Appraisal Environmental and Social Review Summary

Appraisal Stage

(ESRS Appraisal Stage)

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The project development objective is to provide access to land tenure security, agricultural and social services, and selected infrastructure to small farmers and communities in the project areas.

### B. Is the project being prepared in a Situation of Urgent Need of Assistance or Capacity Constraints, as per Bank IPF Policy, para. 12?

No

### C. Summary Description of Proposed Project [including overview of Country, Sectoral & Institutional Contexts and Relationship to CPF]

LASED III would follow a two-pronged approach, (i) consolidating through complementary activities the current SLC program under LASED II and expanding it into new SLC sites; and, (ii) implementing an adapted approach into communities of indigenous people in new project provinces. It would build on the successful and well-established procedures under LASED and LASED II for implementing SLC activities, and also make an adapted use the “ICLT
manual” prepared by the OHCHR, in consultation with MRD, MoI, the Ministry of Land Management, Urban Planning and Construction (MLMUPC), the Ministry of Environment (MoE), the Ministry of Agriculture, Forestry and Fisheries (MAFF), and several civil society organizations.

LASED III’s approach to Social Land Concessions (SLCs) and Indigenous Communal Land Titling (ICLT) will be demand-driven and “first come-first served”; the allocation of both SLCs and ICLTs will be commune-based and IP communities (IPCs)-driven, rather than pre-determined by the project. This will allow the project to be more responsive to the needs of land recipients (TLRs) and the capacities of communes/communities and IPCs; this will also allow beneficiaries to have more ownership of project’s activities.

The project will provide: (i) land tenure security through titling for project’s beneficiaries; (ii) support for site planning; (iii) social and economic infrastructure; (iv) settling-in and agriculture startup support to land recipients (TLRs); and, (v) sustainable agriculture-based livelihoods, backed by an effective agricultural services delivery system.

The project would cover about 71 SLC sites and IP communities (IPC): (i) about 15 IPCs would be provided support services to complete their communal land titling processes (ICLT); (ii) up to about 45 IPCs would be provided with development support activities, once they have received titles for their lands.; (iii) about 12 new SLC sites; and (iv) the 14 SLC sites currently covered by LASED II wherein the project would carry out limited, discrete and complementary activities such as small-scale irrigation and agriculture access track roads across SLC sites. Direct LASED III beneficiaries would approximate 9,000 new rural households plus the 5,000 households at existing LASED II SLC sites. Furthermore, benefits from improved infrastructure availability and usage would accrue to a broader population, beyond the targeted households in the project areas.

It is not likely that before the start of the project all the potential sites and communities would be identified and fully delineated, and all potentially required reclassification and/or reallocation completed. However, the Project Implementation Manual (which will be completed before the start of the negotiations of the IDA Credit) will include necessary guidance to ensure that selection of all sites and communities would be in accordance with relevant Cambodian laws and with World Bank ESF requirements.

D. Environmental and Social Overview
D.1. Project location(s) and salient characteristics relevant to the ES assessment [geographic, environmental, social]

LASED III is a project with national scope and will include activities in the existing SLC sites in Kampong Chhnang, Kampong Speu, Kampong Thom, Kratie, Tbong Khom and Kratie Provinces, and support to the existing and new ICLT sites, which are largely in Kratie, Ratanakiri, Mondulkiri, Stung Treng and Preah Vihear Provinces. It is expected that new SLC and ICLT sites will be located mainly in the northeastern provinces: Kampong Thom, Kratie, Mondulkiri, Preah Vihear, Ratanakiri and Stung Treng, which have low population densities and available land and are home to Cambodia’s major indigenous communities (ICs).

Northeast Cambodia encompasses areas of international importance for biodiversity such as Virachey National Park which contains Cambodia’s only upland forest and is said to be a habitat for elephants and tigers; Kulen Promtep Wildlife Sanctuary with the largest swamp in northern Cambodia; Lomphat Wildlife Sanctuary with evergreen, open deciduous and mixed deciduous forest, riverine habitats and small wetlands; Phnom Man Lyr Sanctuary in Mondulkiri
that consists of evergreen forest and is said to contain tigers, elephants, pygmy lorises and green peafowls; and the Mekong River system that includes Tonle Sekong, Tonle Sre Pork, Tonle Sesan, Stung Treng Flooded Forest and Kratie River system-protected wetlands which are an important habitat for birds, fish, and the endangered Mekong dolphin.

The target beneficiaries for LASED II sites have been the landless and land poor. Under the original LASED and LASED II no indigenous communities were affected. LASED III will include indigenous communities as beneficiaries and will mitigate any unavoidable adverse impacts they would be exposed to. These communities have traditional ways of life and mostly cultivate their land according to customary rules of collective land use. In Cambodia there are 24 different indigenous groups (approximately 220,000 people) living mostly in the remote north-eastern provinces of Ratanakiri, Mondulkiri, Kratie and Stung Treng, which will also contain the majority of the ICLTs to be supported by LASED III.

Indigenous communities commonly rely on forest products in the surrounding environment, and collectively managed land is often the foundation of their livelihoods, social organization and identity. The Project’s support to ICLT builds on the 2001 Land Law that provides communal land rights of indigenous peoples, the 2008 Protected Area Law, and the 2009 National Policy on the Development of Indigenous Peoples (NPDIP) that aim to support indigenous communities regarding land tenure security and the protection and maintenance of their culture.

D. 2. Borrower’s Institutional Capacity

Project implementing agencies (MLMUPC, MAFF and provincial administrations) have gained good insights and experience in operationalizing some of the World Bank safeguards policies. However, LASED III will present additional challenges, including adjusting to the requirements of the Environmental and Social Framework (ESF) and additional requirements resulting from the inclusion of ICs. The MLMUPC is the project executing agency and will lead the overall implementation planning and coordination in collaboration with the other implementing agencies. A Project Steering Committee (PSC) will carry out necessary inter-ministerial coordination and will provide strategic guidance and support for the resolution of obstacles or bottlenecks in coordination and collaboration. The committee will be chaired by the Minister (or his delegate) of the MLMUPC and will reflect the composition of the National Committee for Social Land Concession. Given the importance of IC target groups under LASED III, high-level memberships of relevant secretaries of state or above will ensure that the PSC provides a quick and transparent implementation support.

Weaknesses noted in implementation of the safeguards in LASED-II include (a) no proactive analysis of potential risks beyond those addressed by the procedures; (b) non-spatial issues such as poor solid waste management not identified and addressed; and (c) insufficient monitoring and reporting of Environmental and Social (E&S) issues as part of the project operations. The transition to the ESF will require that project staff and implementing agencies at all levels, including local authorities, contractors and suppliers develop a broad understanding of the ESF approach including the concept of proportionality and adaptive management of E&S risks. Within the overall framework of the Stakeholder Engagement Plan (SEP), this will also require development of specific capacity in relation to each environmental and social standard (ESS), especially regarding: ESS2 - labor and working conditions, particularly for workers employed by project contractors and suppliers; ESS4 - identification and management of community health and safety risks; ESS5 – preparation and implementation of location specific Resettlement Plans to manage and mitigate land acquisition impacts; ESS7 - preparation and implementation of location specific Indigenous Peoples Plans and undertaking a free, prior and informed consent (FPIC) process for land titling activities; and ESS8 – through engagement with key stakeholders to identify, assess and manage risks to cultural heritage in particular intangible culture. Cultural heritage, both tangible and intangible is often central to lifeways of indigenous peoples.
Each LASED implementing agency will have two Government officials nominated as focal persons, one specialized on environmental and one on social aspects. NGO partners to be selected during project implementation will be required to nominate one focal person for E&S risk management. The key responsibilities of these focal points include conducting environmental and social screening and preparation of ESMPs and other instruments as needed and supporting the monitoring and reporting of the E&S Risk Management Advisers. Lessons learned from LASED II suggest that capacities and performance of these focal persons vary among these agencies. Focal persons of MLMUPC and MAFF have limited experience. Much of the responsibility on implementation of environmental and social risk management is expected to fall on provincial and commune level personnel. For managing labour related risks and impacts, contractors and primary suppliers are expected to have measures in place for identifying, assessing and managing risks and impacts. Further institutional capacity building measures, including additional resources to implement the Environmental and Social Commitment Plan (ESCP) and/or Environmental and Social (ESMF), would ensure ownership and sustainability of the project and beyond. An example is that LASED III will provide basic capacity building to the NGO community development facilitators as well as to Commune Councillors in new project sites.

It is anticipated that the risk management provisions for labour and working conditions in line with ESS2 will be unfamiliar to construction contractors working for LASED III will not be familiar with the provisions for labour and working condition risk management in line with ESS2. Therefore, in addition to imposing compliance with these standards as a contract condition in the ESMF/Environmental and Social Management Plan (ESMP), contractors’ management and supervisory staff will be mandated to undertake short courses on employment law, labour rights and safe working practices. Both the inclusion of ICLT in LASED III and the possibility of land acquisition will also require capacity enhancement of Government focal persons and NGO partner staff regarding social analysis, engagement, participatory planning (including FPIC), and the communal land titling process. In most cases, building capacity to implement E&S risk management for LASED III will require repeat trainings, either as refresher courses, for new or additional groups of trainees, or for some purposes outside the context of the project. It will be worthwhile to invest in developing well-designed training modules in Khmer language, with key content, visual materials, examples and exercises. Training and materials will also need to be adapted to the language and culture of various indigenous groups. Target trainees will include staff of the different LASED III implementing agencies, province, district and commune administrations, NGO partners, contractors and suppliers and members of project beneficiary communities. It is anticipated that all project staff will receive basic training in the concepts and framework for E&S risk management for LASED III. E&S risk management advisers and focal points will receive the most intense and comprehensive training.

While US$1,178,000 is allocated in the ESMF to meet requirements and activities related to E&S risk management, many of the costs of implementing the ESCP and ESF instruments for LASED III will be integrated into project budget lines, for example for the planning and implementation of location specific SLC and ICLT activities. Equally, the benefits of the ESMF will not appear in isolation but in enhanced outcomes and in reduced incidence or severity of negative impacts. A capacity building plan in the ESMF will be elaborated during project implementation with specific activities, responsibilities, timeframe of activities, responsibilities on the Bank and borrower side, and monitoring of efficiency and costs.

II. SUMMARY OF ENVIRONMENTAL AND SOCIAL (ES) RISKS AND IMPACTS
A. Environmental and Social Risk Classification (ESRC)

Environmental Risk Rating  Substantial

The environmental risk is rated Substantial considering that the project activities and investments unlikely result in significant or irreversible environmental impacts. Risks and impacts are less diverse and they are predictable. The nature and magnitude of environmental impacts are limited to:
(a) Biodiversity in relation to the land use planning (LUP) process which includes: potential impact to sensitive locations (hotspots) through inclusion within SLC and ICLT boundaries, and negative impacts induced by development such as damage to hotspots that are outside or excluded from the SLC/ICLT land, but suffer increased exploitation as a result of easier access after SLC/ICLT is established;
(b) Activities related to the LUP such as potential pollution resulting from inadequate waste management at residential sites, water supply requirements, injuries resulting from explosive remnants of war (ERW), infection of waterborne and vector-borne diseases due to settlement;
(c) Construction of community infrastructure such as noise, dust, sedimentation, erosion, waste disposal, management of storm water, and community and workers health and safety;
(d) Community health and safety of the agricultural and livelihood activities; and
(e) Borrowers’ limited capacity to manage environmental risks and impacts. The implementing agencies have gained good insights and experience in operationalizing some of the World Bank safeguards policies. However, LASED III will present additional challenges, including adjusting to the ESF requirements.

The project’s ESMF captures adverse risk and mitigation measures, which are summarized in ESS1.

Social Risk Rating  High

The social risk rating is classified as High. While the project aims to deliver a range of benefits including economic development and community livelihood opportunities, project activities have the potential to generate significant social impacts, direct and indirect, due to the range of activities related to land consolidation, indigenous community lands, indigenous community access to forest and Protected Area (PA) land, agriculture, and infrastructure. The scale of the proposed activities, across sensitive locations (indigenous areas and PA land), and new focus on ICLT, presents risks particularly related to collective registration of indigenous communities’ lands. Indigenous communities and their access to land and resources are under significant pressure from external agents often connected to powerful and resourceful people as well as in-migration and settlement by poor people. While the Project aims to assist indigenous communities through strengthened land tenure, these pressures and inherent social risks around land and natural resource management pose significant risks to local communities, including potential social conflicts within communities and between communities and external actors. The Land Law only provides tenure to some land use types, and indigenous peoples’ access to some customary land use areas may be affected and would depend on establishing or strengthening other tenure arrangements for these areas (e.g. forest and protected areas).

The project will support the process for developing SLC site and ICLT titling for some sites, establishment of infrastructure and livelihood systems including land preparation, provision of social and economic infrastructure, agriculture support and livelihood development. Restrictions on access to land and natural and cultural resources resulting from these activities may impact on nature-based livelihoods and tenure of vulnerable or marginal households and communities. These potential adverse social impacts of the project, and the associated mitigation measures, may also impact the well-being of some sections of the affected communities, including from social conflict.
or harm. Indirect impacts resulting from both ICLT and SLC activities may include increase in social inequality and conflict, and some beneficiaries may have difficulties adapting to new livelihoods and land and resource management arrangement, particularly disadvantaged and vulnerable people.

The success of this project for ICLT will, to some degree, depend on ensuring meaningful engagement and FPIC to deliver on project objectives. There will be a need to strengthen existing government processes to meet ESF standards and the capacity of a range of agencies, institutions, and contractors to manage risks related to labour and working conditions, worker and community health and safety, and complex and inclusive stakeholder engagement and FPIC and to avoid elite capture. There will also be a need to improve communication and coordination between MoE and MoA regarding the mapping of PAs and potential inclusion in ICLTs of parts or all of the PAs sustainable use zone, and community zone, as well as establishing a coordination mechanism of relevant ministries to discuss the potential inclusion of parts of PAs (community and sustainable use zones) into ICLT land even if PAs are not fully zoned.

B. Environment and Social Standards (ESSs) that Apply to the Activities Being Considered

B.1. General Assessment

ESS1 Assessment and Management of Environmental and Social Risks and Impacts

Overview of the relevance of the Standard for the Project:

The LASED project (P084787) ran from 2008 to 2015 and supported LASED sites in seven communes in Kratie, Tbong Khmum, and Kampong Thom provinces. In total 3,148 households were provided 10,273 hectares across the seven LASED sites. The sites were mainly sourced from degraded forest lands and partially through recovered illegally occupied lands, however this latter category was not used for sites. No land was available from cancelled Economic Land Concessions at the time of site identification nor sourced from privately owned land. The process for land selection included environmental and social screening, and development of land use planning with beneficiary households. The process for selection of beneficiary households (landless and land poor) was informed by a number of indicators which take into account group identity, household size, income, land ownership (or lack of), willingness to be part of project, vulnerability and disability. The beneficiaries were provided with land and materials for housing and agriculture, and with capacity building in agricultural activities through demonstration activities such as chicken raising, pig raising, composting, rice production/intensification, planting of fruit trees, home gardening, and vegetable production and marketing. Community infrastructure was provided in form of roads, health posts, community halls, water wells and primary schools. Non-governmental organizations were key stakeholders in ensuring information dissemination, and transparency and oversight in the selection process of land recipients.

LASED II (P150631), operational since 2016 and expected to close in 2021, covers 14 sites in the five provinces of Kratie, Tbong Khmum (formerly part of Kampong Cham), Kampong Thom, Kampong Chhnang, and Kampong Speu. LASED II continued to support the original 7 and expanded to a total of 14, to allocate 17,000 hectares to benefit some 5,150 households. Nationwide, LASED III expects to support 71 sites (14 existing SLC sites; 12 new SLC sites; and 45 ICLT of which 15 sites will be supported for the latter part of their communal titling process). Some of the existing 14 sites, in the five provinces of Kratie, Tbong Khmum (formerly part of Kampong Cham), Kampong Thom, Kampong Chhnang, and Kampong Speu, will mainly receive irrigation related infrastructure investments. Activities for 12 new SLC sites include titling, site planning, infrastructure (housing, primary schools, health posts, teacher and health worker accommodation, community centres, markets), agriculture (land, annual and perennial crops, grazing,
poultry; food stores), water (irrigation, wells, ponds, dams and pipelines, pumps and drainage, water tanks), primary supply (rice – Food for Work, agriculture start up – fruit trees; vegetables (seeds); poultry; household start-up – housing material; solar lamps), and roads (connecting main roads, residential, and agricultural). The locations for these are not determined. For ICLT potentially 15 sites will be supported towards achieving registration and titling. Once titled they will receive the same investments as the 30 titled ICLT sites. The already titled 30 ICLT will have investments on livelihoods and infrastructure similar to new SLC sites, except for titling and housing, and based on the needs of the communities. Most of the ICLT sites are located in Kratie, Mondulkiri, and Ratanakiri.

To inform the preparation of the ESMF, high level social data was collected at the provincial level (Kampong Thom, Kratie, Mondulkiri, Ratanakiri, Stung Treng; and Preah Vihear) and visits and investigations at selected locations within the target provinces was undertaken (potential SLCs in Phan Nheum and Kraya Commune of Kampong Thom Province; potential ICLT at Poutrom, La Eun Kren, Khmeng and Katot, in Mondulkiri, Ratanakiri, and Stung Treng Provinces); and existing SLCs at Tipo 1 and 2, Kampong Thom Province). The ESMF includes a risk assessment concerning ESS 2 to 8. The ESMF also includes Labor and Working Conditions Procedures (LWCP), Resettlement Policy Framework (RPF), Indigenous Peoples Planning Framework (IPPF) and Cultural Heritage Protection Framework (CHPF) as measures to inform screening, assessment and mitigations once sites are selected. The risks and measures presented in the frameworks are discussed in more details under each standard. An SEP has been developed and includes provisions for engaging key stakeholders, particularly members of beneficiary and affected SLC and ICLT communities. During the first year of implementation a project level Environmental and Social Assessment (ESA) will be undertaken informed by site-specific assessments for the SLC sites identified for the first phase of investments and a more detailed assessment of the ICLT approach. There will be no investments for ICLT sites during the first year; see ESS7 section below. For subsequent phases of implementation, site-specific ESAs and SEPs will be prepared for both SLC and ICLT sites.

For those existing sites that may get irrigation investments, and where baseline surveys are in place, the screening will determine if a site-specific social assessment is necessary. The ESMF includes an updated screening tool for SLC sites for environmental and social risks and impacts for infrastructure investments. For sites involving indigenous communities, site specific social assessments and SEPs will be prepared during project implementation to understand and address project related risks and impacts, inform ICLT titling and livelihood activities, inform the FPIC process and development of Indigenous Peoples Plans (IPPs).

LASED III is likely to bring positive environmental impacts including delivering a number of environmental and health benefits such as access to drinking water supply, access to sanitation facilities, and promotion of organic farming. Before settlement of land recipients and to ensure drinking water quality is in accordance with WHO’s standards, the following measures will be implemented: surface water and shallow aquifer groundwater supplies will be tested for chemical pollutants, deep aquifer groundwater supplies will be tested for arsenic (see ESS4 for details on Arsenic-related risk management), and all water supplies will be tested for pathogens.

Adverse environmental risks are related to biodiversity, inadequate waste management at residential sites, and community health and safety related to construction, agricultural and livelihood activities. Environmental risk management measures include: (a) implementation of LASED’s well-established spatial planning screening procedure (SLC sites) and a three-phase process for indigenous peoples to obtain collective land titles (ICLT sites) to ensure that biodiversity risks and impacts resulting from land identification, allocation and construction of community
infrastructure are adequately managed; (b) implementation of an effective solid waste management system at each project site, water supply testing, and UXO risk assessment in each site in consultation with CMAA/ Cambodian Mines Action Centre (CMAC); (c) mechanism and support for affected communities to sustainably manage their locally significant conservation areas; (d) management of typical impacts of small-scale civil works through the standardized Environmental Code of Practices (ECoPs)/ Environmental Management Plan (EMP) and Occupational Health and Safety Plan (OHSP) integrated into the contractor’s tender documents; and (e) implementation of standardized ECoPs and MAFF’s good agricultural practice (GAP) guideline on safe use, storage, and disposal of agriculture chemicals.

For new SLC sites, the spatial planning screening procedure will determine the need to conduct a regional ESIA, which addresses spatial planning and other issues taking into account (a) an assessment of all significant ES risks and impacts associated with the project land use planning, including water supply requirements and the preservation of surface/groundwater quality and quantity, waste management collection and disposal where regional approach will be established, and transport planning from the community health and safety point of view; (b) an evaluation of alternatives and recommend broad measures to strengthen ES risk management. Nevertheless, all new sites will prepare the location-specific ESMP that will include management of potential impacts and risks of each site through the 10-steps process for land use planning and titling, details in the ESMF. The ESMP will be developed based on an Environmental Assessment that incorporates maps, technical studies such as independent environmental audit, detailed agroecosystem analysis (AEA), environmental carrying capacity, and results from an infrastructure needs assessment. For the existing SLC sites, investments will be mainly irrigation works. The project will conduct an environmental screening to ensure the application of the project’s negative list and identify types of ESF instruments. For ICLT sites, the project will apply the risk management measures (applied to new SLC sites) that are embedded into the four-phase ICLT process and provided for in the frameworks, particularly the IPPF.

ESS10 Stakeholder Engagement and Information Disclosure

Interested and affected stakeholders include civil society organizations, Commune Councils, beneficiaries often organized as Target Land Recipients (TLRs), Community Support Groups, District Working Group (DWG), Provincial Administration, Provincial Land Use Allocation Committee (PLUAC), the PMT as well as provincial technical departments (typically land, forestry, agriculture, water resources, environment, culture and heritage, mines and energy), Cambodia Mine Action Centre (CMAC), women’s affairs, as well as various government stakeholders at the national level. Additional affected stakeholder groups for the ICLT communities under will include NGOs and CSOs, including indigenous peoples’ organizations and representatives and members from indigenous communities.

The draft SEP developed for the project will include an effective information campaign to allow a participatory and demand-driven selection process of participating SLC and ICLT sites. The feedback, from stakeholder engagement and consultations, to inform project preparation and in particular on environmental and social risk will be reflected in the revised SEP. The SEP includes a Grievance Redress Mechanism (GRM) that will need to be operationalized to cover all sites including existing sites. The LASED III GRM (not LASED II) is consistent across the SEP, the ESMF (including the RPF and IPPF), and will be made consistent in the PIM.

As part of the information disclosure arrangement, relevant instruments including the ESMF (appending LWCP, CHPF, RPF and IPPF), SEP and ESCP will be appropriately disclosed prior to appraisal, including in the relevant provincial offices and ministry websites. Meaningful consultation with affected and interested stakeholders will be conducted
prior to appraisal, using COVID 19 sensitive approaches, and stakeholder engagement will continue to inform project E&S risk management throughout the life of the project. Following the consultations, the risk management instruments, including the SEP, will be revised to reflect how issues raised have been addressed to inform project design and the instruments for managing risks. Site-specific assessments and plans developed during project implementation will be publicly disclosed.

B.2. Specific Risks and Impacts

A brief description of the potential environmental and social risks and impacts relevant to the Project.

ESS2 Labor and Working Conditions

The LWCP presents the issues, risks and gaps between ESS2 and national requirements.

The LWCP identifies that project workers include the government’s own staff and consultants (direct workers), employees of contractors and subcontractors (contract workers), people employed or engaged in providing community labor (community workers) and primary supply workers. The LWCP has been revised prior to appraisal to present a clear statement or set of paragraphs outlining assessment of expected critical labour risks associated with project activities: type and location and the different activities the project workers will carry out, numbers of workers and their sequencing, and the key labour risks associated with the activities.

The LWCP focuses the gap analysis on the 1997 Labor Law as well as a variety of different instruments that regulate labour and working conditions in Cambodia.

The Labor Law defines 15 as the minimum working age for children (Art. 177), but children aged 12-15 can be hired for light work that does not interfere with schooling. Types of work that are allowed under national laws for 12 to 18 years old are defined in additional documents but in a rather lose manner. The Prakas on the Prohibition of Hazardous Child Labor (2004) allow hazardous work for well-trained children above 16, provided it is not night work. Considering some of the activities involving construction and for primary supply of agriculture, food and housing (timber) materials there are potential risks of child work and child labour.

The project will require contract workers and community workers. Grievances have arisen under LASED II. The LWCP has a worker’s grievance procedure in place. The LWCP also has in place procedures for child and forced labour and these will be required to be included in the relevant bidding documents as well as the and community operations manual. The procedures include provisions to ensure that primary supply workers are employed in conditions that comply with ESS2 and Cambodian Labor Law and prohibit participation of children below the age of 15 and participation of children aged 15-17 in a manner that is likely to be hazardous or interfere with the child’s education or be harmful to the child’s health or physical, mental, spiritual, moral or social development. In addition to measures for conflict resolution in the community operations manual, the contractor documents should also include codes of conduct measures on the sensitization of workers on issues related to gender-based violence. The procedures will need to specify roles and responsibilities of the implementing agencies, and other agencies involved in enforcement, not just the contractors. The LWCP will need to be revised to include: Occupational Health and Safety Strategy; Terms and Conditions of Employment; Environmental, Social, Health and Safety Specifications; Community Labour...
Management Procedure; Works Risk Assessment Format; and Works Site Occupational Health and Safety Plan. The revision of the LWCP is included in the ESCP, to be revised by sixty days after effectiveness.

The project will fund small-scale community infrastructures such as (a) rural and agriculture roads, access tracks, small-scale irrigation systems, and rural water supply and sanitation; and (b) community buildings such as schools, teacher houses, health posts and community centers. Potential environment, health and safety impacts associated with these construction activities are expected to be temporary, site specific/localized, and readily managed through the implementation of the contractor’s OHS procedure which will be developed based on the project’s occupational health and safety (OHS) measures (outlined in the LMP). For direct project workers, particular risks associated with travel to and work at remote sites (that is, road safety, security, and avoidance of infection) are also covered in the OHS procedure.

The project’s national procurement team at the MLMUPC will ensure that the tender document includes location-specific ESMP (or EMP) or ECoP, and OHS provisions. PMT will regularly monitor the contractor’s performance in implementing OHS measures. The project’s regular reporting system will include the project’s performance on the OHS implementation. The project will also develop and an easy-to-understand illustrated booklet in Khmer language setting out the OHSP requirements, in addition to training provision for contractors and contractors’ supervisory staff.

ESS3 Resource Efficiency and Pollution Prevention and Management

LASED III can require groundwater, irrigation water, and surface water resources for domestic water supplies and for agriculture. Without proper measures, there is a risk of unsustainable exploitation of water resources, diverting supplies from the existing (downstream) users, and leaving inadequate water for stream and wetland ecosystems. Risk management measures include (a) provisions to conduct a water resource assessment for each project location, and at the regional level (subject to the screening outcome), and (b) no irrigation development without confirming that the proposed activity will have no negative impacts on the existing users and / or ecosystem services. These measures will be incorporated into either the regional ESIA if required or the location-specific ESMP taking into account water resources study (Step 2), environmental carrying capacity assessment, and results from infrastructure needs assessment (Step 5).

LASED III is unexpected to result in significant point sources of pollution or greenhouse gas emissions. Farmers typically use inefficient diesel engines to pump irrigation water, leading to minor air pollution and greenhouse gas emission. Participating communities at each site will be encouraged to use renewable energy technologies rather than diesel pumps, wherever appropriate including for water pumping. Technologies based on solar electricity are an increasingly viable alternative.

Potential risks and impacts associated with agricultural and livelihood development are localized, site specific and manageable with known technical approaches. Activities and investment under this category will not involve purchase and distribution of pesticides or related application equipment, and they are not expected to result in significant increase in pesticide use. Lessons learned from the LASED interventions show that much of agriculture practice in the project areas and at the SLC sites is of low intensity and farmers use only limited quantities of
agriculture chemicals. Some farmers, with project support, are growing organic crops. They also rely solely on crop rotation, intercropping and multiple cropping to manage pests and diseases rather than using pesticides, which is aligned with MAFF’s efforts to promote the adoption of GAPs. GAPs will continue to be promoted and supported under LASED III. Following a precautionary risk management approach, outreach, training and capacity building will inform on safe use and handling of all agrochemicals, including pesticides, chemical fertilizers and soil amendments.

Lessons learned from the previous LASED interventions show that management of solid waste is a problem at SLC residential sites, also linked to relatively dense settlement patterns and to establishment of markets. Contamination of water bodies by solid wastes including plastics is one of the risks resulting from poor solid waste management. Burning waste including plastics (apparently the only common method of disposal) also creates health hazards. As part of the risk management measure, each project site will be required to develop and implement effective solid waste management system.

Construction of infrastructure under LASED III will result in a risk of works-related pollution and other negative environmental impacts. Pollution may arise from mishandling or inappropriate disposal of oils, cement, plastic waste and other types of solid waste. Water sources could be contaminated by sewage or by poor drainage and management of storm water. Construction works may result in dust nuisance and, in extreme cases, health hazard to nearby communities. In addition, poor design of infrastructure or poor practice during construction may lead to damage to natural drainage channels and soil erosion. These impacts and risks will be managed by the following measures: avoid or minimize air, water, land, and noise pollution from civil works through the application of good engineering designs and good practices for construction by incorporating environmental mitigation measures (for example, control of works, dust prevention measures, proper management of hazardous and non-hazardous site wastes and surplus materials) in the technical design and tender documents.

ESS4 Community Health and Safety
The ESMF describes potential impacts and risks associated with community health and safety, and includes measures in site or location-specific ESMPs based on site screening for the following areas:

- Small-scale irrigation infrastructure. The project will finance community level irrigation infrastructures that include rehabilitation of small-scale dams. The rehabilitation of small irrigation schemes not more than 15 meters in height is not expected to include medium to large scale dams. Similar to LASED II, the EA and IA agreed to involve the Bank Dam Safety Specialist to support and monitor the generic dam safety and environmental protection measures during project implementation such as the following (i) review the ToR and evaluation bidding documents to ensure qualified dam engineers are recruited for weirs and embankments design; (ii) Review the design and investigation reports and procurement documents; (iii) Monitor construction activities as required under ESS4. Necessary safety measures will be prepared during implementation based on a separate Environmental Assessment for the construction of embankments. All infrastructure will be designed for climate resilience, taking into account the best available projections of climate change. Design engineers will ensure that safety measures are incorporated during the feasibility study and in the design of irrigation structures.
- Explosive remnant of war (ERW) resulting from the conflicts of the 1970s and 1980s continue to be a hazard in Cambodia, though the casualty rate has been greatly reduced by the ongoing mine clearing and awareness raising efforts. In the northeast of Cambodia, the major hazard arises from unexploded aerial bombs and cluster munitions which are scattered unpredictably and are especially likely to be encountered when clearing new land for cultivation. All project locations will be assessed for the presence of ERW. If a significant ERW risk is identified, and ERW risk management plan will be prepared in consultation with the CMAA/CMAC and may include the following: awareness raising, demarcation of areas of high risk, areas to be cleared of ERW before implementation of project activities in those areas or other actions that could expose project affected parties to increased risk.

- Infection by vector-borne and water-borne diseases due to settlement. SLC and ICLT sites are located in remote areas including forests where there may be an increased risk of vector-borne diseases including malaria and dengue fever. ICLT community members are already residents in these areas but SLC land recipients may be moving from areas with lower risk and may have less resistance. SLC residential land areas are generally larger and more densely populated than the villages that the land recipients are moving from. Clean water supplies and sanitation are key to preventing waterborne diseases. Although LASED and LASED II have provided materials for construction of latrines to each household, many of these materials appear to be unused or used for alternative purposes, while households still lack latrines and practice open defecation, with the risk of disease transmission being greater in densely populated areas than in low-density traditional settlements. Vector-borne disease risks will be assessed in preparation of the ESMP at each project location. Health awareness training will be provided to project beneficiaries at all sites and will include (a) avoidance of waterborne diseases; and (b) avoidance of vector-borne diseases; Effective best-practice sanitation campaigns aimed at achieving 100 percent latrine use need to be conducted at all project locations.

- Health impacts/risks of water supplies contaminated by upstream activities or naturally occurring arsenic. All water supplies should be tested for pathogens and chemical pollutants. Appropriate action is to be taken in case water is not in accordance with WHO drinking water standards (includes labelling non-potable supplies, awareness raising, and ensuring availability of potable water). Surface water and shallow aquifer groundwater supplies are to be tested for chemical pollutants, particularly where commercial agriculture or mining operations are present upstream of the project locations. In some areas of Cambodia natural arsenic in groundwater is a health hazard to water users. Risk mitigation measures are needed to ensure that project beneficiaries, particularly land recipients moving to SLC sites, are not exposed to contaminated water supplies for any of these reasons. Deep aquifer groundwater supplies need to be tested for arsenic. In line with the national standards, the following measures will be applied: (i) new water supply sub-project conduct water testing including Arsenic and compare against National standards; (ii) communicate water quality testing results to the villagers and inform them whether the water is suitable for drinking; (iii) provide advice on basic treatment options in case parameter/s exceed standards limit; and (iv) in case Arsenic is higher than the standards limit, treatment to remove Arsenic is not recommended due to high installation costs, and high maintenance requirements as well as lack of capacity to operate and maintain the system. Instead, substitution of alternative low-arsenic sources of drinking water such as rainwater or spring water, surface water where available and appropriate would be more suitable solution. Alternative water supplies such as surface water should be tested to ensure compliance with drinking water standards.

- Flood damage from failure of larger dams upstream of project sites. The project target provinces are also the locations of existing or proposed hydropower dam schemes, or contain downstream areas influenced by hydropower schemes in Vietnam or Lao PDR. The presence of an actual or potential hydropower scheme upstream of land
allocated for an SLC/ICLT site might create potential risks, including risks that would not have been identified by an environmental impact analysis for the hydropower scheme conducted before the SLC site was proposed. Risks could include exposure to rapid fluctuations in stream flows linked to the operation of the dam, as well as any (presumably minor) risk of dam failure. Large dams upstream of any project sites to be identified during the project implementation and feasibility study and subsequently a risk assessment will be carried out. Unlikely, but if the dam poses any risk to the project location and/or project beneficiaries, an early warning and emergency response plan will be prepared.

- Exposure of project beneficiaries to climate/risks (floods and droughts). Relocation to an SLC site might potentially expose land recipients to risks from natural disaster, for example if the SLC site is in a zone liable to flooding. Transition to a livelihood based on own-farm agriculture production entails a risk from crop failure, for example due to drought. Both these risks may potentially be exacerbated by climate change. The project aims to continue the application of the Climate Smart Agriculture Program currently being implemented under LASED II. Beneficiaries’ exposure to disaster and climate risks would be mitigated through water management and small-scale irrigation infrastructures that are climate resilient.

- Community safety during site works. Standard ESHS specifications to require contractors to exclude the public, especially children, from the vicinity of site works. In the absence of physical barriers, a watchperson / flag-person is to be present where machines are working to warn away passers-by and alert machine operators to risks. The ToRs for the site-specific assessments and engagement plans will need to ensure that community health and safety form a key aspect of these and take into consideration the risks from project activities. Risks include: increase in potential for communicable diseases, vector borne-diseases, soil-, water-, and waste-related diseases, food and nutrition related issues, accidents and injuries, veterinary medicine and zoonotic diseases, hazardous materials related health issues, noise, and health and safety issues arising from construction activities close to community facilities. The assessments will need to be informed by a consideration of universal access and a gender lens and including the potential for gender-based violence as a result of the project activities. Any community health and safety measures need to be reflected in the revised SEP, ESMF, revised PIM and community operations manuals.

**ESS5 Land Acquisition, Restrictions on Land Use and Involuntary Resettlement**

The project is designed to enhance access to land and strengthen individual and community land ownership rights for some of the poorest and most vulnerable communities in Cambodia. Land acquisition and involuntary resettlement will be avoided to the extent possible. LASED and LASED II prioritized avoidance of involuntary resettlement, with the result that no SLC Commune required a Resettlement Action Plan, as provided for in the LASED II RPF, for either the demarcation of the SLC area or the associated infrastructure. Involuntary resettlement was avoided primarily by excluding areas with existing private ownership claims, established before a publicly announced cut-off date, from the area of the SLC. Vacant land was reserved for infrastructure construction and for public purposes such as community forests during the land use planning activities. There were some cases where existing claims to land inside the SLC were not identified until after completion of the land use planning and the State Private Land titling process. Reserve land at the SLC sites were used for in-kind compensation in such cases. The approach was deemed
acceptable by the affected people and the Bank, but it is acknowledged that more attention would be needed in 
LASED III to ensure an appropriate impact assessment approach, and more timely grievance redress management.

Consistent with the established practice of LASED and LASED II, LASED III will avoid land acquisition and involuntary 
resettlement wherever possible by two measures, which will be applied both in connection with the mapping and 
demarcation of SCL and ICLT sites, and with the siting of infrastructure. The first measure consists in identifying land 
that is in legitimate private use (including land that is privately occupied without a formal land title) and excluding 
such land from the site area of the SLC or ICLT titling, or from the site area of the infrastructure provided for an SLC or 
ICLT community. The second measure consists of agreements on voluntary land donations negotiated by the project 
with land users who will become project beneficiaries, provided such agreements are based on informed consent, 
leave the beneficiary better off as a result, and are clearly documented. Where neither of these two measures are 
feasible and there is a need to acquire land for implementation of the project, a resettlement plan will be prepared 
and implemented in accordance with the RPF prepared for LASED III. Voluntary donations will be verified and 
documented.

In principle, land allocated for both SLCs and ICLTs is State Public Land, converted to State Private Land for SLC and 
ICLT allocation, and should exclude land that is privately owned under the 2001 Land Law. However, new SLC areas 
and ICLT communities may in some instances include land that is currently in use, including: land for which the owner 
has a valid ownership claim under the Land Law; land that has been occupied after the passage of the law, but the 
occupation and use rights may be recognized by the local authorities; land that has been occupied without 
authorization, before the cut-off date announced for the SLC; and common property resources used for livelihoods 
activities (e.g. for grazing and collection of non-timber forest products). Affected people at SLC sites would be offered 
to become beneficiaries and would be offered titled land for housing and agriculture at the SLC site. If they do not 
wish to become beneficiaries, they would be entitled to compensation under the RPF for LASED III. For new, and 
possibly existing sites, some infrastructure development may require limited land acquisition or affect some 
structures or assets. For instance, construction or minor changes in the alignment of access roads to the SLC site, or 
expansion or improvement to irrigation areas.

In rare cases the titling and livelihood support under the ICLT activities may result in adverse physical or economic 
impacts. ICLT land is land that indigenous communities already use and traditionally regard as their common property 
and heritage. The Land Law recognizes this type of ownership in principle, but some areas may by regarded by local 
authorities and other stakeholders as various sub-categories of State Public Land including Protected Areas. There 
may also be overlaps with Economic Land Concessions, and other claimants that are not indigenous, to parts of the 
land who may be entitled to mitigation and compensation measures under the RPF should these areas be included in 
the ICLT titling.

An RPF has been prepared for LASED III to address these potential risks and impacts. It is adjusted to reflect the 
Bank’s ESF and the government’s Sub-Decree 22 / Standard Operating Procedures for Land Acquisition and 
Resettlement for Externally Financed Projects in Cambodia (referred to as SOP-LAR). The Sub-decree is dated 
February 2018 and is mandated for internationally financed investment. The SOP-LAR aims to close the gaps between 
international resettlement policies and national legislation, i.e. the 2001 Land Law and the 2010 Expropriation Law. It 
is generally consistent with ESS5, and the gaps identified have been addressed in the RPF. The main gaps are: proper 
identification of affected people without formal legal rights to land as well as those with communal or traditional
tenure/rights to land use; entitlements for those without formal titles; timely and full compensation for loss of assets at full replacement cost; livelihood restoration; and disclosure of information, meaningful consultation, and informed participation of those affected, including FPIC by affected indigenous communities.

Resettlement Plans will be prepared and implemented in the following, exceptional, cases: There is a need to acquire land that is in legal private ownership (with or without a hard land title) because the SLC or ICLT will not be viable otherwise; the SLC or ICLT land includes land that is not legally owned but that is occupied and used before the cut-off date, and the land users (including renters, lessees, employees on the land and CPR users) cannot be adequately compensated by including them as SLC land recipients or ICLT community members; and infrastructure sub-projects require land outside the boundaries of the SLC or ICLT that is in private ownership or use, and that cannot be acquired within the voluntary land donation framework of the RPF. The RPF includes procedures for voluntary donations of small amounts of land for infrastructure projects where the land user will benefit from the project and will experience a net benefit as a result.

ESS6 Biodiversity Conservation and Sustainable Management of Living Natural Resources

Impacts on biodiversity in relation to the LUP (e.g. land identification and allocation) process include:

(a) Potential impact on biodiversity to sensitive locations (hotspots) through inclusion within SLC and ICLT boundaries and
(b) Induced negative impact from site development such as damage to SLC/ICLT-excluded hotspots, which can suffer increasing exploitation as a result of easier access after SLC and/or ICLT is established.

Lessons learned from the previous LASED implementation show that spatial planning is a key strength of the LASED project. From the ESF viewpoint, this ensures that, with a high level of confidence, environmentally sensitive or high-value locations will be identified during the SLC identification, screening, and planning process and that appropriate conservation measures will be adopted. The project has avoided encroaching on or damaging biodiversity hotspots. As a result of project activities, the boundaries of hotspots are defined legally through cadastral mapping and physically by placement of boundary markers, and awareness of the hotspots is raised. Community forest areas have been established within SLC sites, and institutions for their management have been created.

LASED III will adopt this multistep participatory LUP process—with additional measures to meet ESS6 requirements—to ensure that biodiversity-related risks and impacts resulting from the proposed project activities (land identification and allocation and construction of community infrastructure) are adequately managed. Precaution measures will be the following:

1. New SLC sites. Identification of biodiversity hotspots (such as remnant forests or habitats for protection and conservation, biodiversity corridors, and natural streams) through a thorough screening process, which will be excluded from land allocation for SLC sites. The screening process will use the following tools:
   • Up-to-date satellite imagery and aerial photography, Integrated Biodiversity Assessment Tool (IBAT) database, GIS, and maps from the Ministry of Forestry and MoE (and other line ministries).
   • Technical Guidance Notes, Agro-Ecosystem Analysis (AEA), and Environmental Carrying Capacity Assessment. Guidance Note provides instructions on (i) identifying and excluding Forestry and Critical Habitats; (ii) identifying and managing forestry, agricultural site planning, and critical habitat aspects of potential sites; and (iii) considering project siting in relation to surrounding areas to avoid any unnecessary deforestation.
• Other screening measure. An independent environmental audit will review the final LUP, and the World Bank environmental specialist assigned for the project will conduct a due diligence through random site visits before finalizing the LUP process.

2. ICLT sites. The project will ensure biodiversity risks and impacts resulting from project activities are adequately managed. For the new titling, the environmental risk management measures will be embedded into the three-phase process for indigenous peoples to obtain collective land titles. These measures will include elements similar to the ones applied under the new SLC sites (that is, site-level screening, environmental assessment, location-specific ESMP, and subproject-level screening process). Based on environmental screening at each ICLT site, the project will be able to identify local natural resources and significant conservation areas. Once identified, the project will facilitate discussion with the mandated authority to agree on a role for indigenous peoples in management of these areas.

3. Induced negative impact from development. Main risk management will be to enhance the management of locally significant conservation areas and provide support to the affected communities in sustainably managing their local natural resources. Also, in any case where biodiversity hotspots exist next to SLC/ICLT land, the following risk management measures will be applied:
   • At the initial preparation of the Preliminary SLC Report, provide Guidance Notes to give instructions on project site consideration in relation to surrounding areas of the identified SLC sites to avoid any unnecessary deforestation.
   • Identify significant conservation areas through LUP screening.
   • Provide mechanism and support for affected communities to sustainably manage their locally significant conservation areas.
   • Establish buffer zones between project sites and biodiversity hotspots in consultation with the affected communities and ensure that these zones are included in the Commune Development Plan (CDP).
   • Raise awareness for conservation of biodiversity.
   • Plant trees in common areas.
   • For ICLT sites, facilitate discussion with the mandated authority to agree on a role for indigenous peoples in management of hotspots.

Biodiversity screening is performed as part of the spatial planning screening procedure (Step 1 of the land use planning (LUP)) that takes into account spatial planning tools such as the provincial hotspot maps, Maps, GIS, Satellite Imagery, and verification on the ground by evaluation team. Outcome of this Step1’s screening will provide informed-decision to pursue regional ESIA and/or location specific ESMP. At Step 2 of the LUP, the regional ESIA (if needed) will be prepared by incorporating technical studies such as AEA, Forest Inventory Survey, Water Resources Survey, Soil Survey, and Water Quality Testing. These studies are conducted by the project as part of its regular preparation efforts.

Ecosystem services aspects relevant to this project are provisioning services (for example, food, freshwater, timbers, fibers and medical plants), regulating services (for example, protection from natural hazards), cultural services (for example, sacred sites), and supporting services (for example, soil formation, nutrient cycling and primary production). These aspects will be considered throughout the LUP process, specifically Steps 1, 2, and 5.

ESS7 Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities
There are about 24 different indigenous groups in Cambodia, totalling approximately 220,000 people or about 1.5\% percent of Cambodia’s total population. The major groups are Bunong, Jarai, and Tumpuon, who are concentrated in the provinces of Ratanakiri (about 50\% of the province’s 185,000 people) and Mondulkiri (about 80\% of the province’s 73,000 people). Small numbers of indigenous groups are spread across another 13 provinces, and include the Phnong, Khuoy, Kroeung, Rodae, and Khe groups, among others.

OP 4.10 was triggered in the original LASED project and an Indigenous Peoples Planning Framework (IPPF) was prepared. However, during implementation no indigenous communities were found to be included in or affected by the SLC sites, and the policy was not triggered for LASED II. Under LASED III, indigenous communities will be assisted to complete their ICLT process along with subsequent infrastructure and livelihood activities, and communities that have completed their land titling will be assisted with infrastructure and livelihood activities. There may also be new SLCs in areas with indigenous peoples. Altogether, LASED III aims to support 45 indigenous communities through livelihood and infrastructure development and 15 through support for ICLT titling (these 15 will be included in the 45 receiving livelihood and infrastructure support, the remaining 30 have already obtained communal titles).

Indigenous communities that have completed their ICLT process and may be supported by LASED III include in Ratanakiri the Tompun, Jarai, Prov, and Kroeng; in Mondulkiri the Pou Nong; in Kratie the Pou Nong, Mil, and Kraol; and in Stung Treng the Prov. Indigenous communities that will be supported to complete their ICLT process include in Ratankiri the Jarai, Prov, and Kroeng; in Mondulkiri the Pou Nong; in Stung Wel the Pou Nong; in Preah Vihear the Kuoy; and in Kampong Thom the Kuoy.

Indigenous peoples’ rights are guaranteed by the 1993 Constitution, and their rights to land are stipulated in the 2001 Land Law. The 2009 National Policy on Development of Indigenous Communities (NPDIP) includes provisions to improve the conditions for indigenous communities. Sub-Decree No. 83 from 2009 on the Procedures of Registration of Lands of Indigenous Communities (2009) defines the ICLT procedures, types of land, and state agencies involved in assisting communal land titling. Article 6 of Sub-Decree No. 83 outlines five types of land that can be allowed for communal land titling comprising (1) residential land, (2) spiritual forest land, (3) burial forest land, (4) actual farming land, and (5) land reserved for shifting cultivation. Since the introduction of Sub-Decree No. 83, and the issuing of the first communal land titles in late 2010, there were by October 2019, 150 ICs with MRD recognition as indigenous communities (phase 1), 137 given legal entity status by MoI (phase 2), and 25 ICs with ICLTs. By January 2020, there were 30 ICs who had obtained communal land title registration.

The 2001 Land Law identifies indigenous peoples as “a group of people who reside in the territory of the Kingdom of Cambodia whose members manifest ethnic, social, cultural and economic unity and who practice a traditional lifestyle, and who cultivate the lands in their possession according to customary rules of collective use”. This would be used for targeting communities for indigenous land titling. While the terminology used in the Land Law (2001) to define a ‘indigenous community’ and in ESS7 to define ‘indigenous peoples’ differ in their specific wording, they nevertheless share the intent of identifying a set of common and distinctive features regarding ethnic, social, and cultural identity that set these groups apart from the majority, along with their customary rules of collective attachment and use of distinct areas. The Bank’s ESS7 criteria for identifying indigenous peoples are broader and may encompass other social groups not included in the government’s definition, such as the Lao and Cham ethnic groups. To address this gap, the IPPF will cover these groups for SLC sites based on ESS criteria, but not for ICLT sites as they are not considered indigenous under the Land Law.
Other gaps between the Cambodian legal and regulatory framework and ESS7 that are described and addressed in the IPPF concern: (i) the requirements regarding meaningful consultation and FPIC; (ii) Social Assessment; (iii) Indigenous Peoples Plans for activities in specific land titling sub-projects based on the IPPF (which itself is also not required by the Cambodian legal and regulatory framework); (iv) explicit management of inclusiveness (e.g. gender) in both consultation on the project and in representative bodies of the IP community engaged in these consultations; and (v) grievance redress arrangements.

Land tenure security is seen as crucial to the ability of indigenous communities to maintain their distinct cultures and to develop economically. Indigenous communities are under pressure from external sources vying for their land. While there are many benefits expected from the project’s support to titling and development there are also potential risks to the collective registration of indigenous communities’ lands. The ICLT approach and process is comprehensive and consistent with many of the principles and provisions of ESS7. However, for LASED III the process will require that all customary land use areas are identified and potential impacts and risks to these identified and addressed. The Land Law only recognizes certain land use areas while excluding from ICLT titling forest and conservation areas used by indigenous communities. While indigenous communities are eligible to receive renewable use rights to these areas, the tenure security is weaker and is often not provided. Adverse impacts related to the risks of elite capture and intra-community conflict may also occur and the project may inadvertently affect indigenous knowledge, local institutions and social organization as these are closely related to land and natural resource use of indigenous communities. ESS7 provisions for FPIC during key steps of the ICLT process are also required.

These risks have been identified and recognized during project preparation, and the IPPF includes provisions for undertaking site-specific social analysis, social and cultural profiles of ICLT communities, identification of tangible and intangible cultural heritage, community engagement and free, prior and informed consent as per ESS7, and to prepare site-specific Indigenous Peoples Plans. However, it is agreed that further assessment and consultations are needed before the project finances land titling and development activities for indigenous peoples. The IPPF prepared for the project therefore includes plans to, inter alia, undertake a more detailed assessment of experiences to date of the ICLT titling already undertaken by the government; assess the current ICLT system and procedures (legal and institutional) to identify areas for simplification and/or efficiency gains and to include provisions to enhance the social assessment, consultation and free, prior and informed consent process in view of national, international and ESS7 requirements; and consultations and workshops with relevant stakeholders on ICLT, potentially including experts and experiences from other countries. The IPPF prepared for the project will be revised by the client to reflect the findings of these activities before ICLT sites are supported by LASED III; the revised IPPF will be reviewed and approved by the Bank. This commitment is included in the ESCP to be completed nine months after project effectiveness.

Since there is a scant possibility that some indigenous groups may benefit from, or be affected by, SLC sites, the IPPF also includes provisions for identifying and addressing risks and impacts, and opportunities to enhance their benefits. Depending on the type of impacts, FPIC may also be needed in these cases, if impacts meet the three circumstances for requiring FPIC in ESS7.
ESS8 Cultural Heritage

ESS8 is relevant as the activities proposed in the LASED III project could direct or indirectly affect the tangible and intangible cultural heritage and or access to them. There is also the potential of discovering unknown cultural heritage during construction activities for infrastructure and small irrigation system.

A Cultural Heritage Protection Framework (CHPF) has been prepared to address risks concerning cultural heritage. The CHPF includes a brief overview of cultural heritage to be found in Cambodia, including tangible and intangible heritage of indigenous peoples. These spaces include ancestral lands, forests, pasture, residential and agricultural lands, hunting grounds, worship areas, and lands no longer occupied exclusively by indigenous cultural communities but to which they had traditional access, particularly the home ranges of indigenous communities who still practice some shifting cultivation.

Cambodia is known for its rich tangible cultural heritage of Angkorian and pre-Angkorian sites and objects. These are particularly found along lower rivers, water bodies and major communication ways, and less so in forested areas. A majority of SLCs to be supported under LASED III are expected to be located on land that was under forest in a recent past or is still under degraded forest. Only 4 Angkorian temples are recorded in Kratie and Kampong Cham Provinces, all along the Mekong River. Sambour District in Kratie is also the site of a large pre-Angkorian city. Kampong Thom has at least two potential new sites and one existing SLC sites to be supported under the LASED III. This province, in contrast with the two others, has a high density of sites from the Angkorian and pre-Angkorian periods including in its forested parts. Finally, a fair share of SLC sites is expected to be located in or around the location of late war episodes or conflicts. This may be one of the reasons why the land has remained sparsely populated. While these sites do not qualify as cultural heritage at present, it may be worth remembering their presence on the very land on which new, young, households will settle under the LASED project.

The CHPF, and ESMF, includes a screening process to identify cultural heritage for mapping and development of SLC sites and ICLT communities and a Chance Finds Procedure for construction activities. A Cultural Heritage Management Plan (CHMP) will be developed for participating sites. When indigenous communities are present in participating SLC or ICLT sites the requirements of the Bank’s ESS7 and the project’s IPPF will also be followed. Moreover, for ICLT titling and livelihood activities, participatory mapping and planning exercises will be undertaken to identify tangible and intangible cultural heritage of the indigenous community, including participatory mapping of residential, reserve, spiritual forestland, and burial grounds to ensure that these areas are protected and people have continued access to them. Indigenous communities’ traditional land use systems, particularly shifting cultivation is considered cultural heritage and is part of the five types of land that need to be identified and mapped as part of the process for achieving ICLT. Such practices have long been contributing to the sustainable livelihood, food security, sustainable natural resources management, and biodiversity conservation and enhancement. Any work with indigenous communities should be mindful of and consider the indigenous communities’ ability and need to exercise their rights to practice and revitalize their cultural traditions and customs and to preserve and to practice their languages. Consultations should be inclusive and include different community members, including women and girls who may have different attachment to spaces and their own cultural heritage. This is particularly relevant to land use planning, infrastructure design, including housing, and support with respect to agricultural practice.

The CHPF developed for LASED has been revised for addressing risks and impacts for LASED III and include ESS8 requirements. The CHPF includes:
1. The provincial LASED III project office maintains a copy of the recently completed national heritage inventory map (available from the Ministry of Culture and Fine Arts). The office communicates once a year with the provincial culture department to update this inventory.
2. The commune land use maps mention historical and indigenous heritage based on updated guidelines/best local practice from the SEILA program.
3. Identification of stakeholders and consultation. The importance of cultural and indigenous heritage is explained and consulted during community meetings to identify cultural heritage and to understand if there any concerns about negative impacts the project could have on their cultural heritage.
4. Tangible and intangible cultural heritage sites are carefully identified prior to detailed survey (land identification). A commune screening note is prepared for each SLC and ICLT site during Year 1. A site-specific CHMP will be developed for the tangible and intangible cultural heritage once the SLC and ICLT sites are identified (see Appendix A for the Template of Cultural Heritage Management Plan).
5. Provisions for specific types of cultural heritages that include archaeological sites and artefacts, historical structures, natural features with cultural significance, and movable cultural heritage.
6. Local village and indigenous community representatives take part in the actual survey work to show location of any additional sites including tombs and forest or trees of spiritual significance (land identification).
7. In case SLC sites located in provinces with a rich cultural heritage require an assessment by a qualified expert.
8. In case of chance finds, the “Chance Finds Procedure” will be applied.
9. Measures for strengthening the capacity of national (EA, IAs and relevant ministries) and subnational authorities responsible for managing cultural heritage affected by the project.

ESS9 Financial Intermediaries
The project will not make use of Financial Intermediaries.

C. Legal Operational Policies that Apply

OP 7.50 Projects on International Waterways

Yes

The policy is triggered because the project locations are not predetermined and some irrigation and water supply schemes may abstract underground water or water from tributaries linking to the Mekong River, an international waterway. However, the proposed project activities fall under the exception to the notification requirement under paragraph 7(a) of OP 7.50. Most of the project sites will be developed in existing irrigation and/or water supply schemes that are currently used for rice irrigation and/or domestic use of individual households. The project targets higher-value crops that need different irrigation from rice and the existing irrigation blocks will be equipped with more efficient irrigation methods, including drip, microjet, and sprinkler irrigation. The change from rice irrigation to higher value and less water-demanding crops using more efficient irrigation methods will reduce the water use in that part of the scheme that will be developed for diversified agriculture. The project development will either be neutral or there will be some positive changes to the quantity of water flows in the rivers as more water will remain in the river that will be available for downstream purposes. It is also expected that the water quality will not to be affected, but will possibly be improved, as MAFF’s good agricultural practices (GAP) will be introduced, and extension services will improve farmers’ agricultural practices. The development of new schemes that rely on water from an
international waterway are not eligible for financing under this Project. The exception to the notification requirement was approved by the Regional Vice President on April 7, 2020.

**OP 7.60 Projects in Disputed Areas**

The project will not be located in an area under legal or international dispute nor competing territorial claims.

### III. BORROWER’S ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN (ESCP)

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<tr>
<th>DELIVERABLES against MEASURES AND ACTIONS IDENTIFIED</th>
<th>TIMELINE</th>
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<tr>
<td><strong>ESS 1 Assessment and Management of Environmental and Social Risks and Impacts</strong></td>
<td>12/2020</td>
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<tr>
<td>REGULAR REPORTING&lt;br&gt;Prepare and submit to the Association regular monitoring reports on the environmental, social, health and safety (ESHS) performance of the Project, including but not limited to the implementation of the ESCP, status of preparation and implementation of E&amp;S documents required under the ESCP, stakeholder engagement activities, functioning of the grievance redress mechanism (GRM).</td>
<td>12/2020</td>
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<th>ORGANIZATIONAL STRUCTURE</th>
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<td>Establish and maintain an organizational structure with qualified staff and resources for managing E&amp;S risks: &lt;br&gt;MLMUPC, MAFF, and each Provincial Project Team to appoint 2 E&amp;S Focal Points &lt;br&gt;Each partner NGO to appoint E&amp;S Focal Point &lt;br&gt;Environmental (1) and Social Risk Management (1) Advisers at MLMUPC &lt;br&gt;IP Support Adviser at MLMUPC &lt;br&gt;At least 5 Provincial E&amp;S Risk Management Advisers &lt;br&gt;Technical staff and advisers to regularly support E&amp;S activities &lt;br&gt;Short-term expertise for ESS3</td>
<td>09/2020</td>
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<th>MANAGEMENT OF CONTRACTORS</th>
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<td>Incorporate the relevant aspects of the ESCP, including the relevant E&amp;S documents and/or plans, and the Labor Management Procedures, into the ESHS specifications of the procurement documents with contractors. Thereafter, ensure that the contractors comply with the ESHS specifications of their respective contracts. &lt;br&gt;In line with the principle of proportionality, there will be a full ESHS specification for contracts procured at national level and a simplified ESHS speci</td>
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<tr>
<th>ENVIRONMENTAL AND SOCIAL ASSESSMENT/AUDIT (1)</th>
<th>09/2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prepare an ESA, including site-specific assessments for the first sites identified for SLC investments and building on the assessment of E&amp;S risks integrated into the ESMF prepared for the Project, in a manner acceptable to the Association. Without limitation to the foregoing, the ESA will further assess ICLT risks and issues before financing of ICLT activities.</td>
<td>09/2021</td>
</tr>
</tbody>
</table>
### MANAGEMENT OF CONTRACTORS
Incorporate the relevant aspects of the ESCP, including the relevant E&S documents and/or plans, and the Labor Management Procedures, into the ESHS specifications of the procurement documents with contractors.

**09/2021**

### E&S RISK MANAGEMENT CAPACITY BUILDING PLAN
Implement the capacity building plan for E&S risk management described in the ESMF. Training of project staff on understanding of E&S risk management instruments to be completed within six months after project effectiveness, with refresher courses as needed.

**12/2021**

### INCIDENTS AND ACCIDENTS
Promptly notify the Association of any incident or accident related to the Project which has, or is likely to have, a significant adverse effect on the environment, the affected communities, the public or workers. Provide sufficient details regarding the incident or accident, indicating immediate measures taken or that are planned to be taken to address it. Prepare a report on the incident or accident and propose any measures to prevent its recurrence.

**12/2020**

### ENVIRONMENTAL AND SOCIAL ASSESSMENT (2)
Procure an independent E&S monitoring entity, acceptable to the Association, with expertise in environmental risk management, social risk management and indigenous peoples’ issues. Submit to the Association yearly independent monitoring reports according to TORs acceptable to the Association.

**12/2020**

### MANAGEMENT TOOLS AND INSTRUMENTS
Implement, update and re-disclose the ESMF, in a manner acceptable to the Association. For Project sites and sub-projects, prepare, disclose and implement ESMPs, RPs, IPPs, ERW risk management plans, SEPs and CHPPs, if needed and in a manner acceptable to the Association.

**Prepare Environmental and Social Management Manual for CERC.**

**12/2020**

### MANAGEMENT TOOLS AND INSTRUMENTS
Prepare and disclose regional ESIA (according to outcome of the Spatial Planning Screening process in the ESMF) for new SLC sites in a manner acceptable to the Association. Submit it to the Association for review and no-objection.

**12/2020**

### ESS 10 Stakeholder Engagement and Information Disclosure

**STAKEHOLDER ENGAGEMENT PLAN PREPARATION AND IMPLEMENTATION:**
Update, adopt, and implement the project SEP in a manner acceptable to the Association.

**09/2020**
### ESS 2 Labor and Working Conditions

**LABOR MANAGEMENT PROCEDURES:**
Develop additional instruments in Annexes to the LWCP. Examples are:
- Occupational Health and Safety Plan for direct project workers
- Community Labor Management Procedure

**GRIEVANCE MECHANISM FOR PROJECT WORKERS:**
Establish, maintain, and operate a grievance mechanism for direct and contracted Project workers, as described in the LWCP and consistent with ESS2 and in a manner acceptable to the Association.

**OCCUPATIONAL HEALTH AND SAFETY (OHS) MEASURES FOR DIRECT WORKERS:**
OHS measures for direct project workers are outlined in the ESMF and the LWCP and will be implemented through an OHSP which will be prepared in consultation with project workers.

**OCCUPATIONAL HEALTH AND SAFETY (OHS) MEASURES FOR CONTRACTED WORKERS:**
OHS measures for contracted workers are outlined in the ESMF and LCWP and will be implemented through the standard ESHS Specifications to be included in contract documentation.

**AWARENESS RAISING AND TRAINING (1):**
Develop an easy-to-understand illustrated booklet in Khmer language setting out labor and working conditions requirements of the Recipient’s law and ESS2 as they apply to contracted workers.

**AWARENESS RAISING AND TRAINING (2):**
Develop a short training course on the standard ESHS specifications including labor and working conditions. Deliver the training course to contractors and contractor’s supervisory staff.

### ESS 3 Resource Efficiency and Pollution Prevention and Management

**RESOURCE EFFICIENCY:**
Resource use efficiency measures will be covered in the ESMP for each Project site, in a manner acceptable to the Association, and will include a water resources assessment for each site.

**POLLUTION PREVENTION AND MANAGEMENT**
Pollution prevention and management measures will be covered in the ESMP for each Project site, in a manner acceptable to the Association.
<table>
<thead>
<tr>
<th>Topic</th>
<th>Details</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>EXPLOSIVE REMNANTS OF WAR (ERW)</td>
<td>All Project sites to be assessed for the presence of ERW, including by consultation with Cambodian Mines Action Authority (CMAA).</td>
<td>06/2021</td>
</tr>
<tr>
<td>PREVENTION OF INFECTIOUS DISEASE TRANSMISSION:</td>
<td>Vector-borne disease risks will be assessed in preparation of the ESMP at each project location.</td>
<td>06/2021</td>
</tr>
<tr>
<td>SAFETY OF DAMS</td>
<td>All irrigation infrastructure or small-scaled dams (by definition of OP 7.50) constructed by the project to be subject to a safety check by qualified engineer per OP 7.50 and ESS4 requirements.</td>
<td>06/2021</td>
</tr>
<tr>
<td>HEALTH RISKS FROM CONTAMINATED WATER SUPPLIES</td>
<td>Surface water and shallow aquifer groundwater supplies to be tested for chemical pollutants, particularly where commercial agriculture or mining operations are present upstream of the project locations.</td>
<td>09/2020</td>
</tr>
<tr>
<td>ROAD SAFETY</td>
<td>All site access road sub-projects / road sub-projects designed and implemented from national level to have road safety review at design stage.</td>
<td>09/2020</td>
</tr>
<tr>
<td>NUTRITION</td>
<td>Conduct study of impacts of settlement on SLC on diets of children (may prove positive or negative). Provide nutrition awareness communities, including on the impacts of changed diet and opportunities to improve nutrition.</td>
<td>09/2020</td>
</tr>
<tr>
<td>UNIVERSAL ACCESS TO SERVICES:</td>
<td>Access to elderly, disabled or otherwise disadvantaged groups to be ensured for all facilities/services provided under the Project. All infrastructure to be designed for universal access.</td>
<td>09/2020</td>
</tr>
<tr>
<td>COMMUNITY SAFETY DURING SITE WORKS:</td>
<td>Standard ESHS specifications to require contractors to exclude the public and especially children from the vicinity of site works. Where no physical barrier is provided, a worker to be present to prevent risks.</td>
<td>09/2020</td>
</tr>
<tr>
<td>GENDER BASED VIOLENCE</td>
<td>Assess GBV risks for SLC and ICLT sites and integrate mitigation measures in ESMPs in a manner acceptable to the Association. Support formation and/or strengthening of Women and Children’s Committees at SLC and ICLT sites.</td>
<td>12/2020</td>
</tr>
<tr>
<td><strong>ESS 5 Land Acquisition, Restrictions on Land Use and Involuntary Resettlement</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
AVOIDING INVOLUNTARY RESETTLEMENT:
The Project will seek to avoid involuntary resettlement / involuntary physical or economic displacement wherever possible through steps covered in the RPF. 09/2020

RESETTLEMENT PLANS:
In any case where involuntary resettlement is necessary, the Project will prepare, adopt, and implement resettlement plans (RPs) in accordance with ESS 5 and consistent with the requirements of the RPF of the Project. 09/2020

GRIEVANCE MECHANISM:
In any case where an RP is prepared and implemented, a Grievance Redress Mechanism (GRM) meeting the requirements of ESS5 will be available to affected parties, as described in the RFP. 09/2020

**ESS 6 Biodiversity Conservation and Sustainable Management of Living Natural Resources**

**BIODIVERSITY RISKS AND IMPACTS**
develop and implement land use procedure and subproject screening form to ensure no biodiversity risks and impacts resulting from the proposed infrastructure 12/2021

**ESS 7 Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities**

**INDIGENOUS PEOPLES PLAN:**
Prepare, adopt, and implement Indigenous Peoples Plans (IPPs) consistent with the requirements of the IPPF that has been prepared for the Project and ESS7, in a manner acceptable to the Association. 09/2020

**GRIEVANCE MECHANISM:**
Grievances within the IP community (e.g. over use rights of ICLT land) to be addressed in the first instance through culturally appropriate means within the community, without prejudice to the right of access to the project GRM. 09/2020

**TECHNICAL WORKING GROUP:**
Establish technical working group with key experts including participation of IPOs and NGOs to support the PMU of MLMUPC to inform a revised IPPF prior to any ICLT activities. 12/2020

**ESS 8 Cultural Heritage**

**EXCLUSION OF CULTURAL HERITAGE SITES FROM LAND TITLING**
Sites of tangible cultural heritage will be excluded from SLC land Sites of tangible cultural heritage within the proposed ICLT will be identified an discussed with relevant mandated authority. 09/2020

**CHANCE FINDS PROCEDURE**
Prepare, adopt, and implement the chance finds procedure, which will be included in ESHS specification for works contracts described in the ESMF. 09/2020
INTANGIBLE CULTURAL HERITAGE
Risk to intangible cultural heritage to be evaluated through stakeholder engagement, particularly with IP, and through expert intermediaries where necessary.

ESS 9 Financial Intermediaries

B.3. Reliance on Borrower’s policy, legal and institutional framework, relevant to the Project risks and impacts

Is this project being prepared for use of Borrower Framework?  No

Areas where “Use of Borrower Framework” is being considered:
Not applicable.

IV. CONTACT POINTS

World Bank
Contact: Mudita Chamroeun  Title: Senior Rural Development Specialist
Telephone No: 5721+1316 / 855-23-261316  Email: cmudita@worldbank.org

Borrower/Client/Recipient
Borrower: Kingdom of Cambodia

Implementing Agency(ies)
Implementing Agency: Ministry of Land Management Urban Planning and Construction (MLMUPC)
Implementing Agency: Ministry of Agriculture, Forestry and Fisheries (MAFF)

V. FOR MORE INFORMATION CONTACT

The World Bank
1818 H Street, NW
Washington, D.C. 20433
Telephone: (202) 473-1000
Web: http://www.worldbank.org/projects

VI. APPROVAL

Task Team Leader(s): Mudita Chamroeun
Practice Manager (ENR/Social) Stephen Ling Cleared on 17-Apr-2020 at 15:23:29 EDT