

Kingdom of Cambodia

Land Allocation for Social and Economic Development Project III (LASED III)

Cultural Heritage Protection Framework (CHPF)

Annex 3 to Environmental and Social Management Framework (ESMF)

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List of Acronyms

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| CHPF | Cultural Heritage Protection Framework |
| CHMP | Cultural Heritage Management Plan |
| ESMF | Environment and Social Management Framework |
| ESS | Environment and Social Standard |
| IP | Indigenous Peoples |
| IPPF | Indigenous Peoples Planning Framework |
| IDA | International Development Association |
| ICLT | Indigenous Communal Land Titling |
| LASED | Land Allocation for Social and Economic Development |
| NGO | Non-Government Organization |
| RGC | Royal Government of Cambodia |
| SLC | Social Land Concession |
| CFP | Chance Finds Procedure |

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Executive Summary

This Cultural Heritage Protection Framework (CHPF) is prepared to fulfill the World Bank's requirements for the government on the application of the Environmental and Social Standards (ESS 8) which form part of the World Bank's Environmental and Social Framework. The ESS 8 is triggered for the LASED III as the project is potential impact on tangible and intangible forms of cultural heritage resources of the past, pre-Angkorian and Angkorian, and the present and the future of indigenous' communities in the potential project sites. Cultural heritage resources play an important role, not only as historical information, but also as an economic and social asset for local communities as well as for national development. This CHPF sets out measures designed to protect cultural heritage throughout the project life-cycle. The application of the CHPF is will need to be well a line with the World Bank's ESS 7 which, for the LADED III, sets out Indigenous Peoples Planning Framework (IPPF). The measures for implementation of this CHPF will also need to take into account the ESS 6 (Biodiversity Conservation and Sustainable Management of Living Natural Resources) that recognizes the social and cultural values of biodiversity conservation areas of which the project sites located in or nearby. In addition, for the purpose of inclusion no one leave behind, the CHPF will follow the provisions on Stakeholder Engagement Plan (SEP) prepared for the LASED III project follow the requirement as set out in the ESS 10 (Stakeholder Engagement and Information Disclosure).

1 Introduction and Objectives

1. This Cultural Heritage Protection Framework (CHPF) sets out general provisions to protect cultural heritage from the adverse impacts of the LASED III project activities and support its preservation for both Social Land Concession (SLC) and Indigenous Communal Land Titling (ICLT) activities once the sites are identified. The CHPF is prepared following the World Bank's Environment and Social Standard (ESS8) on Cultural Heritage.

2. The ESS8 recognizes that cultural heritage provides continuity in tangible and intangible forms between the past, present and future. It sets out measures designed to protect cultural heritage at all stages of the project life-cycle as part of the environmental and social assessment. The attention to cultural heritage is particularly important to be considered in the design of and during the implementation of the project. The application of CHPF shall be in line with the Indigenous People Planning Framework (IPPF) developed following the ESS7 on indigenous peoples and sets additional requirements for cultural heritage in the context of Indigenous Peoples (IP).

ESS8 is relevant as the activities proposed in the LASED III project could directly 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 clearing activities for infrastructure and small irrigation system.

3. The density of tangible cultural heritage (sites and objects) of the pre-Angkorian and Angkorian societies are scattered across the country. For instant, Kampong Cham, Kratie, Takeo, and Prey Veng have high density of pre-Angkorian sites. Siem Reap, Phreas Vihear and Kampong Thom are home of both pre-Angkorian and Angkorian sites and objects. The density of the sites and objects become low as one moves towards forested areas where the SLC sites are expected to be located.

4. Intangible heritage, particularly the cultural heritage of the indigenous communities, is prominent in the northeast provinces where the IP communities are present. Those provinces include Monduliri, Ratanakiri, Stung Treng, Kratie and Phreas Vihear provinces. The LASED III supports the IP communities in these provinces in the ICLT registration processes and provide livelihood support.

5. The objectives of the Cultural Heritage Protection Framework are to:

- Avoid known cultural heritage sites (including both archaeological sites and tradition sites of IP communities) where necessary and practicable;
- Where avoidance is not possible, manage cultural heritage sites and objects in compliance with the requirements of laws and regulations and in consultation with relevant government officials and local communities and stakeholders;
- Provide guidance compliant with the World Bank's ESSs on how cultural heritage findings will be assessed, documented and managed;
- Establish Chance Finds Procedure (CFP) to minimize impacts to not yet identified cultural resources that may be discovered during the project cycle;
- Enhance relationships with affected communities and eliminate community grievances related to impacts to cultural resources, and;
- Define the roles and responsibilities for implementing the CHPF and site-specific Plans.

2 The LASED III Project

6. The LASED III project is the successor project to LASED and LASED II which have supported implementation of the Royal Government of Cambodia's commune-level Social Land Concession (SLC) program. LASED III will support SLC and also Indigenous Community Land Titling (ICLT), with land

tenure and associated rural infrastructure and livelihoods activities. The LASED III would support the applications for new SLCs, application for ICLTs, and the application for development assistance to already titled ICs, all on a first come, first served basis.

7. Under the first component, LASED III provides support for the identification of, and formulation of development plans for, SLC and ICLT. The land use plans will be developed to maintain natural water resources, tree covers, pay heed to natural drainage canals or basins to utilize land in a manner that minimizes risk from climate hazards such as droughts or flooding. Specifically, three main activities are going to be carried out under this component, including: first, participatory preparation of SLC and ICLT plans for the new sites; second, the identification, prioritization and planning for rural infrastructure investments together with the collection of relevant project baseline data; and, third, the processing of individual SLC land titles for eligible land recipients and of communal land titles in IP communities.

8. The second component is the community infrastructure development. Following the selection of the prioritized and viable infrastructure investments at new project sites under Component 1, this component will finance implementation of the investments. These include the provision of productive/economic and social community infrastructure investments such as rural roads, side drain, culverts, drifts, water supply and sanitation facilities, small-scale irrigation systems, school buildings, teachers' houses, health posts and community centers, among others. It is estimated that the majority of infrastructure investments would be for transport connectivity whose benefits would extend beyond the direct project beneficiaries, covering entire communes and wider areas. Depending on the needs of the communities, clean water supply and sanitation at residential areas, and climate-resilient and sustainable small-scale irrigation schemes are also likely to be in high demand for investment.

9. Third component is the provision of agriculture and livelihood development supports to SLC and ICLT communities. This component would support the settlement process of beneficiary households, the building of socio-economic capital (producer groups/cooperatives) and the development of climate-resilient and market demand driven agricultural production systems. These activities would include support for: (i) settling-in assistance to newly-installed land recipients and land preparation assistance for a first crops; (ii) implementation of a comprehensive agricultural services strategy applying climate-smart agriculture techniques; (iii) establishment and/or strengthening of farmers organizations for production and marketing activities and other community interest groups; and (iv) provision of a Community Fund for Development (CFD) to scale up successful local initiatives.

10. Given the nature, scale, and location of the LASED III sub-projects, the impacts of the project activities on tangible cultural heritage (sites and objects) are expected to be low to moderate. While SLC sites are expected to be in areas with low density of cultural heritage, infrastructure and livelihood activities may take place in areas that include tangible and intangible cultural heritage. Moreover, land titling, livelihood support and infrastructure investments for ICLT sites may cause adverse impacts on tangible and intangible cultural heritage of IP communities, particularly to sacred sites and areas of importance for cultural, recreational and aesthetic enjoyment that provides social well-being and nonmaterial benefits to the community. The site selection process will include procedures to identify tangible and intangible cultural heritage that may be affected during implementation at the site level, as well as screening and assessment process aligning with the ESMF to minimize possible impacts and losses

3 Definition and Implementation of Legal Provisions

11. **The Constitution of the Kingdom of Cambodia** provides a strong protection of all national culture, heritage, quote "The State shall preserve and promote national culture. The State shall preserve ancient monuments and artifacts and restore historic sites (Article 69) Any offense affecting cultural artistic

heritage shall carry a severe punishment (Article 70). The perimeter of the national heritage sites as well as heritage that has been classified as world heritage, shall be considered neutral zones where there shall be no military activity. (Article 71)

12. **The 1996 Law on the Protection of National Cultural Heritage** defines provisions for the “protection of national cultural heritage and cultural property”, including the “natural world”, against “illegal destruction, modification, alteration, excavation, alienation, exportation or importation”. It states that “when construction work or any other activity brings to light cultural property such as monuments, ruins, ancient objects, remains of inhabited sites, ancient burial sites, engravings or any property likely to be of interest to human sciences in general, the person finding the property and the owner of the site where it was discovered are obliged to stop the construction work and immediately make a declaration”. Authorities may announce the temporary suspension of the work and the safeguarding measures to be taken. Permanent measures are also taken concerning chance discoveries. According to the law, reporting is done to the local police and the police transmits the information to the Provincial Government.

13. The Ministry of Culture and Fine Arts is in fact the agency that takes charge of national cultural heritage. Province-level Culture Departments are the operational agencies in cultural heritage protection (outside of the Angkor/Siem Reap region that is directly under the national Apsara agency). There are also a number of local museums at provincial and district level that are active in cultural heritage protection. The district-level culture office has a more limited role.

14. The law defines two steps of protection: inventory and classification. Cultural heritage is so far in the inventory stage. The provincial culture departments keep inventories and a comprehensive national inventory has been completed in 2006. Local museums or projects also carry out specific inventories. The provincial culture departments and museums, despite very limited or uncertain resources, carry out a policy of direct contact with local communities to (a) continue field inventory and (b) build public awareness and inform the general public about their duty to report any finds.

15. The cultural heritage policy carried out by the departments and museums covers both archeological heritage and indigenous cultural heritage. In the second case, some villages are inventoried as having rich cultural heritage. The activities of these agencies are limited by resource constraints. Only a small number of “priority villages” are currently covered.

16. These various efforts have built a fair level of awareness among communities. Some of the finds are reported. The law makes provision for a reward to the finder of the discovery but this is actually limited, for example to transportation costs from village to province. The belief that keeping a statue in a home might bring misfortune contributes locally to the reporting of findings. Commune authorities are also aware of the economic potential of cultural heritage for tourism development. Direct sales of finds to dealers however remain common practice.

17. In relation to the Land Policies versus Cultural Heritage, the law states that “listing in the inventory consists of keeping a record of public and private cultural property”. Current land administration practice is that no land titling is allowed on inventoried sites. This means that potential heritage screening, aligning with the ESMF, for LASED III needs to be carried out before land is allocated to individual households so that land titling after 5 years is not an issue.

18. **Sub-Decree No. 83 on the Procedure of Communal Land Title Registration**, on the Procedures of Registration of Lands of Indigenous Communities (2009) defines the procedures, types of land, and state agencies involved with communal land titling. Article 6 of this sub-decree defines the five types of land to be allowed for communal land titling such as (1) residential land, (2) spiritual forest land, (3) burial forest

land, (4) actual farming land and (5) the land reserved for shifting cultivation. The same article also specifies the size of spiritual and burial land should not be larger than 7 ha each. Article 8 of the sub-decree also mentions about the right of indigenous people over other types of land such as forest and streams, but they have to follow the rules and regulations issued by the institutions that have the mandate over those resources. The same sub-decree also provides the guidance and important documents that the indigenous communities should have when they submit their application for the communal land titling.

19. **Article 15 of Land Law of 2001** stipulates that Archeological, cultural and historical patrimonies are state public properties. And Article 5 of the 1992 Land Law stipulates that private right shall not be given in cultural and historical patrimonies.

20. **The 1994 Law on Land Management, Urban Planning, and Construction** stipulates that archaeological and historical sites are public areas.

21. **The 2005 Sub-decree No. 118 on the State Land Management** has categorized “the Archeological, cultural and historical patrimonies” as public state assets which is strictly protected and cannot be used for any development including for the social land concession purpose. From this sub-decree, under the **Decision No. 52 on the criteria for classifying state lands, of 2006**, further states that “If such a patrimony is found in or on a private land, and its removal would not affect its value, the patrimony must be removed from the private land. However, if its removal would affect the value of the concerned patrimony, it is then necessary to keep the concerned patrimony on such land and shall issue order or regulation to limit the use right to the land to a specific extent which will not harm or damage the patrimony or shall declare the private land as a subject of lawful expropriation for public interest purpose and fair and just compensation must be paid in advance. The expropriated land shall be classified as state public land”.

22. **The 2002 Forest Law** allows the RGC to designate as Protection Forest any of the Permanent Forest Reserve, which may qualify as a special ecosystem valuable, an area of scientific, cultural, or tourism value or an area for biodiversity soil and water (Article 22). The law also recognizes the traditional use and practice of the local communities as protected forest serving cultural purpose, quotes “Ministry of Agriculture, Forestry and Fishery shall recognize the religious and/or spirit forest of a community, living within or near the forest, as Protection Forest serving religious, cultural or conservation purposes” (Article 45).

23. **The 1999 Prakas on the roles, duties and structures of provincial and municipal departments of land management, urbanization, construction and cadastre, and offices** under the department provides that “The Provincial and Municipal Departments of Land Management, Urbanization, Construction and Cadastre shall have the following roles and duties to protect natural resources and cultural heritage; and repairing, maintaining, using the building structures and heritages in the provinces and municipalities”.

24. **Declaration (Sechkday Prakas) of the Council of Ministers No. 06**, dated 27 September 1999, on Measure to eliminate anarchy in land encroachment, forbidden private rights over cultural heritage places. This is to protect the cultural heritage from being also used for any development purpose rather than preservation and protection for the cultural interest.

25. **Policy Paper on Social Concessions in the Kingdom of Cambodia, of 2002, provides that** “The preparation of regulations for the granting of social land concessions shall focus attention on a set of questions relating to state land management. Before land can be granted for social purposes, state land needs to be identified and classified and plans for its use need to be adopted. State land includes forests, waterways, roads and other transportation infrastructure, parks, protected areas, cultural heritage sites, public facilities and areas for military use, as well as unutilized areas.”

4 Consistency with the World Bank Environment and Social Framework

26. The World Bank Environment and Social Framework (ESF) sets out the requirements of the 10 ESSs. The ESS8 requires borrowers to prepare a Cultural Heritage Protection Framework (CHPF) as mechanism to protect and prevent lost or damage of tangible and intangible cultural resources throughout the hold project life cycle. The ESS8 defines tangible cultural heritage to include movable or immovable objects, sites, structures, groups of structures, and natural features and landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance. The World Bank recognizes that the development projects it finances should avoid or mitigate any impact on sites or objects with historical, religious, aesthetic or other cultural significance.

27. **The legal framework in Cambodia is broadly consistent with the Bank’s ESS8**, particularly the 1996 Law on the Protection of National Cultural Heritage, the Sub-Decree No. 83 on the Procedure of Communal Land Title Registration, and the Declaration of the Council of Ministers No.06. However, the national framework does not fully match the requirements of ESS8 in the following aspects:

- The legal framework deals mainly with tangible cultural heritage, and is less concerned with intangible cultural heritage;
- The legal framework does not include ESS8 requirements for stakeholder consultation.

28. This CHPF has been prepared to address these gaps (see additional details in section 5.2). The CHPF covers the different cultural spaces, tangible and intangible, for indigenous communities. 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 are still nomadic or shifting cultivators.

29. The application of the ESS8 is closely linked with the ESS7 which provides detailed guidance to avoid, minimize, and/or mitigate adverse impacts of the project on indigenous communities as well as to compensate for the impacts. The ESS7 aims to recognize, respect and preserve the culture, knowledge, and practices of indigenous communities and to provide them with an opportunity to adapt to changing conditions in a manner and in a timeframe acceptable to them. In addition, the ESS7 requires to obtain the Free, Prior, and Informed Consent (FPIC) of affected indigenous peoples in certain circumstances, including when projects may have significant impacts on their cultural heritage that is material to the identity and/or cultural, ceremonial, or spiritual aspects of the affected indigenous peoples’ lives.

30. The ESS8 requires to borrower to conduct consultation with stakeholders that are relevant for cultural heritage that may be affected by the project, including project affected parties and other interested parties including different local and indigenous tradition bearers who may have different interests in, or attach different significance to, the community’s cultural heritage.. The consultation will be conducted in accordance with ESS10 of the ESMF for LASED III project. Carry out meaningful consultations to identify cultural heritage that may be affected by the project, consider its significance, assess risks and impacts and explore avoidance and mitigation options. The consultations will have to maintain confidentiality where necessary, including respecting traditionally confidential information.

31. Under the World Bank’s ESS8, cultural heritage protection is expected to require a sequence of steps including screening, collecting baseline data, developing terms of reference, impact assessment, and formulating mitigating measures and a management plan. The CHPF provides guidance on this process for the LASED III.

5 Cultural Heritage in the Project Areas

32. The ESS8 requires measures to mitigate the loss or alteration of culturally significant areas, if any. Damage or destruction of newly discovered sites by chance may result from construction related activities in infrastructure and small irrigation system. The ESS8 is triggered as the activities proposed in the LASED III project could directly or indirectly affect the physical and intangible cultural resources of the indigenous communities. Indigenous peoples often have close connection with forest areas, including spiritual connections. These may vary within the community, with different sub-groups and generations having different values and interpretations of cultural heritage; women and girls, for instance, may have different attachment to spaces and their own cultural heritage than men and boys. It is possible that in isolated cases the ICLT activities could interfere with villager-defined sacred forest sites¹. There is also the potential of discovering unknown archaeological, historical or cultural sites during clearing and construction activities for infrastructure and small irrigation system.

33. The LASED III project will entail multiple ICLTs sites in a large geographical area of Northeast region of Cambodia where the density of Indigenous Communities (ICs) are highly present. Majority of IPs including Kuy, Phnong, Tumpoun, Charay, Kroeng, Steang, Prov, Kavet, Kroul, Meul, Kachak, Khornh, Lorn, are located in Ratanakiri, Mondulakiri, Stung Treng and Kratie provinces. These communities exhibit rich tangible and intangible cultural heritage which will need be identified on a case by case basis early screening (see the screening form in ESMF) and participatory planning integrated into the land titling process as well as the planning process for livelihood and community infrastructure investments. This process is spelled out in more detail in the IPPF.

34. For ICLTs, the application of ESS8 will be in line with ESS7. Should the requirements of ESS8 differ from the provisions under ESS7 that are applicable to cultural heritage of indigenous peoples, the provisions of ESS7 will apply. The IPPF provides overall guidance for mitigation of potential risks that may affect indigenous communities including their cultural heritage and livelihood. The IPPF provides a clear process of ICLT including: step 1 the recognition of IPs; step 2 granting the IC legal status, preparation and filing of communal land registration application, and applying for communal land registration; and step 3 communal land registration process. The presence of, and potential impacts on, cultural heritage will be identified at each stages of the ICLT processes, especially 2 and 3. A Cultural Heritage Management Plan (CHMP) would be prepared for specific SLC and ICLT sites during the identification and application process. Annex 1 of this document provide the format of the CHMP.

35. The CHPF reflects the process of ICLT which includes mapping of residential, reserve, spiritual forestland, and burial ground forestland and have in place measures for protecting these areas and ensuring continued access to these. 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.

36. The IPPF for LASED III identifies ICs potentially affected, whether positively or adversely, by the project to include (1) ICs that are specifically targeted with support for ICLT and rural development activities on ICLT land; and (2) ICs, whether or not recognized by the Ministry of Rural Development, that may be presented in areas where SLCs are implemented. In either case, the affected ICs may include both

¹ ICLT does not necessarily mean loss of access to forest by IC as such impacts should be avoided through a participatory planning and application of the CHPF and IPPF.

project beneficiaries (members of IC communities receiving ICLT, and land recipients in SLC) and other IC residents in the area or not receiving SLC titles. If affected adversely, indigenous persons and households will use the same right as others to file the complaint through the project Grievance Redress Mechanism.

37. The density of tangible cultural heritage of Angkorian and pre-Angkorian sites and objects in Cambodia is high along lower rivers, water bodies and major communication ways. It becomes low as one moves towards forested areas. A majority of SLCs to be supported under the LASED III are expected to be located on land that was under forest in a recent past or is still under degraded forest. Existing and potential finds in the project area are accordingly expected to remain limited. In case of finds the “the Chance Finds Procedure” would be applied, see detail in section 5.2 below.

38. Only 4 Angkorian temples are recorded in Kratie and Kampong Cham Provinces, all along the Mekong River:

- 2 in Kratie Province: in Srae Chis Commune and Khsuem Commune;
- 2 in Kampong Cham Province: in Chob Commune and another commune.

39. Sambour District in Kratie is also the site of a large pre-Angkorian city.

40. 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.

41. Memot District in Tboung Khmum Province has a remarkable prehistoric heritage consisting in “earthworks”, i.e. large circular land levees that used to shelter circular villages in the Stone Age. Most sites identified to date in Cambodia are located in Memot District. Among these 28 sites, one is located in the Choam Kravien pilot commune. Prehistoric tombs with artifacts were found in 6 sites in neighboring Ponhea Kraek District. The Memot Center for Archeology, currently funded under a German project, supports their preservation.

42. 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.

6 LASED III Measures for Cultural Heritage Protection

6.1 Approach

43. The LASED III project will involve ICs and Indigenous Peoples Planning Framework (IPPF) has been prepared in line with the WB’s ESS7. In addition to the requirements of this CHPF and the Bank’s ESS8, the existing approach of relevant government agencies, including the provincial culture departments will be followed in preparing the CHMP for the specific SLC and ICLT sites and will be submitted to WB for review and clearance before implementation.

44. The following approach for identifying and addressing potential impacts to tangible and intangible cultural heritage will be followed for LASED III. This approach will be reflected in the project’s PIM and in the terms of reference of technical assistance:

Cultural heritage in LASED III

LASED III pays attention to cultural heritage, both tangible and intangible, in all project communes and ICs. The Royal Government of Cambodia, represented by EA and IA of the LASED III project, will avoid impacts on cultural heritage caused by the project activities. When avoidance of impacts is not possible, the government will identify and implement measures to minimize impacts on cultural heritage, in accordance with the mitigation hierarchy. Where necessary, a Cultural Heritage Management Plan (CHMP) will be developed for participating sites. The CHMP will include an implementation timeline and an estimate of resource needs for each mitigation measure. The CHMP may be developed as a stand-alone plan or as part of other plans developed (e.g. IPP, ESMP), depending on the nature and the scale of the risks and impacts of the sub-project.

At any stage of the LASED III project cycle that may have impacts on cultural heritage, EA/IA will: (a) deploy competent professionals to assist in the identification and protection of cultural heritage; and (b) ensure that internationally recognized practices for field-based study, documentation and protection of cultural heritage are implemented, including by contractors and other third parties. For instance, a chance finds procedure, set out below, for managing chance finds of Archaeological material encountered unexpectedly during project construction or operation which will be included in all contracts relating to construction of the project.

EA and IA will ensure that all relevant stakeholders will be consulted following the requirements of the Bank's ESF, particularly ESS10, to develop and implement appropriate measures to avoid or mitigate impacts on cultural heritage, taking into account the additional requirements set out for specific categories of cultural heritage. Relevant stakeholders will be identified during the environmental and social assessment for specific SLC and ICLTs sites, when identified, for cultural heritage that is known to exist or is likely to be encountered during the life of the project, through the application of ESS10. Stakeholders will include project-affected communities; relevant national or local authorities; and relevant non-governmental organizations and experts, including international cultural heritage organizations.

The specific interpretations of cultural heritage, that may exist in local communities and may differ from national norms or outsider perceptions, will be investigated and taken into consideration. Women and girls have different attachment to spaces and their own cultural heritage than men and boys. The investigation will also take into account the effects of the project into different generations and sub-groups in the communities. Therefore, the process of identification, understanding impacts, the development of appropriate measures for protection of cultural heritage will take these differences into account.

6.2 Specific Measures

45. Specific mitigation measures to avoid or reduce impacts on cultural heritage by project activities include Chance Finds Procedures; measures for strengthening capacity of national and sub-national agencies responsible for managing cultural heritage; establishment of a monitoring system to track the progress and efficacy of these activities; establishment of an implementation schedule and required budget for the identified mitigation measures; and cataloguing of finds. 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.

Measures for Cultural Heritage in LASED III Project

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 cultural, 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” (in Appendix B) will be applied.
9. Prepare measures for strengthening the capacity of national (EA, IA and relevant ministries) and subnational authorities responsible for managing cultural heritage affected by the project.

46. Measure 1 ensures availability of updated inventory data at provincial level.

Measure 2 aim to mainstream attention to both tangible and intangible cultural heritage in the LASED III project at sub-national level.

47. Measure 3 EA/IA will consult with relevant stakeholders and encourage them to participate in identifying and assigning value to cultural heritage affected by the project, assessing potential impacts, and exploring avoidance and mitigation options. The EA/IA will ensure the inclusion and cooperation of the various stakeholders through a dialogue with the appropriate authorities, including the relevant national and local authorities to establish effective means for addressing the views and concerns of the stakeholders and involving them in the protection and management of the cultural heritage. Consultations with local project affected communities will ensure that the community’s perceptions of cultural heritage, which may differ from national norms or outsider perceptions, are investigated and understood, and that the different perceptions of women and girls, as contrasted with those of men and boys, are taken into consideration.

48. Measure 4 allows to check whether additional screening is also needed. A screening note based on the attached format is used. The person in charge is the social and environment focal person in the provincial LASED III office. The screening notes are reviewed at the end of Year 1 of project implementation. Provided all sites identified are already under protection through the provincial inventory and all commune

councils are well informed about the procedure for chance finds, there will be no need for additional screening notes during subsequent years.

49. Measure 5 set out requirements that EA/IA need to ensure the inclusion and cooperation of the various stakeholders in order to preserve specific types of cultural heritages include archaeological sites and artefacts, historical structures, natural features with cultural significance, and movable cultural heritage, that require additional actions for preservation.

50. Measure 6 underlines the importance of participatory mapping in the identification of any sites and objects of cultural significance. When the sites are identified with potential sites and objects of cultural significance, a Cultural Heritage Management Plan for each specific site will be developed, including an implementation timeline and an estimate of resource needs for each mitigation measure. This may be developed as a stand-alone plan or as part of other plans developed (e.g. IPP, ESMP), depending on the nature and the scale of the risks and impacts of the sub-project.

51. Measure 7 relates to the potential selection of Kampong Thom, or another province with dense cultural heritage, as project province. If such a province is selected, a qualified expert will produce a detailed assessment of sites and will propose specific reporting and protection measures.

52. Measure 8 in case of finds, the “Chance Finds Procedure” will be applied (Appendix B. Cultural Heritage Chance Finds Procedure).

53. Measure 9 describes the training and awareness requirements necessary for its effective implementation of the CHPF. EA/IA and contractor shall ensure that all LASED III personnel responsible cultural heritage protection are competent and have received the necessary levels of training and awareness raising. The goal of the training is to develop a basic understanding of known sites in the areas of work and explain cultural heritage find identification, stop work, and reporting procedures as per the Chance Finds Procedure. Training will also raise awareness of tangible and intangible cultural heritage, local customs, and traditional norms, including how to behave within different cultural groups of IP.

Appendix A. Template of Cultural Heritage Management Plan

The Cultural Heritage Management Plan (CHMP) is an individual, site specific plan developed for sites with cultural heritage risks and potential impacts. The development of CHMP shall be required for the sites with high potential of Chance Finds or already identified cultural heritage that needs protection.

The CHMP document shall be structured as following:

1. Short Introduction and Objective
 - 1.1. Summary of tangible and intangible cultural heritage at sub-project site
 - 1.2. Objective of CHMP
 - 1.3. Scope of CHMP
 2. Legal and standard requirements
 - 2.1. National Legal requirements
 - 2.2. International Standard and Guideline
 - 2.3. Jurisdiction of national and sub-national

The key institutes with a role in cultural heritage management are the Ministry of Culture and Fine Art and its provincial departments, the National Apsara Authority, the Ministry of Rural development and its provincial departments, the Ministry of Environment and its provincial departments, EA/IA, Provincial and District Government and Commune Council.
 3. Management of Cultural Heritage
 - 3.1. Assessing Cultural Heritage Resource Significance
 - 3.2. Community Consultations
 - 3.3. Consultation with Relevant Authorities
 - 3.4. Cultural Heritage Survey

The Cultural Heritage Survey should be part of the land use planning and shall be include: A list of potential cultural heritage properties, sites and important customary /traditional practices; An understanding of each identified property, site or practice; GPS coordinates for the identified cultural heritage properties and sites; An indication of the identified constraints/sensitivities and how potentially to avoid impacting the property/heritage location.
 - 3.5. Cultural Heritage Management and Protection Measures
 - 3.6. Implementation and timeline
 4. Organization, Roles and Responsibilities
 - 4.1. EA/IA' Roles and Responsibilities
 - 4.2. Contractor's Roles and Responsibilities
 5. Training, Awareness Raising and Resources needed
 - Awareness training, for all personnel with the potential to encounter tangible or intangible cultural heritage resources during their day-to-day activities
 - Specific cultural heritage training for those non-cultural heritage specialists designated as monitors
 6. Reporting and Notification
 - 6.1. Reporting of Contractor Cultural Heritage Surveys (3.4.)
 - 6.2. Reporting of Chance Finds (Appendix B)
 7. GRM
 8. Budget
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Appendix B. Template of Chance Finds Procedure

1 Purpose, Objectives and Scope

Construction of small infrastructure and facilities as well as livelihood supports related activities under the LASED III project has the potential to alter tangible or intangible cultural heritages, unknown or unrecorded cultural and archaeological sites. The LASED III project will develop Chance Finds Procedure to define the steps on how Chance Finds will be managed once they have been discovered. EA and IA will ensure contractors and livelihood experts to be familiar with the possibility that they may discover unknown finds and know how to manage them.

The objectives of the Chance Finds Procedure are to:

- Define the steps which must be followed to manage the discovery of previously unknown sites, including the preservation and appropriate treatment of these finds, while minimizing any disruption to the construction schedule
- Enable compliance with all relevant national laws and regulations and other requirements.

EA and IA will make sure that the Chance Finds Procedure will be applied by all LASED III contractors/subcontractors at all SLCs and ICLT sites.

2 Procedure and Implementation

2.1 Planning Procedure

Consultation. EA and IA will consult with all relevant parties, including relevant ministries at national level, provincial line technical departments, and district authority, in order to agree to the Chance Finds Procedure.

Laboratory and Other Support. EA and IA, with technical support from the Ministry of Culture and Fine Art and its provincial departments, will make arrangements for suitable laboratory test and other necessary facilities at provincial level or national level for identifying the find objects.

Training and Awareness. Where necessary, EA and IA, with support from cultural expert, will develop and implement a Cultural Heritage Training and Awareness. The training and awareness will include basic training in the identification of sites and objects relevant to the SLCs and ICLT sites, including the cultural significant of IC communities. The training and awareness shall be delivered to all relevant project implementation agencies at sub-national level, contractor, and sub-contractor prior to their participation in works/livelihood activities.

2.2 Implementation

2.2.1 Monitoring

Monitoring shall require the appropriately trained personnel to determine the significance of a chance find in accordance with the definitions provided in the LASED III project's Cultural Heritage Management Framework and follow the Chance Find Flowchart provided in Attachment 1.

Attachment 1 - Chance Find Flowchart

- Bound copy of Chance Finds Report Forms presented to EA/IA and provincial representative
- Verification of each Chance Find Report Forms to Chance Finds items completed

- Chance finds appropriately packed and labelled
- Inventory of Chance Finds Items placed inside packed boxes
- Outstanding issues relating to any or all of the above have been resolved
- EA/IA or provincial representative accepts transfer of Chance Finds items from contractor to relevant provincial department of Culture and Fine Art.

| Contractor Representative | EA/IA Representative | Provincial Representative |
|---------------------------|----------------------|---------------------------|
| Name | Name | Name |
| Signature | Signature | Signature |
| Date | Date | Date |

2.2.2 Stop Work

- Once cultural heritage objects sites are identified, contractor or sub-contractor shall immediately stop works within an approximate distance of the site.
- Contractor/sub-contractor shall call EA/IA and provincial level to the location to make a rapid determination of the significance of the find.
- Contractor/sub-contractor shall, in the event that a site of potentially high significance is discovered, demarcate and secure the area.
- EA/IA, provincial Department of Culture and Fine Arts and contractor shall evaluate sites or objects in accordance the procedure required by the Ministry of Culture and Fine Arts.

2.2.3 Management of Chance Finds

In case the chance find site is a highly significant cultural sites, contractor and EA/IA shall work together to determine any requirements for community engagement accordance to ESS10. The team will seek out and consult with the affected stakeholders and establish the appropriate action.

Management Options. The following management options will be considered:

- **Avoidance** to minimizes the impact to the site through partial or complete project redesign or relocation, should be the preferred option for cultural resource management perspective.
- **In-situ Management** This option includes the application of site protection measures. Appropriate protection measures will be identified and agreed between EA/IA, contractor, provincial department of culture and fine arts, and the local authority on a site-specific basis.
- **Destruction** If a site is assessed as having limited cultural significance, it may be destroyed once a complete photographic record has been made and the Chance Finds Report Form has been completed.

3 Reporting

All cultural heritage sites will be reported to EA/IA and provincial level and national level as part of contractor's monthly report, and will include a summary of:

- An update of the Key Performance Indicators
- Incidents of disturbance to known cultural heritage sites
- All cultural heritage sites identified, distinguishing between known and chance finds
- All Chance Finds, etc.