratified the International Covenant on Economic, Social and Cultural Rights. This includes the rights to practice specific culture and the rights to means of livelihoods, NGO Forum on Cambodia.
27. **UN Declaration on the Right of Indigenous People** was adopted by the United Nations General Assembly in September 2007. Many countries in the world including Cambodia have voted in favor of this nonbinding declaration.
28. **International Convention on the Elimination of all Forms of Racial Discrimination (“ICERD”)**, Article 5(e) ensures the enjoyment, on an equal footing and without discrimination, of economic, social and cultural rights, in particular the right to education and training. Article 13 of the **International Covenant on Economic, Social and Cultural Rights (ICESCR)**, includes the provision of free primary education irrespective of gender, ethnicity or any other consideration. Article 13 further commits the State Party to make secondary education generally available and accessible to all, including through the progressive introduction of free education, and to working towards the provision of equal access to tertiary education, including through the provision of free secondary education. Government of Cambodia ratified the ICESCR in 1992.
29. **UN Convention on the Rights of the Child (Article 28 - Right to Education), rectified by the Cambodia Government in 1992:** Every child has the right to an education. Primary education must be free. Secondary education must be available to every child. Discipline in areas must respect children’s dignity. Richer countries must help poorer countries achieve this.
30. **UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)**, recognizes the rights of Parties to take measures to protect and promote the diversity of cultural expressions, with a particular focus on women, minorities and indigenous peoples.

### 3.3 World Bank Environmental and Social Standard 7 on Indigenous Peoples (IPs)

31. The World Bank’s Environmental and Social Standard 7 (ESS7) on Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities (hereinafter referred to as Indigenous Peoples (IP) recognizes that IPs (a) have identities and aspirations that are distinct from mainstream groups in national

societies, (b) are often disadvantaged by traditional models of development, and (c) are inextricably linked to the land on which they live and the natural resources on which they depend. IPs are therefore particularly vulnerable if their land and resources are transformed, encroached upon, or significantly degraded. Projects may also undermine language use, cultural practices, institutional arrangements, and religious or spiritual beliefs.

32. The term “Indigenous Peoples” is used by the World Bank “in a generic sense to refer exclusively to a distinct social and cultural group possessing the following characteristics in varying degrees:

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

33. ESS 7 “also applies to communities or groups of IPs who, during the lifetime of members of the community or group, have lost collective attachment to distinct habitats or ancestral territories in the project area, because of forced severance, conflict, government resettlement programs, dispossession of their land, natural disasters, or incorporation of such territories into an urban area.”

34. The objectives of ESS 7 are:

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

35. In addition, World Bank requires Free, Prior and Informed Consent (FPIC) from Indigenous People in a project when the following circumstances apply:

- Have adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation;
- Cause relocation of Indigenous Peoples from land and natural resources subject to traditional ownership or under customary use or occupation; or
- Have significant impacts on Indigenous Peoples cultural heritage that is material to the identity and/or cultural, ceremonial, or spiritual aspects of the affected Indigenous Peoples’ lives.

### 3.4 Gap Analysis

WB ESS7	Cambodian Laws and Regulations	Gaps	Measures to Address the Gaps
<p>Definition of Indigenous People: A distinct social and cultural group possessing the following characteristics in varying degrees:</p> <ol style="list-style-type: none"> <li>1) Self-identification</li> <li>2) Collective attachment to geographically distinct habitats, territories or resources</li> <li>3) Institutions distinct / separate from those of mainstream society</li> <li>4) Distinct language or dialect</li> </ol>	<p>Definition of Indigenous People: “Indigenous peoples are the peoples living in the Kingdom of Cambodia, and they express their ethnic, social, cultural, and economic unity, practice their traditional way of life, and cultivate the land they occupy according to the traditional rules of collective land use.” From Ministry of Rural Development, “Policy on development of indigenous people” 24 April 2009</p>	<p>Similar criteria except:  Under ESS7, social, cultural, political institutions are distinct or separate from mainstream society  Under Cambodian definition, focus on land and land use, while ESS7 also includes the natural resources in those areas</p>	<p>Initial identification of location of IP communities will be based existing data.  Screening will determine if they qualify as IP communities according to ESS7</p>
<p><b>Meaningful Consultation (para 23)</b> The Borrower undertakes an engagement process with the affected IP community, and the engagement process will include stakeholder analysis, information disclosure, and consultation in a culturally appropriate and gender and intergenerationally inclusive manner.</p>	<p><b>Consultation Process</b></p> <p>Sub-Decree No. 83 on Procedures of Registration of Lands of Indigenous Communities (2009) defines the Indigenous Communal Land Titling (ICLT) Process.</p> <p>Sub-Decree No. 83 on the Procedures of Registration of Lands of Indigenous Communities (2009)’s Article 6 defines the five types of land for communal land titling (1) residential land, (2) spiritual forest land, (3) burial forest land, (4) actual farming land and (5) the land reserved for shifting cultivation.</p> <p>The process involves recognition of Indigenous Communities (ICs) as legal entities by the Ministry of Interior (Mol)</p> <p>This is followed by preparation of a preliminary map of boundaries and land uses according to the different categories of IC lands; development of internal rules on the use and management of the land; submission of application for collective titling and issuing of interim protection measures (IPM)</p> <p>Surveying boundaries and issuing the collective land</p>	<p>Sub-Decree 83 deals solely with registration of lands and communal land titling.</p> <p>ESS7 concerns any impacts, whether beneficial or negative, on the IP communities’ lands or resources.</p> <p>ESS7 requires a Social Assessment (ESS7 Appendix A) to inform the planning of Meaningful Consultations and the preparation of an Indigenous People’s Plan.</p> <p>ESS7 Requires regular consultation with the IP communities, including a Grievance Redress Mechanism that is accessible to members of the IP community.</p>	<p>The consultation process of ESS7 will be applied, as it involves all potential impacts of the project on the IP communities, while Sub-Decree No. 83 only focuses on community land titling.</p> <p>The project GRM should be adapted for use by the IP communities, through their own institutions and in their own languages.</p>

WB ESS7	Cambodian Laws and Regulations	Gaps	Measures to Address the Gaps
	title after public display (30 days) and approval by other ministries such as the Ministry of Agriculture, Forestry and Fisheries (MAFF) and the Ministry of Environment (MoE) for the registration of state land		
<p><b>Free, Prior, and Informed Consent (FPIC)</b> (para 24 and 25)  - Where (a) adverse impacts on land and natural resources of IP; (b) relocation of IP; or (c) impacts on cultural heritage of IP will occur, ensure the adherence to consultation resulting in of (FPIC).  Ensure that Indigenous People (IP) present in or attached to the project area are fully consulted and can participate in project design and determination of implementation arrangements.</p>	There is no similar process under Cambodian law	There is no similar process under Cambodian Law	Apply ESS7 if determined that FPIC is required.

#### 4 POTENTIAL RISKS/IMPACTS ON IP COMMUNITIES

##### 4.1 Potential impacts

36. Given the proposed scope of the project is unlikely that IP communities will be included in the subproject areas of either of the components. Ethnic minorities in Cambodia who could be considered as IP under the WB criteria are located mainly in the four provinces of Mondul Kiri, Rattanakiri, Kratie and Stung Treng in the country's mountainous northeast and east, with Mondul Kiri one of the targeted provinces under WASAC. Some ethnic minorities are reported in Battambang and Pursat. Given the province-wide scope of Component 1 of the project, they might reside in or near some of the subproject areas. Screening will be done for all the subprojects, to determine whether there are ethnic minorities present and whether or not those ethnic minorities are considered as IPs according to the WB criteria.
37. If IP communities are identified in or near a subproject area, the scope of impacts to those communities will be assessed and if needed a specific IPP will need to be prepared by the project to avoid any adverse impacts and if cannot be avoided, minimize and compensate. In line with WB ESS7, if the IP communities cannot be avoided, they should be involved in planning and design, to assure they will also benefit from the project. The project will consult with the WB to determine if the scope and scale of impacts will require preparation of a site specific IPP, or if the IP concerns and needs can be addressed through the engagement process, including consultation with the IPs about their concerns, potential impacts on their interests and any vulnerability, so that the project can be designed to address their concerns and maximize their benefits as much as possible in ways that are appropriate to the IP communities' culture and institutions.
38. Potential positive impacts to the IP communities would be the provision of safe piped drinking water and proper access to safely managed sanitation. For any IP communities depending on the water resources for their livelihoods, the treatment of household wastewater will help reduce water pollution. Should they desire, the IP communities might also have access to employment during the civil works.

39. Concerning the negative impacts, a potential negative environmental impact would be the use of a stressed water source for a water supply scheme. Another potential negative impact would be the release of polluting wastewater if a sanitation system breaks down. Any degradation of the waters, whether the amount of water or its quality, could damage the livelihoods of those who depend on those waters. It is important to determine who is using those waters and for what purposes, not just in the immediate area but also as far downstream as there could be any potential impacts. With the concerning negative impacts, the project will need to apply the mitigation measures as follows, avoid, mitigate, offset and compensate.
40. Additional risks might be caused by the influx of labor, with the introduction of strangers in their communities and the associated risks of disease, SEA/SH, and other activities that would also be detrimental to their lives and culture.
41. Screening for IP communities should therefore extend beyond the immediate area of any subproject to wherever there might be any potential impacts from the water supply or sanitation system.

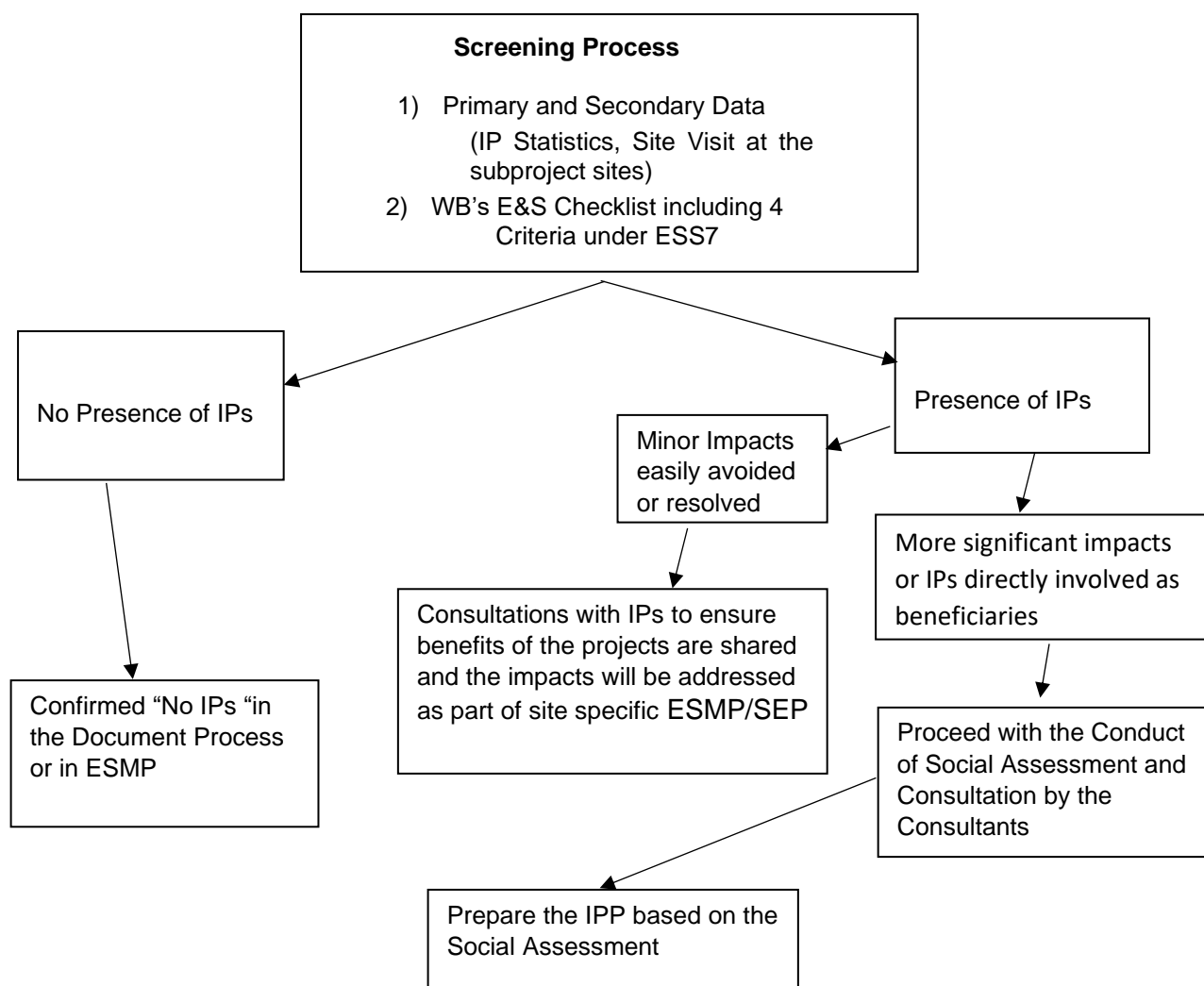
#### **4.2 Steps to Follow: Screening, Consultation, Inclusion, Social Assessment and Preparation of IPPs**

42. A participatory approach is needed during consultative meetings with local authorities and communities during project screening, design, implementation and monitoring. The following steps will be followed in terms of screening, consultation, and involvement in project design and implementation, in order to “promote sustainable development benefits and opportunities for ethnic minority communities in a manner that is accessible, culturally appropriate and inclusive.”
  - a) Initial screening by MISTI and MPWT to identify whether Indigenous Peoples are present in, or have collective attachment to a subproject area (i.e., the site of a proposed water supply or sanitation system), or might otherwise be affected by the project. If it is determined that there are any IP communities, but they do not fit the four criteria of IP under WB ESS7, the project should provide sufficient documentation to explain their process in reaching this decision and the project is still required to conduct consultation and assessment to ensure that that will have the benefits shared by the project as per WB ESS1.
  - b) If the screening concludes that indigenous peoples are present in, or have collective attachment to, the subproject area, or otherwise affected by the project, MISTI or MPWT (whichever is responsible for the subproject) shall consult with the WB to ascertain the scope and scale of impacts to the IP communities.
  - c) If the project design is found to have a direct adverse impact on the integrity or productivity of the habitats, territory, or resources used by the IP communities, the design will be altered to avoid any such impacts.
  - d) If potential risks and impacts are minor, easily avoided or mitigated, it may not be necessary for the project to prepare an IPP for those communities, but would be sufficient for the project to conduct meaningful consultations that inform project design and implementation, and to document thoroughly and report the results of those consultations and actions. Any requirements, suggestions, or needs raised by the IPs during the consultations should be noted and integrated into the ESMP the same as Stakeholder Engagement Plan (SEP) to be implemented by the contractor. The consultation process should also continue throughout implementation.
  - e) In the unlikely event that the project will still carry out activities that have an impact on IP land or access to resources, or include the IP communities directly as project beneficiaries, or could have an impact on the IP culture and institutions in ways unforeseen by the project, the project will consult with the WB on the need for a site-specific IPP, and MISTI or MPWT will conduct a Social Assessment following the guidance in this IPPF.
  - f) The Social Assessment should be conducted by reviewing secondary and primary sources and by conducting consultations with the IP groups and key informants as necessary. Specialists familiar with the IP communities and with their language(s) should be involved in the consultations;
  - g) Based on the Social Assessment and consultations, MISTI or MPWT would need to prepare an Indigenous Peoples Plan (IPP), with assistance from consultants as necessary.

- h) The draft Indigenous Peoples Plan would be disclosed to the IP groups, in languages and by means accessible to them, and to the general public, for further consultation.
- i) Consult with the IPs throughout implementation, and, if necessary, update the IPP to reflect any changes, including unexpected adverse impacts or new mitigation measures, and to assure continued consultation with the IP communities.

This process is described in more detail in a diagram below.

**Steps to Follow by MISTI/MPWT (once subproject sites are identified)**



**4.2.1 Screening for IP Groups**

43. The first step in screening for IP groups is to review secondary data to assess if there are ethnic minorities that might be considered as IPs in the areas where the project will be implemented.

44. Once specific sites are selected for the project, MISTI or MPWT needs to:

- 1) Further review secondary data to screen for IP groups, as identified by local authorities, in the communities where the water supply or sanitation systems will be located, in nearby communities to be served by the systems, or in other nearby communities that might be affected by the project (i.e., using Commune Database);



- 2) Compile primary data by visiting the sites and meeting with key informants and local people to assess whether there are IP groups or not in areas in or near the proposed water supply or sanitation system, and assess whether the IP groups that are found there meet, to varying degrees, the four criteria set out under WB ESS 7. To do so, the screening form in Annex 1 should be applied, using the guiding questions in Annex 2.
45. Once the screening form has been applied, MISTI or MPWT will need to submit documentation to the WB Task Team as to which Ethnic Groups located in the particular subproject areas meet the four criteria of IP under ESS7.
46. It is important to stress that ESS7 applies when there are IPs in the project area, independently of the nature of its expected impacts. As stated in the World Bank's Environmental and Social Framework:
 

ESS7 applies regardless of whether Indigenous Peoples are affected positively or negatively, and regardless of the significance of any such impacts. This ESS also applies irrespective of the presence or absence of discernible economic, political or social vulnerabilities, although the nature and extent of vulnerability will be a key variable in designing plans to promote equitable access to benefits or to mitigate adverse impacts.
47. For subproject areas where there are ethnic minority groups in the project area, but it has been clearly documented that they are not considered as IPs under ESS7, following discussion and agreement with the WB, further action under this IPPF is not needed; however, they may still be considered as vulnerable groups, and MISTI or MPWT will need to consult with them and listen to their concerns, their needs and other requirements accordingly, as well as provide them with opportunities for employment during and after project implementation.
48. For subproject areas where there are IPs, MISTI or MPWT will determine through discussion and agreement with the WB if an IPP is needed to be prepared. If the IPP is not needed, the project will need to consult with them and learn about their needs and concerns and link the IP communities to the project design and through the consultation process as outlined in the SEP and make sure the project will share the benefit with them and encourage their participation in the project in a culturally appropriate manner. This would involve meaningful consultations with the IP groups through sub-project design and implementation, and reporting of the consultation results by MISTI or MPWT. The reporting should also show how the project assures inclusion of the IP concerns and the requirement, the suggestion, the needs raised by the IPs during the consultations should be noted and integrated into the ESMP to be implemented by the contractor.
49. If the IPs are to be directly involved in the project as beneficiaries, or if after consultation with the WB it is determined the culture or resources of the IP group or community will be affected in ways not adequately addressed through the project design and no alternatives are available, site-specific IPPs will need to be prepared along with site-specific social assessments, proportional to the nature and scale of impacts.

#### **4.2.2 Meaningful Consultations**

50. Meaningful consultations should be conducted with all IP groups or communities, whether or not an IPP is required. Meaningful consultation is a two-way process, that:
  - a) Begins early in the project planning process to gather initial views on the project proposal and inform project design;
  - b) Encourages stakeholder feedback, particularly as a way of informing project design and engaging stakeholders in the identification and mitigation of environmental and social risks and impacts;
  - c) Continues on an ongoing basis;
  - d) Is based on the prior disclosure and dissemination of relevant, transparent, objective, meaningful, and easily accessible information in a time frame that enables meaningful consultations with stakeholders in a culturally appropriate format, in relevant local language(s) and understandable to stakeholders;
  - e) Considers and responds to feedback;
  - f) Supports active and inclusive engagement with project-affected parties;

- g) Is free of external manipulation, interference, coercion, discrimination, and intimidation; and
- h) Is documented and disclosed.

#### **4.2.3 Requirements for a Social Assessment**

51. Once it has been determined that an IPP is needed, MISTI or MPWT will be responsible for conducting a Social Assessment (SA) and related meaningful consultations with the IP community. The breadth, depth, and type of analysis in the SA are to be proportional to the nature and scale of the projects' potential impacts on the communities, and whether such effects are positive or adverse. It is likely that MISTI or MPWT will need to hire an independent expert to assist with the SA and consultations.
52. To promote effective project design, to build local project support or ownership, and to reduce the risk of project-related delays or controversies, as part of the Social Assessment there should be an engagement process with affected Indigenous Peoples as required in WB ESS10. This engagement process will include stakeholder analysis and engagement planning, disclosure of information, and meaningful consultation, in a culturally appropriate and gender and inter-generationally inclusive manner, following the guidance in the project's Stakeholder Engagement Plan (SEP). For Indigenous Peoples, the process of meaningful consultation will also:
  - a) Involve Indigenous Peoples' representative bodies and organizations (i.e., councils of elders or village chiefs) and, where appropriate, other community members;
  - b) Provide sufficient time for Indigenous Peoples' decision-making processes; and
  - c) Allow for Indigenous Peoples' effective participation in the design of project activities or mitigation measures that could potentially affect them either positively or negatively.
53. The SA will include the following elements, as needed, proportional to the nature and scale of the impacts:
  - a) Baseline data collection on the demographic, economic, social, cultural and political characteristics of the affected IP groups, habitats, ancestral territories, or areas of seasonal use and occupation that they have traditionally owned or customarily used or occupied, as well as the land in the project area and the natural resources in these areas on which they depend;
  - b) Based on meaningful consultations, assessment of the nature and degree of the expected direct and indirect economic, social, cultural and environmental risks and impacts on IPs who are present in, or have collective attachment to, the project area, and an assessment of the degree of vulnerability of the IPs and the constraints they face to access project benefits;
  - c) Based on meaningful consultations, the identification and evaluation of measures necessary to avoid adverse effects, or if such measures are not feasible, the identification of measures to minimize, mitigate, or compensate for such effects, and to ensure that IPs receive culturally appropriate benefits under the project;
  - d) A description and assessment of the legal and institutional framework applicable to IP communities, as detailed in this IPPF. Besides describing the legal status of IPs in the country's constitution, legislation and customary law, this section should also include an assessment of the ability of the communities to obtain access to and effectively use the legal system to defend their rights;
  - e) A summary of the relevant parts of the SEP that are specific to the subprojects where IP groups are found, which would include stakeholder analysis and engagement planning, disclosure of information, and meaningful consultation, in a culturally appropriate and gender and inter-generationally inclusive manner. The project's existing SEP would be expected to guide this, and be updated accordingly.<sup>6</sup>

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<sup>6</sup> MISTI or MPWT should consult IPs as to the cultural appropriateness of the Project's components and documents such as the SEP and identify and address any social or economic constraints that may limit opportunities to benefit from, or participate in, the Project.

- f) A summary of the meaningful consultation and, if applicable, Free, Prior and Informed Consent (FPIC)<sup>7</sup> with the affected IPs. Feedback on the project would be gathered through separate group meetings with IPs, vulnerable groups, including their traditional leaders, NGOs, community-based organizations, CSOs and other affected persons, as appropriate. The consultations would also help inform the Social Assessment with regard to demographic data, such as the social and economic situation and impacts. Finally, a summary would need to be prepared of the FPIC process and how its requirements have been met.

#### **4.2.4 Elements of an Indigenous Peoples' Plan (IPP)**

54. An Indigenous Peoples Plan (IPP) would include the following elements, as needed:

- a) A summary of the Social Assessment;
- b) A summary of the legal and institutional framework applicable to IP groups in the project;
- c) A summary of the relevant portions of the Stakeholder Engagement Plan applicable to the project subcomponent where IP groups were found, including the analysis of stakeholders, consultations and disclosure;
- d) A summary of the framework for meaningful consultation and, if applicable, Free, Prior and Informed Consent (FPIC) with the affected IPs during project implementation;
- e) A detailed description of culturally appropriate measures to minimize/mitigate any adverse impacts, as well as culturally appropriate and sustainable development benefits. Note that impacts refer not only to physical, but also cultural impacts on IPs;
- f) Institutional arrangements, with a clear description of responsibilities and accountabilities, including measures to strengthen the capacity of local and national authorities, as needed, as well as the involvement of NGOs or CSOs as necessary;
- g) The Grievance Mechanism established for the project, as well as any changes needed to ensure it is culturally appropriate and accessible to the affected IPs, taking into account customary dispute settlement mechanisms among the IPs and the availability of judicial recourse, with input from consultations with the IPs;
- h) Cost estimates and financing plan for the IPP implementation;
- i) Mechanisms and benchmarks appropriate for monitoring, evaluation, and reporting on the

55. implementation of the IPP. Monitoring should include:

- a. administrative monitoring to ensure implementation is on schedule and problems are dealt with on a timely basis;
- b. socio-economic monitoring during and after IPP implementation, utilizing the baseline information established by the socio-economic survey (from the SA) of IPs undertaken to ensure that impacts on IPs are mitigated and benefits reach IPs; and
- c. overall monitoring, as with the rest of the project.

56. IPPs are to be submitted to the World Bank as part of the implementation plan for the particular sites. Prior to commencement of implementation, the IPP shall be disclosed on the MISTI or MPWT website and the World Bank website. A copy of the IPP in Khmer language shall be placed in the commune council of the target areas where indigenous peoples can access it and a summary shared with IP groups in a format of their preference (i.e., in their own language, pictorial, or any other format they prefer).

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<sup>7</sup> See the section on FPIC

## 4.2.5 Free, Prior and Informed Consent

57. Even if IPPs are required, the project would be unlikely to have circumstances that require Free, Prior and Informed Consent (FPIC) as defined in ESS7. However, this would be determined with more certainty when project sub-components are defined and if IP groups are found. Determination on whether FPIC applies should be done in consultation with IPs as part of the Social Assessment.

58. According to the WB's ESS 7 FPIC is applied when projects:

- Have adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation.

Under this project, the possible impacts on land and natural resources would be degradation of water resources under traditional use and impacts on cultural resources, such as having waste water facilities near graveyards or otherwise affect their culture or traditions.

- Cause relocation of IPs from land and natural resources subject to traditional ownership or under customary use or occupation.

No relocation is expected.

- Have significant impacts on the cultural heritage of IPs that is material to their identity and/or cultural, ceremonial, or spiritual aspects of their lives.

At this stage this is unlikely given the scope of the project, as IP communities in the provinces under the project are distant from the proposed sites.

59. If FPIC is triggered, Indigenous Peoples will be consulted in good faith based on sufficient and timely information concerning the benefits and disadvantages of the project and how the anticipated activities occur, before they occur (i.e., 'prior'). 'Consent' refers to the collective support of affected IPs for the project activities that affect them, reached through a culturally appropriate process. FPIC does not require unanimity and may be achieved even when some individuals or groups within or among affected IPs explicitly disagree. This process should be properly assessed and documented as part of the Social Assessment.

60. In terms of documenting FPIC, if applicable, MISTI or MPWT would ensure that the following is documented:

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

61. The consultation process will document the consultations, interviews, attendance lists, photographic evidence and minutes of other meetings and/or back-to-office reports. Failure to obtain the IP community's Free Prior and Informed Consent (FPIC) will result in the sub-project being cancelled. The IP community can also retract their consent at any time during project implementation.

## 5. IMPLEMENTATION ARRANGEMENTS, MONITORING AND EVALUATION

### 5.1 Implementation Arrangements

62. **MISTI & MPWT:** IPPF implementation will be built into the existing MISTI & MPWT's institutional arrangement of the Project. There is no need for a separate organizational structure specifically established for IPPF implementation. The WASAC will be implemented under a similar structure to the current Water Supply and Sanitation Project (WaSSIP) which has been implemented since 2019. The MISTI & MPWT will assume overall responsibility for coordination and implementation of the WASAC, including procurement, disbursement and financial management under each component of the respective ministry.

63. The IPPF implementation will follow the Project Implementation arrangement. Institutional arrangements for implementation will follow the Government's institutional structure, with MISTI and MPWT as implementing and executing agencies, respectively, for water supply and sanitation works. As subproject areas are proposed, screening will include whether the subprojects impact IP communities, either as part of the subproject area or by affecting resources used by the IP communities for their livelihood or and, if so, IP plans (IPPs), following the guidelines in this IPPF, will need to be prepared. Safeguard officers and safeguards consultants will need to ensure that any IPPs are in line with other project safeguard documents being developed, such as Resettlement Action Plans (RAPs) or Process Plans (PPs), and vice versa. MISTI/MPWT will also need to work closely with relevant ministries working on IP-related issues, in particular, the Ministry of Planning (MOP), Ministry of Interior (MOI) and Ministry of Land Management, Urban Planning and Construction as well as NGO groups and IP group representatives.
64. During project implementation, once project subcomponents are defined, MISTI/MPWT will need to ensure that, where required, Social Assessments are undertaken by experts for specific project components. This will likely involve hiring external experts who can conduct a mixture of literature review and field work to assess the groups in the area and lead consultations, among others, as further described in this IPPF. Consultations will have to be a continuous process with relevant government agencies, NGOs and IP groups, and to ensure that these groups are invited to relevant meetings and workshops. Based on the Social Assessment and consultations, MISTI/MPWT will need to draft an IPP for specific subcomponents and ensure there is consultation on these plans as well and that they are properly disclosed and made available to IP groups as per the guidelines in this IPPF.
65. In consultation with relevant agencies and groups, MISTI/MPWT will need to define the most appropriate monitoring mechanism for IP plans, it may also be appropriate for IP groups themselves to be involved in monitoring, or NGOs or external experts. As with other matters relating to IPPs, this will need to be defined based on consultations with relevant groups.
66. **Project Management Units (PMUs):** Responsible for overall implementing the whole project which is led by the Project Director and Project Manager. Both of them (for respective component) play important roles to streamline policy development, strategic planning and implementation decision making processes. The project manager bears a central role in project implementation and regularly reports the work progress to the project director.
67. **Environmental and Social Focal Persons:** Each PMU has two focal persons (one for environmental and another one for social safeguards) to be responsible for safeguard compliance according to the approved ESMF, IPPF, RPF and possible IPP and ARAP. Their responsibilities concerning IPs include, but are not limited to:
- (a) Implementing activities as per IPPF and ensuring that indigenous and vulnerable peoples in rural and remote areas benefit from the Project, including supervising and assessing screening of IP communities;
  - (b) Conducting public consultative meetings and social assessments in target communities in order to identify needs for each specific project site, any potential adverse impact resulting from site-specific project implementation, and possible project interventions;
  - (c) Preparing minutes of the consultative meetings, detailing information dissemination, issues discussed, especially concerning limitation to educational access, concerns raised by IPs and possible project intervention; and
  - (d) Conducting consultations, updating social assessments and IPPs, and reporting.
68. The outcome shall be summarized in a report and submitted to the PMC, which will compile the report and submit it to the Bank

## 5.2 Monitoring, Documentation and Reporting

69. Given the scope of civil works to be carried out under the Project and that selection of priority investment would follow the participatory planning and consultation process described in this policy framework, significant adverse negative impacts to the traditional lands and natural resources used by IPs are not expected to occur. The project

will seek to strengthen the self-monitoring and problem resolution capacity of local IP communities if any. Participatory Monitoring and Evaluation (M&E) will be carried out during implementation to allow the affected population to assess project effects and to identify measures to expand positive benefits and address negative impacts. If any conflicts or problems involving ethnic groups have occurred and been resolved in compliance with this document, those issues will be monitored and reported by project focal person.

70. Through its focal person, the PMU's E&S focal persons will conduct regular internal monitoring and evaluation of the IPPF and any IPPs, including review of monthly progress reports submitted by the site engineer. This monitoring and evaluation is intended to help ensure that the IPPF and any IPPs are prepared according to the ESS 7 of the World Bank's ESF and relevant RGC laws and regulations, and that they are implemented as planned. Internal monitoring will be conducted bi-monthly by the E&S safeguards focal persons. All findings of the internal monitoring should be reported bi-monthly to the PMU and incorporated into project progress report submitted to the World Bank every six months. Monitoring indicators shall be clearly specified in the IPP documents.

### **5.3 Grievance Mechanism**

71. The Grievance Redress Mechanism (GRM) is set out in the project's SEP. If IPs are found, the IPP may need to adjust the GRM to ensure that it meets the needs of Indigenous Peoples. The key principles of the grievance mechanism are to ensure that:

- The basic rights and interests of IPs are protected;
- The concerns of IPs arising from the project implementation process are adequately addressed;
- Entitlements or livelihood support for IPs, if required, are provided on time and accordance with the World Bank's ESF
- IPs are aware of their rights to access grievance procedures free of charge for the above purposes.
- Under WB ESS7, the GRM needs to be available in a culturally appropriate way and easily accessible to the IPs.
- consideration of customary dispute settlement mechanism for IPs

72. This GRM will handle all complaints, or suggestions, from project affected persons (APs) and other stakeholders, except issues involving land acquisition and resettlement.

73. Complaints involving land acquisition and resettlement are to be dealt with by a separate GRM established by the General Department of Resettlement (GDR), which is responsible for implementing all land acquisition and resettlement. If land acquisition is required in any IP community, the IPP for that community or group and the Abbreviated Resettlement Action Plan (ARAP) for that site should be consistent with one another, and the Grievance Redress Mechanism set up by the GDR should be culturally appropriate and readily accessible to members of the IP community.

#### **5.3.1 Grievance Redress Committees**

74. Grievance Redress Committees (GRC) for the WASAC will be established at the commune, district, and provincial levels. If any GRC already exist under the WaSSIP at these levels, those GRC will be adapted for the WASAC.

75. The first stage for conflict resolution will be at the village or commune level. The project will use existing conflict resolution mechanisms of the IP communities at this level, depending upon community elders and/or spiritual or tribal leaders whose decisions are generally accepted by the local communities.

76. MISTI & MPWT will request the Provincial Governor to establish GRCs at the provincial level and at the district and commune levels wherever the project is being implemented. The Provincial GRC will be headed by the Provincial Governor or Provincial Vice-Governor, District GRC will be headed by District Chief, and Commune GRC by Commune Chief. The GRCs are to serve throughout the life of the WASAC.

77. If possible, members of the Commune level GRCs should include at least one representative of APs / IPs, selected by the APs or the IP community; one representative from a local NGO or other Civil Society organization (CSO). Women must be represented in the GRC.

78. Also, members of the District and Provincial level GRCs should include relevant administrative officials, such the

Provincial / District Officers and representatives from any other concerned agencies, at least one representative of APs / IPs in that province / district, selected by the APs or the IP community, one representative from a local NGO or other Civil Society organization (CSO). Women must be represented in the GRC.

### 5.3.2 Stages of the Grievance Redress Mechanism

79. **At the Village level:** In villages where Indigenous People (IP) are affected directly or indirectly, all complaints shall be discussed among the villagers in the presence of traditional village leaders or elders and negotiations carried out with representatives of the project in the community or village where the AP lives. The project representatives will keep a record of the complaint, the decision how to resolve the grievance, and whether or not the aggrieved person(s) agree to the decision.
80. **At the Commune level:** An aggrieved AP/IP may bring his/her complaint, either in writing or verbally, to the commune chief directly. The commune chief is responsible for keeping a log and documenting all complaints received. The commune chief will call for a meeting of the Commune GRC within 15 days of the complaint being lodged, to decide how to resolve the complaint. If after 15 days a decision has not been made or delivered to the AP, or if the AP is not satisfied with the decision taken at this stage, the complaint may be brought to the District Office either in writing or verbally.
81. **At the District level:** The District GRC will convene within 15 days after receiving a complaint, to meet with the aggrieved party and decide how to resolve the issue. The District GRC will appoint one of its members to be responsible for keeping a log and documenting all complaints received by the committee. If the grievance cannot be resolved at this stage, either the District GRC or the AP can take the complaint in writing to the Provincial GRC.
82. **At the Provincial level:** The Provincial GRC will convene within 30 days after receiving a complaint, to meet with the aggrieved party and decide how to resolve the issue. The Provincial GRC will appoint one of its members to be responsible for keeping a log and documenting all complaints received by the committee. A decision must be made and informed to the AP in writing within 30 days of the submission of the grievance to the Provincial GRC.
83. There are no fees or charges levied on the AP for lodging the complaint or processing of the complaint up to this stage. If the AP is not satisfied with the decision of the Provincial GRC, the aggrieved AP can file a suit at the Provincial Court to seek a resolution. The AP will be made fully aware that such actions will be at the cost of the AP.
84. **Provincial Court:** If the aggrieved AP is not satisfied with the decision of the Provincial GRC based on the agreed policy in the RPF-RAP or IPPF-IPP, the AP can bring the case to the Provincial court, at the cost of the AP. The project will no longer be involved in the process, unless there is a judicial order from the court. During litigation of the case, RGC will request to the court that the project proceed without disruption while the case is being heard. If any party is dissatisfied with the ruling of the provincial court, that party can bring the case to a higher court. The RGC shall implement the decision of the court.

### 5.4 Capacity Building

85. Training need assessment (TNA) will be conducted at all levels, from PMUs down to the communities, to determine understanding of the relevant safeguards policies and their application. These will cover relevant laws, regulations and policies of the RGC and ESS7 on Indigenous Peoples and ESS10 on Stakeholder Engagement and Information Disclosure, including the Grievance Redress Mechanism, as well as the practical application of the IPPF and other relevant documents (such as the ESMF and the RPF).

### 5.5 Schedule

86. An IPP shall be prepared as soon as a site-specific subproject is selected and screening determines that an IPP is needed. The IPP will then be submitted to the World Bank as part of the implementation plan. Prior to the commencement of the implementation, the IPP shall be disclosed on the MISTI & MPWT's websites and the World Bank's website.
87. A copy of the IPP in Khmer language shall be placed in the commune council of the target areas where indigenous peoples can access it and a summary shared with IP groups in a format of their preference (i.e., in their own language, pictorial, or any other format they prefer).

## 5.6 Budget

88. Budget for implementing the IPPF will be part of the Project budget. It will be used to cover the costs of project staff allowances and consultant fees to prepare SAs and IPPs, and compliance reports including supervising and monitoring reports and data collection. Budgets for implementing each IPP will be considered separately.
89. This rough estimate assumes that the main cost will be for IP screening. It is estimated that about three (03) subproject areas for both components will serve IP communities. Input from project staff for screening will be about 3 days per area serving the IP communities.
90. Although no IPPs are expected, the budget is prepared with the assumption that no more than three (03) communities might require an IPP. For each IPP, input from project staff will be about 10 days per IPP, input from consultants about 5 days per IPP, input for interpretation and translation about 5 days and another 5 days of transport per IPP. A lump sum is provided for the estimated budget for data collection and other expenses.

**Table 3:** Budget Estimate for Each IPP Implementation

No.	Items	Duration (Days)	Rate in USD	No of IPPs	Amount in USD
1	Staff allowance for screening	3	150	3	1.350
2	Staff allowance for IPP preparation	10	120	3	3.600
3	Consultant fee	5	180	3	2.700
4	Transport	5	100	3	1.500
5	Data collection	1	120	3	360
6	Translation/Interpretation fees	5	120	3	1.800
7	Others	1	500	3	1.500
<b>Total (In US Dollars)</b>					<b>12.810</b>

91. Budget for implementing IPPF/IPP will be part of the project budget. The budget covers the costs of project staff allowances and consultants to prepare compliance reports including supervising and monitoring reports, data collection, social assessment, and preparation of IPP.
92. The IPP will include information on detailed cost of mitigation measures and other rehabilitation entitlements for indigenous peoples in the affected areas and administrative and monitoring costs. Sources of funding for the various activities and financing plans for IPP will be indicated when an IPP is developed. Costs for land expropriation, if any, shall be financed by the counterpart funds, while the training and consultation costs shall be financed by the World Bank (IDA).



## **ANNEX 1: Technical Guidelines for Consultation, and Preparation of IPP and Other Safeguard Documents**

93. The consultation framework is designed to help to ensure that indigenous peoples are well informed, consulted and mobilized to participate in the investments to be supported under the WASAC. Their participation will not only make project activities more sustainable but also provide benefits with more certainty, or protect them from any potential adverse impacts of investments to be financed by the project. The main features/process of the consultation framework includes an environmental and social impact assessment to determine the degree and nature of impact supported by the project. An Indigenous Peoples Plan (IPP) will be developed if indigenous people communities are found to be present in or have collective attachment to areas affected under the respective project implementation plan. Consultations with and participation of indigenous peoples, their leaders and local government officials will be an integral part of the overall IPP, which should be prepared along with other required project reports.
94. The consultation process involving indigenous groups would provide a comprehensive baseline data on social, economic and technical aspects of each investment particularly for those areas that have been identified with ethnic groups during the project screening (preparation). This also includes participatory mapping to determine exact location of construction sites, land size requirement, other resources used by the communities, and also location of IP communities. The checklist for screening indigenous people will indicate whether or not the indigenous peoples are found in the project area or otherwise affected by the project, and further identify potential social issues on indigenous peoples because of the investments. The MISTI/MPWT will undertake specific measures to consult with, and give opportunity to, indigenous populations to participate in decision making related to the investments, should they so desire.
95. All target areas that have indigenous people communities and are candidates for project support will be visited (at the time of first consultation with communities) by the Project team including social safeguard focal person/consultants and relevant local authorities, including personnel with appropriate social science training or experience. Prior to the visit, the Project will send notice to the communities informing their leaders that they will be visited by the respective focal person and local authorities and that consultation will be conducted to seek support of the project intervention and to determine potential adverse impacts as well as possible support from the project in order to address the potential impact. The notice will request that the communities shall invite to the meeting representatives of farmers, women association and village leaders, or others as appropriate. During the visit, the community leaders and other participants will present their views with regards to the proposed activities.
96. The WASAC project team will identify and utilize the existing community grievance mechanism to take into account specific cultural attributes as well as traditional-cultural mechanisms for raising and resolving issues—to ensure that the concerns of different ethnic groups are received and addressed during project preparation, implementation and beyond project completion. To achieve this, projects would (a) identify and determine culturally acceptable ways to address grievances from significantly different ethnic groups within affected communities, including different ethnic or cultural groups within the project-affected area; (b) understand cultural attributes, customs, and traditions that may influence or impede their ability to express their grievances, including differences in the roles and responsibilities of subgroups (especially women) and cultural sensitivities and taboos; and (c) agree on the best way to access grievance mechanisms, taking into consideration the ways communities express and deal with grievances.
97. At this visit, the Project focal person or relevant official with social expertise will undertake a screening for indigenous peoples with the help of indigenous people leaders and local authorities. The screening will check for the following:
- a) Names of ethnic groups in the affected villages/commune;
  - b) Total number of ethnic groups in the affected villages/commune;
  - c) Percentage of ethnic people in affected villages/communes; and
  - d) Number and percentage of ethnic households within a described zone of influence of the proposed investments. (The zone of influence should include all areas in which investments-related benefits and adverse impacts are likely to be relevant.)

98. Once target areas have been selected by the MISTI/MPWT through screening process and indigenous peoples are identified, a pre-social assessment will be conducted to take note of affected assets (though this would be done in more detail in RAPs, if necessary), baseline socioeconomic survey, and PRA method. Social and economic profile of beneficiary population or project-affected people will be collected. Consultations will be carried out for each of the beneficiary/affected communities/villages and the respective communes, ascertaining their broad community support and determining the potential impacts and possible support under the Project. The outcome of this process will be the basis to develop safeguard documents as part of the project implementation plan that include:

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

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

### **Social Assessment (SA)**

100. The SA will be conducted by qualified social development specialist knowledgeable about the culture of the concerned ethnic minorities. The social assessment will not only gather relevant information on demographic data, social, cultural and economic situation, but also project impacts covering and social and economic aspects, either positive or negative, determine the extent of impact, possibilities of avoiding or minimizing, ways of mitigating, and opportunities for benefits. The breadth, depth, and type of analysis required for the social assessment will be proportional to the nature and scale of the proposed project's potential effects on the Indigenous Peoples. Outcomes of the assessment will be used to prepare an IPP.

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

- a) A review, on a scale appropriate to the project, of the legal and institutional framework applicable to Indigenous Peoples.
- b) Gathering of baseline information on the demographic, social, cultural, and political characteristics of the affected Indigenous Peoples' communities, the land and territories that they have traditionally owned or customarily used or occupied, and the natural resources on which they depend.
- c) Taking the review and baseline information into account, the identification of key project stakeholders and the elaboration of a culturally appropriate process for consulting with the Indigenous Peoples at each stage of project preparation and implementation.
- d) An assessment, based on consultation, with the affected Indigenous Peoples' communities, of the potential adverse and positive effects of the project. Critical to the determination of potential adverse impacts is an analysis of the relative vulnerability of, and risks to, the affected Indigenous Peoples' communities given their distinct circumstances and close ties to land and natural resources, as well as their lack of access to opportunities relative to other social groups in the communities, regions, or national societies in which they live.
- e) The identification and evaluation, based on the consultations with the affected Indigenous Peoples' communities, of measures necessary to avoid adverse effects, or if such measures are not feasible, the identification of measures to minimize, mitigate, or compensate for such effects, and to ensure that the Indigenous Peoples receive culturally appropriate benefits under the project.

102. Consultations will be conducted through a series of meetings, including separate group meetings: ethnic village chiefs; ethnic men; and ethnic women, especially those who live in the zone of influence of the proposed work under the target areas. All consultation will be conducted in easily accessible locations. All will be carried out in relevant local languages. Discussions will focus on investments impacts, positive and negative; and recommendations for design of investments. If during the series of consultation meetings, the communities reject the proposal even after all measures to mitigate negative impacts are considered, the investments will not be approved (and therefore no further action is needed).

103. Updated social assessment will also be carried out periodically during project implementation as part of monitoring process in order to identify unexpected adverse impacts and to propose mitigation measures. Experience from previous projects indicates unexpected adverse impacts occurred during construction or cause by overlooked issues during the project screening. If the impact is significant IPP will be updated based on outcome of updated social assessment.

### **Indigenous People Plan (IPP)**

104. On the basis of the social assessment and in consultation with the affected Indigenous Peoples' communities, the Project will prepares an Indigenous Peoples Plan (IPP) that sets out the measures through which the WASAC will ensure that (a) Indigenous Peoples affected by the project receive culturally appropriate social and economic benefits and (b) when potential adverse effects on Indigenous Peoples are identified, those adverse effects are avoided, minimized, mitigated, or compensated for. The IPP is prepared in a flexible and pragmatic manner and its level of detail varies depending on the specific project and the nature of effects to be addressed. The borrower integrates the IPP into the project design. When Indigenous Peoples are the sole or the overwhelming majority of direct project beneficiaries, the elements of an IPP should be included in the overall project design, and a separate IPP is not required. In such cases, the Project Appraisal Document (PAD) includes a brief summary of how the project complies with the policy, in particular the IPP requirements.

105. The IPP includes the following elements, as needed:

- 1) A summary of the information about (a) legal and institutional framework applicable to Indigenous Peoples and (b) baseline information on the demographic, social, cultural, and political characteristics of the affected Indigenous Peoples' communities, the land and territories that they have traditionally owned or customarily used or occupied, and the natural resources on which they depend.
- 2) A summary of the social assessment.
- 3) A summary of results of the consultations with the affected Indigenous Peoples' communities that was carried out during project preparation and that led to broad community support for the project.
- 4) A framework for ensuring continued consultation with the affected Indigenous Peoples' communities during project implementation.
- 5) An action plan of measures to ensure that the Indigenous Peoples receive social and economic benefits that are culturally appropriate, including, if necessary, measures to enhance the capacity of the project implementing agencies.
- 6) When potential adverse effects on Indigenous Peoples are identified, an appropriate action plan of measures to avoid, minimize, mitigate, or compensate for these adverse effects.
- 7) The cost estimates and financing plan for the IPP.
- 8) Accessible procedures appropriate to the project to address grievances by the affected Indigenous Peoples' communities arising from project implementation. When designing the grievance procedures, the borrower takes into account the availability of judicial recourse and customary dispute settlement mechanisms among the Indigenous Peoples
- 9) Mechanisms and benchmarks appropriate to the project for monitoring, evaluating, and reporting on the implementation of the IPP. The monitoring and evaluation mechanisms should include arrangements for the continued consultation with the affected Indigenous Peoples' communities.

106. To prepare IPP, the information below is required:

- The basic census, socio-economic data and inventory of affected assets
- Household ownership of economic and productive assets
- Annual income from primary and secondary employment opportunities
- Economic information of community (e.g., brief information on economic and natural resources, production and livelihood systems, tenure systems)
- Social information of community (e.g., description of kinship, value system, types of social organizations of formal and informal groups)
- Potential impact of proposed project activities on basic social services (e.g., water supply, clinics and schools)
- Potential impact of project activities on the social and economic livelihood.

## ANNEX 2: Preliminary screening of indigenous peoples

<b>Date of Screening</b> (should be at time of first consultation with the commune/village)	Date:
<b>Persons Completing Screening Form</b>	Names and positions
<b>Persons Consulted During Screening</b> (ethnic leaders, village leaders, commune chief)	Names and positions of those consulted
<b>Name of Subproject</b>	
<b>Province:</b> _____ <b>District:</b> _____ <b>Commune:</b> _____	

Name of village within project catchment	Potential Impacts on the village	Name of indigenous groups in the village (one group per line)	Number of IP Households for each group	Number of IP population	
				Total	Female

### ANNEX 3: Guidance on the Criteria in ESS 7 to Determine IPs

107. This Annex helps to explain the four criteria used by the WB to determine whether a given group should be considered an Indigenous Group/Indigenous Peoples. This is to be used after initial screening, to help determine if the identified ethnic minority groups should be considered as IPs under ESS7.

108. The World Bank's ESS7 notes that the term "IP" is used in a generic sense to refer exclusively to a distinct social and cultural group possessing the following four characteristics in varying degrees.

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

109. It is important to note that as per ESS7, there is no hierarchy to the four characteristics, and all of them need to be present. However, they may be present in varying degrees. "Varying degrees" reflects the fact that some characteristics may be less evident for some groups or communities through integration into the broader society or economy, sometimes as a result of government policy.

110. Moreover, given the varying contexts and characteristics of IP today, a group may possess defining characteristics and thereby be covered by the policy in one region, but may be more fully integrated and lack the defining characteristics in another region of the same country, or in a neighboring country. Furthermore, the collective attachment of groups to their traditional territories may have been forcibly severed due to government resettlement programs and other disruptions. Some groups may no longer speak their own language, or it may be spoken by only a few or even none. The role of traditional institutions may also be eroding or have been replaced by official administrative structures. These factors alone do not disqualify groups from being covered under ESS7, but are assessed in the final determination made by the World Bank.

<p><b>1. Self-identification as members of a distinct indigenous social and cultural group and recognition of this identity by others</b></p>
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<p><b>Questions and Factors to Consider (in addition to those in the legal framework or commune database)</b></p>
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- |   |
|---|
| <ul style="list-style-type: none"> <li>• Do the IPs identify themselves as a social and cultural group distinct from the predominant national Khmer society and culture?</li> <li>• What do the IPs view as some of the characteristics that distinguish them from others?</li> <li>• Do others see members of this IP community as part of a distinct social and cultural group? What are some of the distinguishing characteristics? [this can include physical characteristics, religion and customs, housing, dress, livelihoods, etc.]</li> <li>• Note: it is important they are seen as a distinct group, socially and culturally, and not just as IP as defined by the government</li> </ul> |
|---|

<p><b>2. Collective attachment to geographically distinct habitats, ancestral territories, or areas of seasonal use or occupation, as well as to the natural resources in these areas;</b></p>
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### Questions and Factors to Consider

- Note: it is not relevant whether IP groups have collective title to the land or not, given that the number of IP groups with collective land title is still very low in Cambodia.
- How long has the community lived on or used the land and/or used the affected resources? Do they consider that land and/or those resources to be their ancestral or traditional land and/or resources? [describe the resources, if not associated with the land where they live, such as forest products, fisheries, wildlife, etc.]
- Do they use any lands or resources elsewhere, including seasonal use of those lands or resources according to their custom and traditions? Are these lands or resources shared with any other communities? [Note where the lands are located, what resources. If seasonal uses, during what times of the year? If shared, with what communities?]
- Are there any members of the community who remember being moved from or prevented from using ancestral or traditional lands or resources? When were they moved or prevented from this traditional use? Where were those ancestral or traditional lands or resources?
- If necessary, the project should try to find anthropological, ethnographic or legal data that can validate these uses, or seek an expert who can validate these uses.

### 3. Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture

#### Questions and Factors to Consider:

- Does the community have traditional leaders or a traditional leadership structure? If so, how do they interact with other levels of government, such as the commune leadership? Does the community have an internal decision-making process distinct from the official administrative structure or process?
- What are the main economic activities of the community?
- Have the economic activities changed over time? If so, have these changes impacted their identity, other cultural practices, traditional knowledge, language, etc.?
- Does the community have traditional education/learning systems or medicine/health systems distinct from those of the broader society? How are they distinct?
- Do children from the community attend government schools? How does the community view these schools and the education provided?
- Do people from the community make use of government health facilities? Is there any preference between the government health facilities and traditional medicine/health care?
- Does the community practice a traditional religion distinct from any of the major religions in the broader society?
- Does the community have any rituals, ceremonies that are distinct to their group?

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

#### Questions and factors to consider:

- Does the community have a distinct language or dialect [now or in the recent past]?
- Do many members of the community still speak their distinct language or dialect?
- Do many members of the community= speak and understand Khmer? Do they use Khmer in their day-to-day lives, or only when dealing with outsiders and the broader community?