

Land Allocation for Social and Economic Development Project III (LASED III) (P171331)

Minutes of Virtual Public Consultations, April 10 to May 1, 2020

1. Public consultations for the LASED III project (P171331) were held from April 10 to May 1, 2020. Following agreement between the World Bank and the Royal Government of Cambodia (RGC), the consultations were held virtually in lieu of face to face meetings in Phnom Penh or in target provinces, owing to the COVID-19 related restrictions. Guidelines for the consultations which were also agreed to between the RGC and the Bank included posting of materials on the websites of the Ministry of Land Management Urban Planning and Construction, (MLMUPC) the Executive Agency (EA), and the Ministry of Agriculture, Forestry and Fisheries MAFF (MAFF), the Implementing Agency (IA); establishment of a social media platform (Telegram Group) for stakeholders' feedback; telephone consultations; and, a video featuring both the format of the online consultation and the brief descriptions of LASED III project.

2. **The objectives of the public consultations** were (i) to present the design and other key features of the LASED III project; (ii) to obtain feedback from stakeholders on the project, including on the Environmental and Social Framework (ESF) instruments: the Environment and Social Management Framework (ESMF), the Resettlement Policy Framework (RPF), the Indigenous Peoples Planning Framework (IPPF), the Cultural Heritage Protection Framework (CHPF), the Labor and Working Conditions Plan (LWCP), the Environment and Social Commitment Plan (ESCP), and the Stakeholder Engagement Plan (SEP); and (iii) to prepare minutes of the consultations as a “reference material” for the revision, as needed, of the ESF instruments. These consultations build on previous direct consultations at the Project Concept Note (PCN) and project preparation and design stages. These were conducted with prospective beneficiary communities of LASED III, civil society organizations, private sector and other relevant stakeholders, and also covered issues pertaining to Indigenous Community Land Titling (ICLT), and Social Land Concession (SLC) as well as development support for the vulnerable groups.

3. The consultations were led by H.E Theng Chansangvar, Secretary of State, supported by the core LASED III teams¹ from the EA and the IA. The events were facilitated by LASED III's consultants² and guided by the World Bank Task Team³. The RGC consultation team sent out virtual invitations to the public consultation, which included background and objectives of the consultations. The guidelines for the consultation are provided in [\[attachment 2\]](#).

4. The RGC consultation team prepared lists of stakeholders who were invited to participate in the Telegram group. Guidance was provided on how to provide comments, and the link to access all safeguard documents posted on the websites of the EA and the IA was also provided along with the email address of the RGC consultation team.

5. **The presentations for the virtual consultation [attachment 3, 4 and 5]** include: (i) the LASED III project; and, (ii) the associated ESF instruments. The LASED III project presentation covered project background, selection of SLC, ICLT, and Indigenous Communities (ICs) for the development support, targeting and selection of beneficiaries, objectives and sub-components, financial plan and institutional arrangements. The ESF presentation emphasized the importance of stakeholder consultation plan, procedures for identification and management of E&S risks in each project location, provisions for involuntary resettlement and compensation for displaced persons (in case this should occur) and the project Grievance Redress Mechanism (GRM).

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6. The RGC consultation team prepared a short video presenting the project [attachment 3]. This was posted online (Telegram Group) together with the ESMF table of risks, impacts and mitigation measures; and, legal gaps in PowerPoint format [attachment 4 and 5], the executive summary of the ESF in Khmer [attachment 8]; In addition, all safeguard documents, in draft form, both Khmer and English were posted on the websites of the MLMUPC (<http://www.mlmupc.gov.kh/>) and of the MAFF (<https://web.maff.gov.kh/>):

- Environment and Social Management Framework (ESMF)
- Resettlement Policy Framework (RPF)
- Indigenous Peoples Planning Framework (IPPF)
- Cultural Heritage Protection Framework (CHPF)
- Labor and Working Conditions Procedures (LWCP)
- Stakeholder Engagement Plan (SEP)
- Environment and Social Commitment Plan (ESCP)

7. The Telegram Group included 87 participants by officials at national and sub-national levels of government, representatives of UN agencies and civil society organizations across Cambodia. Telephone calls were made to several NGOs to ensure that their views are heard directly.

8. Of all the participants invited to the virtual consultation, a total of 31 people provided written feedbacks. Some shared their feedback both through the given email address and Telegram group. These include: one government official from the Kratie province, two UN Agency officials, one independent consultant, and twenty-seven from the “NGO Forum” and their membership organizations [attachment 6]. Of important note, NGO Forum organized a virtual group discussion amongst their member organizations to review the safeguard documents and consolidated all feedbacks, and then sent to the RGC consultation team along with list of representatives of participating organizations. In addition, there were 259 viewers of the documents posted on the Websites, 18 of them provided written feedbacks on the quality of the documents produced for LASED III [attachment 7].

9. **Summary of issues discussed.** The main points of virtual discussion are summarized below. They focused on: (i) the ICLT process and impacts on indigenous peoples (IP); (ii) the SLC process; (iii) protection of natural resources and biodiversity; and, (iv) the importance of avoiding involuntary resettlement or ensuring fair compensation for displaced people. Generally, the participants of the online consultation appreciated the good quality of the documents and the availability of both Khmer and English versions, as well as the different formats of presentation such as video clips, summaries, and PowerPoint slides.

10. **The comments and recommendations** received from stakeholders are presented in [attachment 1]. The table below presents the list of comments by virtual participants for each ESF instrument.

11. **The key questions and recommendations** raised by the virtual participants are summarized for each ESF instrument in the following table.

ESF Instrument	Key Questions and Recommendations ⁴
ESMF	Most of the comments suggest (i) deeper reviews/assessments of overlaps between areas covered by ICs and those under the responsibilities of other institutions such as the MoE, and explore sustainable solutions; (ii) speeding up the process of registration of state public land and zoning in protected areas; (iii) a national guideline to address the issue of IPs rights versus natural resource management; and (iv) advisability for NGOs and communities to be involved in LASED III implementation.
SEP	Notable suggestion is how FPIC can be better promoted in remote areas to ensure effective engagement with IPs.
LWCP	Suggestions to include in the document: (i) ensuring that workers have formal contracts; and (ii) the need to build the capacity of contractors and subsequent follow-up training about their obligations, workers’ rights, and grievance mechanism.

⁴ See detailed comments in Attachment 1

RPF	Suggestions include: (i) support for proper land clearance for farming, because NGOs have noticed that farmers in SLC areas face important challenges including mine and Unexploded Ordnance (UXO) clearance, the need for clearing farming land, etc.; (ii) careful identification of all people including legal and other types of occupants and users, who gain livelihood from the land without occupying it e.g. Common Property Resource (CPR); and, (iii) implement SLC on lands made available by ELC cancellation since an important purpose of the ELC cancellation is to avail lands for SLC and to promote natural reforestation.
IPPF	Suggestions include: (i) making the process as similar as possible with the ICLT, in particular, with the involvement of NGOs; and, (ii) need to clarify how to cooperate with other Ministries when there is an overlapping area;
CHPF	<ul style="list-style-type: none"> Only very minor comments (e.g. considering sacred land and graveyards) which are covered in the definition of cultural heritage.
ECSP	A strong suggestion is that land from ELC cancellation is better suited for SLC than other sources of land. In addition, following issues are recommended for consideration: gender analysis, mainstreaming and empowerment.

Attachments

Attachment 1: Matrix of Comments and Virtual Responses and Commitments

Attachment 2: Virtual Consultation Guidelines

Attachment 3: Short video on what is LASED III about?

Attachment 4: PowerPoint slides on legal gaps analysis

Attachment 5: PowerPoint slides on risks & mitigation

Attachment 6: List of Virtual Participants

Attachment 7: Participants' rating on LASED III's Project

Attachment 8: Executive Summary in Khmer – All Instruments

Attachment 1: Matrix of Comments and Clients Virtual Responses and Commitments

Date	April 10 to May 1, 2020	
Place	Through ministries' websites, group telegrams, telephone call, video brief, SMS	
Language	Khmer and English	
Number and composition of participants	87 participants are representatives or staff members of MLMUPC, MAFF, Sub-National Level, NGOs, and international donors and development partners (DPs)	
Topic/Document	ESMF, RPF, IPPF, CHPF, LWCP, SEP, ECSP, PowerPoint, and Video on LASED III project that comprise of background, objective, beneficiaries, project components, implementation arrangement, safeguards, etc. (see attachments 3, and 4)	
Original Document	Participants' questions and inputs/suggestions	Project Teams virtual responses
I. Environment and Social Management Framework (ESMF)		
Para 5/ P.8 LASED III will support activities at 14 existing SLC and approximately 15 new SLC which are to be identified, as well as approximately 30 IP communities that have received ICLT and 15 IP communities that have applied for but not yet received ICLT.	(OHCHR) LASEDIII should include some SLC sites studied in OHCHR report, issued in May 2018 [https://bit.ly/2Ypot4Z (English) and https://bit.ly/2Yp7hw9 (Khmer)], to support social infrastructure developments on such SLC sites in Boeung Lvea commune, Suntuk district, Kampong Thom, Trapeang Pleang commune, Chhuk district, Kompot province, and Boeung Pram commune, Boveil district, Battambang as well as covers an informally identified SLC site, in Bousra, Peachreada district, Mondulkiri, as one of planned 15 new SLC sites.	The project will select sites on a demand-led basis. The project targets approximately 12 new Social Land Concessions (SLC) not 15. The Executive Summary text has been corrected

Para 2, page VIII The Environmental Protection and Natural Resources Law (1996)	(NGOF and Members) Please explain why it does not mention protected area law 2008 in the ESMF. The 6-target province enriches of natural resources and biodiversity	Protected Areas Law 2008 is now cited in the Executive Summary and summarised in Section 1.8 of ESMF.
Para 23, Page Table 1B Phase 2.5	(NGOF and Members) The interim protective measures should be automatically issued once the application form ICs reach the provincial department. However, the measure, process, and title could be negotiated later among ICs and government officials. In general, NGOs, local authorities, and communities are working together to identify their preliminary map before applying to the provincial department. This is to avoid dispute with encroachers.	Interim Protection Measures are issued by the Provincial Governor at Phase 3, Step 3 of the Indigenous Community Land Titling (ICLT) ⁵ process (see Indigenous People Planning Framework, IPPF). They cannot be issued “automatically”
Para 42, Page 9 ICLT Eligibility.	(NGOF and Members) Please provide more detailed information if it includes ICs who already apply for ICLT, but they have conflict on land with ELCs and PAs.	Indigenous Communities (ICs) that have received recognition as communities from Ministry of Interior (MoI), but have not yet submitted land title applications (at Phase 2.5 of the ICLT process), or that have progressed to a later stage, will be eligible to apply for project assistance. This has been clarified in the text.
Para 9/ P.XI Stakeholders to be consulted through this process include stakeholders in Kratie, Mondulkiri and Ratanakiri at Province, Commune and IP community level as well as stakeholders in Phnom Penh.	(NGOF and Members) NGOs mentioned there was not a consultation happening at the targeted provinces. Such as Mondulkiri, Ratanakiri, Preah Vihear yet. The consultation with all stakeholders both national and sub-national level should be done. NGOs suggest to make the ESMF and its annexes alive which we can provide suggestions for improvement even during the project implementation.	Consultation happened virtually due to COVID 19 and included stakeholders from the mentioned provinces. ESMF is a living document and can be updated during project implementation. Stakeholders will be consulted on revisions which will be publicly redisclosed. Ongoing engagement with NGOs on safeguards at site level is planned, under the Stakeholders Engagement Plan (SEP).
Para 26/ P. 4 26. Project Development Objective (PDO). The PDO is: (i) tenure security provided to beneficiary farmers and community groups. Achievements would be measured by Achievements would be measured by the access to agriculture services, clean water, connecting roads, schools and health posts; ...	(OHCHR) 1) and grievances of SLC related land are remediated. 2) an irrigation system,	ESMF only quotes the PDO, it doesn't define it. PDO will stay in its current form
Para 23/ Table 1B/ P. Phase 2.5	(NGOF and Members) The Interim Protective Measures (IPM) should be automatically issued once the application form ICs reach the provincial department. However, the measure, process, and title could be negotiated later among ICs and government officials. In general, NGOs, local authorities, and communities are working together to identify their preliminary map before applying to the provincial department.	ICLT will start from Phase 3, this means that IPM may have been done already in the applicant communities. However, due diligence will be conducted per Table 8 of IPPF

⁵ Manual on Indigenous Communities Identification; Legal Entity Registration; and Communal land registration process in Cambodia (published in December 2018). Cambodia Office of the High Commissioner for Human Rights (OHCHR)

	Supporting Idea: This is to avoid dispute with encroachers	
Para 28/ P.5 28. Component 1: Selection and Development social assessment and land use planning are carried out before	(OHCHR) using Human Right based and preparedness for identified SLC land-related grievance remedy	Protection of human rights is integrated in the World Bank’s Environmental and Social Framework (ESF) which is the basis for the ESMP and other environmental and social risk management instruments of LASED. Therefore, the language used reflects the wording of the ESF. Grievance redress is addressed in RPF and in SEP.
Para 31/ P.6 31. Component 2: Community Infrastructure Development: , health posts	(OHCHR) and health care facilities plus on site-based medical staff.	No change needed. Health posts need to be established on sustainable basis and in conformity with healthcare system standards. This may not always mean permanent on-site staff.
Para 44/ P.9 44. The project communication team will ensure that internal and external information sharing and awareness raising reach beneficiaries and other stakeholders through appropriate communication means.	(NGOF and Members) What are appropriate communication means? Please specify tools clearly for public stakeholders, NGO partners, targeted communities, etc. How often the information is shared? Who is the communication team doing for dissemination? Could NGOs participate in dissemination? It would be easier for all stakeholders, especially communities, to access the information.	Text has been revised.
Page 23 Table 3: Gap Analysis of Legislative and Regulatory Framework vs. ESS Requirements Land Acquisition, Restrictions on Land Use and Involuntary Resettlement (See also: RPF)	(NGOF and Members) For fair valuation, there shall be an Independent Committee consisting of ministry which initiate the project, representatives of local authorities, representatives of NGOs, selected representatives of community who are triggered to be affected, women representatives, at least two technical experts on social safeguard for each project to oversight the valuation of fair and just compensation. Carry out meaningful consultations with affected persons, host communities, community members and leaders, provincial government agencies and concerned nongovernment organizations with particular attention to vulnerable groups and ensuring their meaningful participation in planning, implementation, and monitoring and evaluation of resettlement programs. (NGOF, 2018) The SLC site should implement where recipients (landless households) could settle, do farming, or other options where people can survive with economic and social welfare.	Valuation procedures are set out in the Resettlement Policy Framework and have been assessed as adequate to ensure fair and just compensation through a transparent process. Consultation requirements are in the SEP and are consistent with the comment. Yes, SLC allocates land for landless households to settle and farm
Page 23 ESS6: Biodiversity Conservation and Sustainable Management of Living Natural Resources.	(NGOF and Members) Conduct a study and identify ICLT proposals that overlap with protected areas in consultation with indigenous communities for approval based on their actual use and ensure the sustainability of natural resources.	Detailed mapping and studies will be carried out for all sites. See also the IPPF.

<p>Page 24 ESS7: Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities (See also: IPPF)</p>	<p>(NGOF and Members) Working with MoE to speed up the process of state public land registration and identifying zoning in protected areas with public consultation by using free, prior, informed, and consent with IPs communities especially women and vulnerable groups.</p>	<p>This is addressed in the Gap Assessment table (<i>Gap 7: address the reconciliation between MAFF and MoE laws and regulations regarding Protected Area land through the provincial state land committee</i>). See also response to comment on Page 45 below.</p>
<p>Page 45 Table 9: Summary of ESS7 Risks MoE has not included any PA land in ICLTs when ICs wanted to register such land as communal land, as opposed to CPA with limited role and access. As a result, ICs have often rejected a CPA registration</p>	<p>(NGOF and Members) The level of risk should be higher and needed higher mitigation measures as two of six target provinces are rich in biodiversity and considered as protected areas. Furthermore, FPIC principle should be highly considered.</p> <p>MLMUPC should closely discuss with MoE and FA, MAFF to have a clear study and issue a national guideline for ensuring balance between indigenous people rights and natural resource management.</p>	<p>IPPF describes site level procedures for dealing with this issue</p> <p>This is a policy issue that goes beyond the direct scope of LASED-III activities as it requires action from Ministry of Environment (MoE) and Ministry of Agriculture, Forestry and Fisheries (MAFF) as well as MLMUPC, and might require amendments to legislation or regulation. However, LASED-III will seek to address this issue through establishing an improved coordination mechanism with MoE, MAFF an MLMUPC for mapping and zoning protected areas – see the IPPF.</p>
<p>Page 53 5.2 Project-Level Risk Management. 226. The key risk management measure at the project level</p>	<p>(NGOF and Members) Requesting to include stakeholders of NGOs and Community in LASED III implementing agencies.</p> <p>To resource mobilization, inputs and technical assistance and communities' ownership and contribution.</p>	<p>NGOs will be involved as stakeholders (see SEP) and potentially as service providers.</p>
<p>Page 64 5.6.2 Stakeholder Engagement Plan (SEP) 258. For new SLC</p>	<p>(NGOF and Members)</p> <p>(a) Requesting to include the Education Institution, relevant Universities, academic and EIA Consultant Firms.</p> <p>(b) Suggestion to reference the Sub-Decree No.72 dated 1999 on Environmental Impact Assessment (EIA) and Regulation on Public Consultation on EIA, dated 2015</p> <p>To resource mobilization, inputs and technical assistance.</p>	<p>Preparation of the location-specific Stakeholder Engagement Plan, including the legal framework and identification of stakeholders, is described in the SEP and is only briefly summarised in the ESMF para 258. Relevant academic / educational institutions and consulting firms would be considered as stakeholders if they are engaged with the beneficiary community. Relevant academic researchers are specifically identified as stakeholders in the SEP.</p>
<p>Page 64 5.6.3 Resettlement Plans (RP)</p>	<p>(NGOF and Members) Request LASED III to implement in the City, Urban and Rural area.</p> <p>The main resettlement issues are occurred in the areas of urban and city more than rural areas. If they are excluded, the social issues won't be resolved.</p>	<p>Site selection will be demand-led. However, SLC is only possible where there is vacant State land available.</p>
<p>Para 345, Page 81 9.2 Public Disclosure</p>	<p>(NGOF and Members) Information related to affected people and beneficiaries must be proactively shared and consulted which is</p>	<p>Information sharing is described in SEP. The public consultation and disclosure process on the ESMF and</p>

	easily accessible and understandable to affected people.	other ESS instruments has been completed and is now summarised in Section 9.2, para 345 of ESMF
Chapter 7, para 313	(Kim Sopor, Gov't official, Kratie) It is the good noted. GIS and Safeguards Adviser position shall be separated, so they can provide technical support and advice perfectly, therefore the government official who in-charge of this task should provide them the specific skills to make sure that they track all E&S issues at sub-national level.	Safeguards (E&S risk management) will be a separate role in LASED III.
Chapter8, para 328	(Kim Sopor, Gov't official, Kratie) The project will establish the Grievance Redress Committee at national level – Provincial Grievance Redress Committee will be formed at sub-national level. The experiences from One Window Service Project (OWSP) and Social Accountability mechanisms is good, perhaps LASED III should capture the good practice from OWSP or I-SAF to improve the efficiency and effectiveness of PGR at sub-national level.	Agreed in principle. GRM is described in the SEP and is in accordance with good practice. Experience with Implementation of Social Accountability Framework (ISAF) etc can be integrated when setting up the GRM structures.
Para 40: <i>Beneficiary targeting</i> (iii) about.....	(OHCHR) the figure is not consistent with the early page (page viii-#5) said approximately 15 new SLCs will be covered in LASED III	Para 40 is correct. The figure in the Executive Summary has been corrected
Para 41: Direct project..... It is expected that approximately	the figure is not consistent with the early page (page viii-#5) said approximately 15 new SLCs will be covered in LASED III.	See above
Para 47: Project Management Team (PMT) /..... communication and participatory decision.....	(OHCHR) with respecting diversity views and gender equality.	Text has been updated as suggested.
Para 49: <i>Supporting / Cooperating Ministries</i> Ministry of Interior	(OHCHR) Should involve more ministries as follow: 1-Ministry of Women's affair (MoWA) to ensure an equal gender process to be implemented in the project, 2-Ministry of Public Transportation Affair for standardized roads construction. 3-Ministry of Water Resources and Meteorology for ensuring a good quality of clean water system. 4-Provincial Electricity Providers department for preparing a electricity running system on the sites.	MoWA and MoWRAM have been added. MoPWT not relevant as LASED III will only upgrade rural (MRD / SNA) roads. Electricity supply enterprises (not Ministries) will be consulted in respect of each location as relevant,
Para 53: (a) Ensure (through processes which are described in detail in the SEP) involvement of and	(OHCHR) in the use of human rights-based approach,	The ESF protects human rights of project affected people. No need to change terminology.
Para 53: The ESF defines an ESMF as, environmental and social risks and	(OHCHR) and the results from conducting ESR assessment will be put on the table to consult with relevant stakeholders, communities, in the wider appropriate approaches.	As mentioned already in the para, consultation arrangements are described in the SEP

Para 54/ P11 The ESF defines an ESMF as “an instrument that examinesand social risks and impacts.	(OHCHR) and the results from conducting ESR assessment will be put on the table to consult with relevant stakeholders, communities, in the wider appropriate approaches	Para just summarises what an ESMF is, according to World Bank’s ESF
Para 55: Therefore, the ESMF presents an analysis of anticipated risks and impacts have been carefully	(OHCHR) and be transparent with the publics.	Transparency is one of the principles, as reflected in the current consultation exercise. See also the SEP including Section 5.0.
Para 55: (c) Project procedures for screening actual and potential SLC sites and ICLT locations for environmental and social risks, and preparation of site-level risk management.....	(OHCHR) including a precautionary principle environment, human rights-based approach, and diversity perspectives in decision-making for the site-level risk management plan.	The ESF protects human rights of project affected people and embodies a precautionary principle throughout. No need to change terminology.
Para 58/ P 12 58. Section 5 presents ...: c) Project procedures for screening actual and potential SLC sites and ICLT locations for environmental and social risks, and preparation of site-level risk management plans;	(OHCHR) including a precautionary principle environment, human rights-based approach, and diversity perspectives in decision-making for the site-level risk management plan.	See above.
Para 62: Indigenous Peoples’ Rights: The legal and regulatory framework for indigenous people’s rights consists of:	(OHCHR) This part should also state about the law on natural protected area (2008) that has some provisions cover IP’s rights on the protected area.	The Protected Areas Law (PAL) is now summarised in para 65 (it is not mentioned under Indigenous People’s Rights as the PAL does not define these rights directly.
Para 137: This chapter of the ESMFsocial profiles of the priority target	(OHCHR) and other stakeholders' SLC study reports for example: UNOHCHR’s report on Assessing the Impact of Social Land Concession on Rural Livelihood in Cambodia [https://bit.ly/2Ypot4Z (English) and https://bit.ly/2Yp7hw9 (Khmer)], other relevant reports.	Text (now para 138) has been updated.
Para 143: In the following paragraphs, risks are	(OHCHR) in the use of human right-based approach and diversity respect, and gender balance,	Not clear how the comment relates to the specific paragraph. However, refer to above responses on protection of human rights through ESF.
Para 143: In the following paragraphs, risks arestate land titling for SLC sites;.....	(OHCHR) and recipient selection process and	Considered as included in “resettlement of SLC land recipients” – text has been edited to clarify this.
Para 143: In the following paragraphs, risks are.....; and (6) agriculture livelihoods support sub-projects.....	(OHCHR) and (7) Grievance mechanism.	GRM is a risk management mechanism, rather than a project activity giving rise to risks.
Para 149: It is also possible that.....in preparation of the ESMP, adversely affected groups will be	(OHCHR) effectively, transparently, timely and acceptably,	Suggested wording has been added (now para 150)
P.53 5.2 Project-Level Risk Management. 226. The key risk management measure at the project level 5.6.2 Stakeholder Engagement Plan (SEP) 258. For new SLC	(NGOF and Members) 3) Requesting to include stakeholders of NGOs and Community in LASED III implementing agencies. To resource mobilization, inputs and technical assistance and communities’. To resource mobilization, inputs and technical assistance and communities’ ownership and contribution.	See additional wording to para 228. However, NGOs will not be “implementing agencies” in the sense of being responsible to manage project funds and deliver project results, except where they may be engaged as contractors or service providers through the procurement process.
Para b) and d)/ P 64 5.6.2 Stakeholder Engagement Plan (SEP) 258. For new SLC	(NGOF and Members) 4) Requesting to include the Education Institution, relevant Universities,	

	<p>academic and EIA Consultant Firms. To resource mobilization, inputs and technical assistance.</p> <p>5) Suggestion to reference the Sub-decree No.72 dated 1999 on Environmental Impact Assessment (EIA) and Regulation on Public Consultation on EIA, dated 2015.</p>	<p>Details of SEP legal framework, identification of stakeholders and process are in the SEP document.</p>
<p>II. Resettlement Policy Framework (RPF)</p>		
<p>Para: Infrastructure, Page 12-13 Component 2: Community Infrastructure Development.</p>	<p>(NGOF and Members) It should have included/added: demining supported activities within SLCs. This will support prioritized and viable infrastructure investments at new project sites.</p> <p>These include the provision of productive/economic and social community infrastructure investments such as rural roads, side drains, culverts, drifts, water supply and sanitation facilities, small-scale irrigation systems, school buildings, teachers' houses, health posts and community centers, among others.</p> <p>In Oddar Meanchey province which was a Khmer Rouge's stronghold area and there are many Unexploded Ordnances (UXOs). Recently, our community members have found UXOs in their SLCs.</p>	<p>Para 16 is about making sure proper assessment and land use planning are done before the sites are endorsed for the project.</p> <p>Para 17 covered much of these</p> <p>Per Para 16 above</p>
<p>Para: Agriculture and Livelihood development, Page 13</p> <p>Component 3: Agriculture and Livelihood Development will support the settlement process of beneficiary households, the building of socio-economic capital (producer groups/cooperatives) and the development of climate-change resilient and market demand driven agricultural production systems. to scale up successful local initiatives.</p>	<p>(NGOF and Members) Should have added land clearing for farming land.</p> <p>These will include support for: (a) settling-in assistance to newly-installed land recipients and land preparation assistance for a first cover crop and/or planting of seedlings for tree crops such as cashew to provide the basis for land recipients to establish a new residency and start using their new agriculture land; (b) implementation of a comprehensive agricultural services strategy with an emphasis on climate-smart agriculture techniques and proceeding with a pluralistic service provider approach, leveraging modern ICT and promoting farmer-managed demonstration plots on improved technologies and practices; (c) establishment and/or strengthening of farmers organizations for production and marketing activities and other community interest groups; and (d) provision of a Community Fund for Development (CFD)</p> <p>The community people who received plots of farming land (SLCs) in Oddar Meanchey claimed that they are facing difficulty to</p>	<p>Added in Para 95</p> <p>See Para 18, there are repeated paragraphs; also see Para 148</p> <p>See above</p>

	clear the land (forest land and full of tree trunk).	
<p>Para: SLCs process, page 28</p> <p>7.1 Land Identification, Exclusion of Private Land, Provision of Compensatory SLC Land, and Assessment of Land Acquisition Requirements within the SLC Planning Framework</p>	<p>(NGOF and Members) Should have added the timeframe to respond to the request for SLCs from the community people, especially poor and landless people. Hence, the commune authorities (commune chiefs) shall have lists of community people who apply for SLCs and shall have data or figures of available land in their territories.</p> <p>Community people in Oddar Meanchey province have applied for SLCs, yet they have not received any information in terms of their request from the provincial authority even though they did follow up with them many times.</p>	<p>In Para 85 indicate the identification of the poor households. The general timeframe is mentioned in PIM that the first proposal for an SLC to the official transfer of land is at least one year.</p>
	<p>General Comment:</p> <ul style="list-style-type: none"> • Careful identification of existing land users including legal owners or possessors and other types of occupants and users who access to or gain livelihoods from the land without occupying it (e.g. Common Property Resource (CPR) users). • SLC site should not too far from their old resident because they may lose their job, education, and areas where they used to access natural resources products. • Excluding land for which a legitimate private claim exists, from SLC or ICLT land. • Providing compensatory benefits including SLC land allocations where appropriate. • Engaging with affected parties to find mutually agreeable and acceptable solutions including preserving access to CPR through a participatory approach and due diligence process. • Where involuntary resettlement is necessary, the Project will prepare, disclosed, consult, proceed and complete grievance process, and adopt, and thereafter implement resettlement plans (RPs) in accordance with ESS 5 and consistent with the requirements of the RPF that has been prepared for the Project, in a manner acceptable to the Association. • SLC and ICLT should implement on the land of economic land concession (ELC) cancellation. Because ELC cancellation has purpose for SLC and natural reforestation. 	<p>Section 7 has steps and methods in details</p> <p>That is part of the criteria</p> <p>As stated in the document, it is avoided as much as possible</p> <p>Detail in compensation section 8.3</p> <p>That is included in Table 5</p> <p>See full details in Section 9 & 10</p> <p>This is a demand driven process, so it depends on the real needs for SLC. ICLT is also demand-driven but from among ICs that have already submitted the application to MLMUPC. In the case of ICLT, it is not about getting new land but to provide legal recognition to their occupied land individually and collectively.</p>

	Effective SLC should carefully consider on 3 main areas: (i) site where does not create conflict, or completely solve land dispute with the local community before project implementation, (ii) the right recipient who is landless, and (iii) develop social infrastructure and systematic and sustainable livelihood before allow recipient to settle in SLC location.	This the whole purpose of RFP as detailed in Section 3.
III. Indigenous Peoples Planning Framework (IPPF)		
In Executive Summary: Project Description Summary: in 2 nd para.	(OHCHR) Among the 45 IC, how many will be supported to obtain a CLT?	Already indicated in Para 14.
In Executive Summary: Communal Land Registration and Development Support: in 2 nd para.	(OHCHR) This assessment of areas where the ICLT process could be simplified is essential. OHCHR Cambodia has been leading a discussion on the simplification of the ICLT process. Advanced versions of the final Discussion paper on the simplification of the ICLT process were shared with the relevant Ministries (MRD, MoI, MLMUPC) and the World Bank. The discussion paper is currently being finalized. For more information, the contact person in OHCHR is Mr. Kim Sambath (skim@ohchr.org)	u While the whole ICLT process may be simplified, it remains unclear when it would be taking place. However, LASED III will only focus with the support in the implementation of Phase 2.5 to 3 of ICLT process as indicated Para 51.
In Executive Summary: Risks, Mitigation Measures, FPIC, and Grievance Redress Mechanism: in 2 nd para.	(OHCHR) More information is needed on how this person would be selected/trained.	LASED III will first assess the ICLT process supported under the project before financing of ICLT activities (see IPPF).
Para 3: The IPPF describes the LASED III project, the relevant Cambodian and international legal frameworks regarding Indigenous Peoples, the measures to fill gaps between Cambodian laws and the World Bank Environmental and Social Standards, the	(OHCHR) The lessons learned should not be only from the Government but from all actors who have been supporting the implementation of ICLT (for example: GIZ, OHCHR, ICSO, CIPO, local NGOs working with IP communities).	Yes this is added to Para 3.
Para 9:	(OHCHR) The component should also consider providing capacity building to IPC on how to manage their communal land in a sustainable way.	u In Para 65, it is clearly indicated that community capacity will need to be strengthened to respond to both the risks and opportunities, not only in ICLT but also livelihoods for sustainable development
Section 2.4: Project Beneficiaries and Locations	(OHCHR) Establishing a communal land dispute resolution mechanism? who to approach, what to do, focal person at national and sub-national levels.	Section 16 covers this aspect, and in reference to more details in the SEP.
Para 14:	(OHCHR) The procedure request from Communes or ICs should be clearly defined (without support, some ICs might not be able to prepare a request).	Para 56 of SEP, and Section 5.2 of SEP, and Para 51 of IPPF cover all aspects to be supported by LASED
Para 28: in (d)	(OHCHR) For some IPC in Cambodia, they don't have their owns language, i.e. Chong IP.	Comment is not clear. However, please see Para 65 & 107 of IPPF, and Para 81 of SEP.

<p>Para 29: At the same time, the ESS7 definition is broader than the government's definition, and would also cover social groups such as the Lao and Cham ethnic groups. To address this gap, the IPPF will include these groups for SLC sites based on ESS7 criteria, but not in the eligibility criteria for ICLT titling and livelihood support for as they are not considered indigenous under the Land Law</p>	<p>(OHCHR) How about other ethnic minorities i.e. Vietnamese, Khmer Krom,?</p>	<p>Khmer Krom generally obtained identity in the same way to other Khmer people. Vietnamese minorities do not meet the identifying criteria of ESS7. However, they may benefit from other policies like SLC, but not ICLT</p>
<p>Para 39: The Indigenous Community Land Titling (ICLT) process comprises several different stages and has required several years to complete.</p>	<p>(OHCHR) This is something that should be revised as it leads to the de-facto disappearance of indigenous peoples' traditional land. Because the titling process is so long, indigenous peoples turn to individual land titles or see their land grabbed before it is registered as CLT.</p>	<p>IPPF outlined all processes already, and indicated dates of completion within each, and the need for swap in some processes. However, IPPF only focuses on Phase 3. The project aims to address this constraint and to enhance land security for IPs</p>
<p>Para 39: Credit should be given to civil society organizations (CSOs) such as Indigenous Community Support Organization (ICSO), Development and Partnership in Action (DPA), Non-Timber Forest Products (NTFP), Highlanders Association (HA), and UNOHCHR who have provided a lot of support to indigenous communities to obtain ICLTs, especially during phase 1 and phase 2</p>	<p>(OHCHR) It is important to recognize work previously done and to involve all these actors in the discussion on the needed simplification of the process.</p>	<p>Yes, adjusted on the involvement in the Project and future involvement.</p> <p>Already mentioned in Section 8, emphasizing relevant stakeholder participation.</p>
<p>Para 42:</p>	<p>(OHCHR) Reference could be made here to a study by OHCHR Cambodia on "Assessment of the Credit Opportunities for Indigenous Communities in Cambodia Holding a Collective Land Title" available at: http://cambodia.ohchr.org/sites/default/files/report/other-report/Economic%20Opportunities%20IPC%20-%20EN%20-%20New%20Cover.pdf</p>	<p>yes, added</p>
<p>Section 9.2 Phase 2: Ministry of Interior (MoI) granting the IC legal entity status</p>	<p>(OHCHR) During this process, there is only one IP Community Bylaws to be produced and then apply for "Legal Entity".</p>	<p>Already clearly mentioned in Section 8.2, not 9.2</p>
<p>Para 47, Page 13</p>	<p>(NGOF and Members) Set up a clear mechanism to address the overlapping issues and aware related stakeholders to be at the same page. The IPPF sounds great with a very comprehensive framework. However, the document seems not involved by MoE.</p> <p>NGOs have been coordinating and facilitating in cooperation with PDoLMUPC, PDoE and PDoAFF and Sub-National Authorities to support the sketch mapping and preliminary map for ICLT application by IPs. Mostly, IPs wish not to see the three separated required by CF, CPA and ICLT application in different stage, but they wish to see the ICLT in once. The practical experiences, MoE wish IPs to request for CPA if any area overlapped with Protected</p>	<p>Already covered in Para 74. Also, the screening process and social assessment will be able to identify those issues if any.</p> <p>These issues will be considered as part of the first phase of project implementation that will refine approach to ICLT (as per IPPF and ESCP)</p>

	<p>Areas or Wildlife Sanctuary and MAFF wish IPs to request for CF if overlapped with the forest under MAFF management. So what is the strategy for compromising and copping that challenges by this LASED-III project?</p> <p>Conduct a study and identify ICLT proposals that overlap with protected areas in consultation with indigenous communities for approval based on their actual use.</p>	
Para 54:	(OHCHR) According to MOI Officials, the IPC is not cover by LANGO	ok adjusted
Para 56: footnote	(OHCHR) OHCHR Manual or OHCHR Discussion paper on the simplification of the CLT process? Needs to be clarified.	We used the OHCHR Manual on indigenous communities identification; legal entity registration; and communal land registration process in Cambodia December 2018.
Step 1.b, page 16 Activity Detailed and stakeholder	(NGOF and Members) To develop a preliminary map, PDoLMUPC should involve PDoE and PDoAFF from the beginning. PDoLMUPC should involve PDoE and PDoAFF in the process of CLT especially in the preliminary map development in order to avoid overlapping CPA and CF. At the time, technical meeting may need to verify if the overlapping can be proceeded for CLT or not, if not does CPA, or CF can be proposed to IC.	Yes, added
Para 57, Page 17	(NGOF and Members) If applicable, LASED III should coordinate MoE and MAFF to produce a guideline to address conflict of legal jurisdiction of sub-decree 83, law on protected area and forest law while land claimed for CLT is overlapping to PA or permanent conserved forest. The overlapping of legal jurisdiction of the forest law, law on protected area, and sub-decree 83 is a challenge. As experienced, ICs which already obtained legal entities from MoI and applied for land registration to MLMUPC have been stuck if the land claimed for CLT overlaps protected area or forest.	This will be considered as part of the first phase of project implementation that will refine approach to ICLT (as per IPPF and ESCP) as already mentioned in Para 47.
Para 73:Therefore, it is suggested that more analysis of the legal and institutional framework needs to be undertaken regarding land tenure	(OHCHR) Would be extremely interesting.	Per Para 52
Para 73:Addressing the issue of potential inclusion PA land into ICLTs, even if PA areas are not fully zoned, should be pursued through an institutional solution in the form of a coordination mechanism whereby relevant information and data from the Ministry of Environment and Ministry of Agriculture could be shared and discussed.	(OHCHR) Very interesting. OHCHR would be happy to support.	Per Para 52
Section 13: Implementation of FPIC in LASED III	(OHCHR) a proper FPIC process must include "Full participation" and "Meaningful Public Consultation". The "Meaningful	Included in Para 82

	<p>Public Consultation" should include at least 8 key elements: 1- early notification, 2- accessible information 3- shared knowledge 4- sensitivity to community values 5- reasonable timing 6- appropriate levels of participation 7- adaptive processes 8- Transparent results.</p> <p>Source: The 2013 Public Participation Guide, Canadian Environmental Assessment Agency</p>	
<p>Para 102: Two Project Information Brochures (PIB)</p>	<p>(OHCHR) In relevant IP language? as well as audio visual product? i.e. radio broadcast program, TV, social media campaign, apps.</p>	<p>Please find in Para 103 of IPPF.</p>
	<p>General comment:</p> <ul style="list-style-type: none"> • Free, Prior, and Informed Consent (FPIC): Where Indigenous Peoples are affected by a World Bank supported project, the World Bank requires that the Borrower obtains the Free, Prior and Informed Consent of the affected Indigenous Peoples regarding the project design, implementation arrangements and expected outcomes related to risks and impacts. There is not only one way of obtaining FPIC from a community. The process, procedure and methods would dependent on the legal circumstances the community is situated in. What constitute consent from the community should be determined by them which is based on their customary decision-making process and procedure. FPIC does not necessarily mean unanimity and absence of opposition or disagreements within the community. Consent refers to the collective decision reached by the community through a consensus building process and decision-making. • Proper FPIC process which also includes "Full participation" and "Meaningful Public Consultation". The "Meaningful Public Consultation" should include at least 8 key elements such as: 1- early notification, 2- accessible information, 3- shared knowledge, 4- sensitivity to community values, 5- reasonable timing, 6- appropriate levels of participation, 7- adaptive processes, and 8- Transparent results. • Requesting to include MOE and MAFF as main actors, because they also involve in the CLT process. <p>When COVID-19 ended and safe for gathering people; it is suggested to conduct a</p>	<p>Please find in Section 12 of IPPF.</p> <p>Please find in Para 82 of IPPF.</p> <p>Please find in Para 57 & 73 of IPPF.</p> <p>Noted with thanks. The project also plans for the comprehensive project</p>

	workshop with all relevant stakeholders to be more clearly understand the framework, in particular, should be some key IPs representatives involved in that workshop.	launch when the COVID-19 situation improved.
IV. Cultural Heritage Protection Framework (CHPF)		
	<p>(OHCHR) General Comment:</p> <ul style="list-style-type: none"> • To include rare reptiles in the mapping exercise • To add communal land management without restriction on size of sacred land and graveyards • To create dispute resolution mechanism <p>To include CPA, CF, Fisheries Community in the LASED II</p>	<p>To identify potential impact on cultural heritage resources, land use planning will be applied</p> <ul style="list-style-type: none"> - LASED III will follow government law, sub-degree 83, for ICLT - Dispute resolution mechanism will be applied - CPA, CF, and FC will be included if any.
V. Labor and Working Condition Procedures V.5 (LWCP) ESS2:		
<p>In general, the Labor and Work Conditions Procedure document is prepared well as this document adopt the most of Government' Law, regulation and guidelines such as provisions on the treatment of direct, contracted, community, and primary supply workers, and government civil servants, provisions on child labor and forced labor etc. (Kim Sopor)</p>		
<p>Para 55 – 56 / p.</p> <p>55. Gender Based Violence (GBV) is a known risk in rural Cambodia and is often intra-household or intra-community in nature. GBV risks related to management of project workers might include:</p> <ol style="list-style-type: none"> Potential risks to women project workers travelling in remote areas (management of this risk should not result in any discouragement of employment of women in relevant capacities); and Potential risks of GBV committed by contractors' workers, including those temporarily resident in site camps for construction works. <p>56. It is noted that no specific cases of GBV related to management of project workers in LASED or LASED II have been reported.</p>	<p>(Kim Sopor, Gov't official, Kratie) 1)</p> <p>Project should include/mentions how much percentage of women will be hired (minimum percentage), for example, In infrastructure industrial.</p>	<p>The LWCP includes provisions on equal access to employment. Quotas would not be practical except perhaps where unskilled labour is hired from the community.</p>
ESCP Related to LWCP		
<p>Para 2.1/ P.5</p> <p>2.1. Labor and Management Procedures</p> <p>The following additional instruments, as Annexes to the LWCP, are to be developed during the Project inception period:</p>	<p>(NGOF and Members) Prevention forced labor and restrictions on child labor.</p> <p>Generally, there are more workers without contract</p>	<p>Prevention forced labor and restrictions on child labor are already covered in the Annex 2 of Labour and Working Conditions Procedures (LWCP): Child Labor and Forced Labor Procedures</p> <p>The LWCP says that all workers have to have formal conditions of employment as explained under para 68, 77 and 78.</p>
<p>Para 2.2/ P.6</p> <p>2.2 Grievance mechanism for project workers</p> <ul style="list-style-type: none"> • Establish, maintain, and operate a grievance mechanism for direct and contracted Project workers, <p>All contracted workers are aware of (a) their rights to express grievances; (b) where to address a grievance in the first instance; (c) what action they can expect as of right when a</p>	<p>(NGOF and Members)</p> <ol style="list-style-type: none"> 1) Mechanism should be established and operated well. 2) Contracted workers are best, but it should think about labor cost and salary cost based on GDP of citizen or JD of project? Contract and respected with 	<p>The suggestions are already covered in Chapter 8 Worker Grievance Mechanism of the LWCP.</p>

grievance is expressed; and (d) that they are adequately protected against sanctions or recriminations	rights to advocate for their demands and expressed safety and peacefully. Requirement an international standard training to contractors and contracted workers and labor worker unions? Refresh training and consultation to reflect and complete documents with both English and Khmer.	
VI. Community health and Safety (CHS), ESS4		
In the slide ESS4	(Kim Sopor, Gov't official, Kratie) LASED III shall consider mobilizing funds for infrastructure implementing (E&S safeguard budgeting in the civil work), it's part of Risk Mitigation on Labor at the workplace.	LASED-III includes funds for infrastructure. Contractors will be obliged to comply with Labour and Working Conditions Procedures, hence any additional costs are covered already in the infrastructure budget.
ESCP Related to CHS		
Para B/ P.2 INCIDENTS AND ACCIDENTS Promptly notify the ..., the affected communities, contractor and supervising entity, as appropriate.	(OHCHR) 1) and affected individuals and whistle blowers	Affected communities includes individuals who are members of the communities. Whistle-blowers are normally people who provide information, not people who need to be informed when something happens.
Para 1.3/ P.4 1.3. MANAGEMENT TOOLS AND INSTRUMENTS	(OHCHR) In this box should add: 1-The project makes sure physically main basic services (sewage system, water running system/good qualified well pumps, road, health post center, school) are already built before SLC beneficiaries to move in the site. 2-Enforce a circulation of MoI and MLMUPC on banning and voiding all SLC plots be transferred by any form of land sales. 3-The evaluation SLC contract committee does checking, in cooperation with local authority and focal point of SLC site, every three months for stable SLC plot occupations. 4-Project allocates special budget package to support a single family head of woman, family with disabilities...	(1) The first one would be very nice but is not necessarily practical based on previous experience. Procurement and implementation of works is a length process and subject to delays, while, any extra delays before handover of SLC plots increases risk of encroachment. (2) SLC recipients receive full title after 5 years of occupation and should then be allowed to sell their land just like anybody else, (4) is already taken into consideration in settling-in assistance., therefore there is no need to revise the ESCP
Para 4.1/ P.7 ESS4: Community health and safety, Safety of dam high-risk dams	(NGOF and Members) A study research shall be conducted if the dam is affected to community livelihoods in the site.	All irrigation infrastructure or small-scaled dams constructed by the project to be subject to a dam safety check (as defined under the World Bank OP. 4.37 safety of dam policy). For large or high-risk dams (unforeseen) this will be carried out by independent experts to the standards of ESS4 All dams will be designed for safety by qualified engineers – see ESMF Table 11.
Para 4.3/ P 8 4.3. PREVENTION OF INFECTIOUS DISEASE TRANSMISSION	(OHCHR) and other implicated virus-diseases (Ex. Covid-19..etc.) as well as	Mention of COVID-19 added. Health awareness training will be provided to project beneficiaries at all

<ul style="list-style-type: none"> • Vector-borne disease ... <p>Health awareness training will ... (1) avoidance of water-borne diseases;</p>	preventive and protective measures will be taken action rapidly	sites and will include (1) avoidance of water-borne diseases; (2) avoidance of vector-borne diseases; ; (3) avoidance of sexually transmitted diseases; and (4) preventing transmission of COVID-19.
<p>Para 4.6/ P.9 4.6. NUTRITION Project to conduct study of impacts of settlement on SLC on diets of children (may prove positive or <u>negative</u>)</p>	(OHCHR) women and people with disability.	Added “and other vulnerable groups as: Project to conduct study of impacts of settlement on SLC on diets of children (may prove positive or negative) and other vulnerable groups
<p>4.7 Gender based violence/ P.9 The Project will support formation and / or strengthening of Women and Children’s Committee structures at SLC and ICLT site with a specific activity to identify and support victims of <u>GBV</u>.</p>	<p>(NGOF and Members) Ensure gender audit and guidelines of gender development such as gender equality, gender equity, gender justice, gender mainstreaming, gender analysis, women’s empowerment. Please included capacity building plan by year</p> <p>(OHCHR) and Gender Equality Empowerment</p>	The project will prepare and implement a gender action plan for gender equality and women’s economic empowerment. Within this, GBV will be addressed as a specific Community Health and Safety issue under ESS4, as identified here.
<p>VII. Stakeholder Engagement Plan (SEP)</p>		
<p>From SEP, Para 10:</p>	<p>(OHCHR) Not only time consuming. This process is also extremely costly and complicated. It is a process that is unrealistic and unaffordable to indigenous communities without external support. The Governmental does not have the resources to guarantee the sustainability of a systematic registration process of IC’s land. Such a process should not be supported as such, it should first be simplified to make it accessible to IPs.</p>	<p>LASED III will support IC that have received recognition from MoI in Phase 2 or have reached any later stage including IC that have completed land titling but need rural development assistance (Phase 2.5 and Phase 3 in Table 2 as explain in para 12.</p>
<p>Para 15/ p 5 15. The objective of LASED III is to provide sustainable access to land and technical services to targeted small farmers including from ICs and selected infrastructure and social services in the project areas</p>	<p>(NGOF and Members) Please add the word “land title” and “disadvantaged and vulnerable”</p> <p>The objective of LASED III is to provide sustainable access to land, land title, and technical services to targeted disadvantaged and vulnerable small farmers including from ICs and selected infrastructure and social services in the project areas. LASED III is specifically designed to assist disadvantaged and vulnerable groups in rural areas.</p>	<p>The Project Development Objective is now stated as “to provide access to land tenure security, agricultural and social services and selected infrastructure to small farmers and communities in the project areas.</p>
<p>Para 22 / p 6 22. The project activities which include Project sites will include former forest areas that are assessed by MAFF and MoE as irreversibly degraded, cancelled economic land concessions, and recovered illegally occupied lands; proposed sites would be reviewed by MAFF, MOE, and the Bank to validate that they are not in viable forests or other environmentally sensitive areas.</p>	<p>(OHCHR) Indeterminate If local community depends their livelihoods through their access to these identified assessed areas whether it is being an irreversibly degraded or cancelled ELC or recovered illegally occupied lands, the negative impacts to such community on their livelihoods need to be considered, too along the viable forests or other environmental sensitive area.</p>	<p>This suggestion is already considered as explain under para 24 and 25 p 7 of SEP..</p>
<p>Para 27/ p 7 27. MLMUPC, as the project executing agency (EA),.... Dedicated safeguards staff,</p>	<p>(OHCHR) What will be their exact role? how will they be selected and trained? in</p>	<p>Their role will be to facilitate and monitor implementation of the</p>

<p>together with communication expert(s) will ensure that project implementation procedures are well understood and dully followed.</p>	<p>particular how will they guarantee the respect for FPIC?</p>	<p>procedures in the ESS documents, which are highly detailed. Step 1 of Phase 2.5 and Step 1 of Phase 3 will guarantee the respect for FPIC (as indicated in Table 2 under para 13.</p>
<p>Para 36/ p 9 36. Stakeholder groups consulted include: Civil Society Organizations: 5 participants</p>	<p>(OHCHR) Why this number? how are they selected?</p>	<p>This refers to the actual number of participants. They are selected among NGOs with working experiences on SLC and indigenous communities d) Civil Society Organizations: 5 participants (NGOs with working experiences on SLC and indigenous communities)</p>
<p>Para 38/ p 10 38. The consultation related ESF instrument,... The proposed LASED III consultation during COVID 19 would be organized as following the WB financing project a 3-way approach including online, phone calls / emails and commune office. c) Commune Office All translated documents, ... at commune office. Posters letting people know of documents can also be posted in visible locations such as outside of schools, pagodas and markets</p>	<p>(OHCHR) How could the FPIC principle be respected with indigenous communities who live in remote places with very limited internet or phone connections and who lack IT familiarity? (OHCHR) Lacks space for discussion with IPs/poor and landless SLC applicants.</p>	<p>Consultation on the ESS documents does not constitute Free, Prior and Informed Consent (FPIC). FPIC will need to be achieved and verified during implementation at each ICLT (Step 1/ Phase 2.5 and Step 1/ Phase 3 as explained above as explained in Table 2 and para 57. It is impossible to do that by remote means, project implementation will need to wait until COVID restrictions are lifted. That may be true, but the consultation was the best that could be achieved in the circumstances (COVID)</p>
<p>Table 4/ p 12 Table 4 Identification of Stakeholders for Social Land Concessions Other Interested Parties</p>	<p>(OHCHR) What about DPs and IOs (like United Nations agencies)?</p>	<p>DPs and IOs can be added under Other Interested Parties International NGOs (including IP, social development, conservation NGOs, UN agencies), and DPs</p>
<p>Table 5 / p.14 Table 5: Identification of Stakeholders for ICLT sites Other Interested Parties</p>	<p>(OHCHR) What about Development Partners and International Organizations?</p>	<p>DPs and IOs can be added under Other Interested Parties International NGOs (including conservation NGOs, UN agencies), and DPs.</p>
<p>Para 48/ p.16 48. Within IC, groups who may find it difficult to have their views on the ICPT process taken into consideration, or to fully benefit from the ICLT, may include poorer households, those who do not understand Khmer or have low literacy, women and other disadvantaged groups within the community.</p>	<p>(OHCHR) These are the same people the project expects to consult trough internet or phone calls. It might not be possible.</p>	<p>Consultations during implementation will be in person, not over internet</p>
<p>Para 51/ p. 17 51. Guided by these principles, the objectives for engaging stakeholders for assessing and managing E&S risks include: • Enabling understanding: an open, inclusive and transparent process of culturally appropriate engagement and communication will be undertaken to ensure stakeholders</p>	<p>(OHCHR) How will this be done remotely? (OHCHR) Which differentiated measures? (OHCHR) The project should also consider lessons learned. For example, prior assessments have been conducted highlighting the inadequacy of the CLT process for IC communities (too long, too costly, too complicated). Why not take</p>	<p>The online consultation will not be done remotely (same as above) Could add that: differentiated measures will be developed in detail in the site SEP and will be used to</p>

<p>are well informed about the proposed development.</p> <ul style="list-style-type: none"> Differentiated measures will be used to ensure effective participation of vulnerable stakeholders; Ensuring compliance: The process is designed to ensure compliance with both local regulatory requirements and international good practice. 	<p>advantage of this process to look at ways to simplify it?</p>	<p>ensure effective participation of vulnerable stakeholders;</p> <p>Implementation of the ICLT process will be reviewed early in project implementation and ways to simplify will be identified, consistent with the legal and regulatory framework.</p>
<p>Para 57/ p.18 57. ESS7 requires that Free, Prior, Informed Consent (FPIC) must be obtained in any circumstances in which IPs are affected by (a) adverse impacts on land and natural resources of IP; (see Table 2).</p>	<p>(OHCHR) How will this be feasible if the Covid pandemic continues?</p>	<p>As above, LASED-III cannot be implemented until COVID-19 crisis is over.</p>
<p>Para 68 and para 70 p. 20 68. Key results of information disclosure during the SLC process include:</p> <ul style="list-style-type: none"> Target communities, local authorities and civil society organizations working with affected communities are fully aware of the proposed development of the SLC and all implications, including the requirements of the RPF and RPs; Land users, including ... are fully aware of the plans for development of the SLC and the requirements of the RPF and RPs; <p>70. The ICLT process (as defined in the Manual on and is community-driven. This process is reflected in the LASED III IPPF with additional measures to enhance the engagement process and obtain FPIC in line with ESS7. Key disclosure and participation requirements are set out in Annex 4.</p>	<p>(NGOF and Members) Please add “The compensation must be appropriated and must be agreed by the people who are resettled in advance” to the paragraph 68. Based on the 1993 Constitution and the Law on Appropriation</p> <p>(OHCHR)</p> <ol style="list-style-type: none"> Please add that they are fully aware of the grievance procedures, including WB's grievance process. <p>(OHCHR) Provide exact reference of manual (who published it, which year) and internet link to it</p>	<p>The requested provisions on land compensation etc are detailed in Table 5, para 119 in the RPF.</p> <p>Para 68 was added: Land users...are fully aware of the plans for development of the SLC and the requirements of the RPF and RPs as well as the grievance procedures, including WB's grievance process.</p> <p>Para 70 was added as: In the Manual on Indigenous Communities Identification; Legal Entity Registration; and Communal Land Registration Process in Cambodia, Dec 2018 by OHCHR, MRD, MOI and MLMUPC</p>
<p>Para 96 / p.23 96. To assist in ensuring that women's voices are heard in the SLC process, the community support groups described above will establish women's sub-groups in which women members of the community will be assisted to identify ways in which women's viewpoint or priorities may differ from those of men, and to ensure that these viewpoints are heard and integrated in the SLC and sub-project planning process.</p>	<p>(OHCHR) Please consider this sentence: identify ways in which women's viewpoint or priorities can be fully expressed whether it may or may not differ from those of men, and...</p>	<p>To assist in ensuring that women's voices are heard in the SLC process, the community support groups described above will establish women's sub-groups in which women members of the community will be assisted to fully express their views and priorities, whether or not these differ from those of men, and to ensure that these viewpoints are heard and integrated in the SLC and sub-project planning process.</p>
<p>P. A10 to A12 Annex 3 Stakeholder Engagement Activities in ICLT Process</p>	<p>(NGOF and Members) Suggest to include NGOs since the first stage of the process. NGOs could mobilize resources, provide technical inputs, and facilitation.</p>	<p>Could be added under Step 1.a of Step 1 of Phase 2 as: The Village Chief, village elders, members of the Community Committee, representatives from neighboring villages, and members from the Commune Council, including the Commune Chief and CSOs should participate at different stages of this activity</p>

VIII. Environment and Social Commitment Plan (ESCP)		
ESS1, 1.2 Undertake an Environmental and Social Assessment (ESA), including site-specific assessments for the first sites identified for SLC	(OHCHR) and adjacent areas of identified first SLC site,	Assessment will include adjacent areas, for all SLC and ICLT sites
ESS1, 1.2Without limitation to the foregoing, site-specific assessments will be undertaken during site planning for sites identified in subsequent phases, following the provisions of the ESMF, as per action 1.3 below	(OHCHR) Human Right based approach, and FPIC principle for indigenous communities will be integrated as certain tools into the ESMF.	Protection of human rights is integrated in the World Bank's Environmental and Social Framework (ESF) which is the basis for the ESCP and other environmental and social risk management instruments of LASED. Therefore, the language used reflects the wording of the ESF.FPIC is an explicit requirement in circumstances defined in the IPPF
ESS1, 1.3	(OHCHR) In the "Timeframe" column: In this box should add: 1-The project makes sure physically main basic services (sewage system, water running system/good qualified well pumps, road, health post center, school) are already built before SLC beneficiaries to move in the site. 2-Enforce a circulation of MoI and MLMUPC on banning and voiding all SLC plots be transferred by any form of land sales. 3-The evaluation SLC contract committee does checking, in cooperation with local authority and focal point of SLC site, every three months for stable SLC plot occupations. 4-Project allocates special budget package to support a single family head of woman, family with disabilities...	<ol style="list-style-type: none"> (1) Basic rural infrastructure including water supplies will be provided at all sites. Wherever possible this will be completed before handover of plots, but lengthy delays before handover risk encroachment and so should be avoided. (2) SLC recipients rights to transfer their land will be in accordance with legislation which grants them full title after 5 years occupancy. (3) Occupation will be monitored but it cannot be enforced. (4) The project already includes adequate provision for vulnerable families.
ESS3, 3.2: Encourage use of renewable energy technologies wherever appropriate, including for water pumping in preference to diesel pump	(OHCHR) and solar well pumps.	The wording already includes solar well pumps which are a type of renewable energy technology (RET)
ESS4, 4.3 : Health awareness training will be provided to Project beneficiaries at all sites and will include (1) avoidance of water-borne diseases; (2) avoidance of vector-borne diseases; and (3) avoidance of sexually transmitted	(OHCHR) and other implicated virus-diseases (Ex. Covid-19..etc.) as well as preventive and protective measures will be taken action rapidly.	Avoidance of COVID-19 transmission has been added.
ESS4, 4.6: Project to conduct study of impacts of settlement on SLC on diets of children (may prove positive or negative)	(OHCHR) women and people with disability.	Added "and other vulnerable groups.
ESS4, 4.7: The Project will support formation and / or strengthening of Women and Children's Committee structures at SLC and ICLT sites, with a specific activity to identify and support victims of GBV.	(OHCHR) and Gender Equality Empowerment.	The project will prepare and implement a gender action plan for gender equality and women's economic empowerment. Within this, GBV will be addressed as a specific Community Health and Safety issue under ESS4, as identified here.

ESS4, 4.8: All infrastructure to be designed for universal access. Specifically, schools, health facilities etc.	(OHCHR) in spiritual/religious places	Project will not finance construction of religious facilities (ESS para 268)
ESS5, 5.1: Providing compensatory benefits including SLC land allocations where appropriate	(OHCHR) providing fair and satisfactory compensatory..... appropriate Using a negotiation approach with win-win agreement (both parties are satisfactory with the negotiation result, without any threaten/intimidation or pressure action are used before and during compromising).	Fair and satisfactory compensation is provided for in RPF, as is the process.
ESS5, 5.1: Engaging with affected parties to find mutually agreeable solutions including preserving access to CPR.	(OHCHR) Engaging with affected parties to find mutually agreeable and acceptable solutions including preserving access to CPR through a participatory approach and due diligence process.	This is covered in the RPF
ESS5, 5.2 [in Timeframe column]: Prepare, disclose, consult, adopt and implement RPs before implementation of works that involve land acquisition or resettlement.	(OHCHR) This needs to include grievance and appeal process before the adoption as such.	This is covered in the RPF
ESS5, 5.3 [in Timeframe column]” Establish and implement prior to land acquisition and resettlement and throughout Project implementation	(OHCHR) Following criteria of effective grievance mechanism will be complied: 1-Legitimate 2-Acessibility 3-Predictability 4-Equitability 5-Tranparency 6-Rights-compatibility 7-A source of continuous learning	The project Grievance Redress Mechanism (GRM) is described in the RPF and SEP and reflects the important principles listed the comment.
Table (A), Page 2: Material measure and action Monitoring and reporting	(NGOF and Members) It should be a three-month basis. For increasing stakeholder and partner engagement.	This refers to project reporting on Environmental and Social Standards to World Bank
Table (B), Page 2: Incident and accident	(NGOF and Members) Please consider to add risks/incidents such as world war trade, EBA and virus, ideological, political changes. External incident (regional and global and internal incident (Cambodia)	This commitment specifies project commitments to report to WB promptly on specifically project-related incidents and accidents.
Identified for SLC investments, Page 3: ESS:1.2 Environmental and social assessment	(NGOF and Members) There are three components of conflict related CPA, SLC and ICLT or if included ELC? Is ESMF include international standards? It is concerned that state public land are risks to mobilize to private land based on legislation adjustment but the rich and powerful people was got benefits more than the poor.	ESMF is prepared to World Bank ESF standards and reflects international best practice. General point does not seem to relate directly to the commitment in the table.
Social Land Concession sites and ICLT sites, Page 4: ESS1.3 Management tools and instruments	(NGOF and Members) SLC in ELC cancellation is the best for livelihood of the poor according to its purpose.	SLC selection process will be demand-led but requires availability of vacant State land. Some of this is likely to be from cancelled ELC.
Respective ESSs below, Page 4: ESS1.3 Management tools and instruments	(NGOF and Members) The capacity building should be provided to assure that the tools could be implemented by project staff and relevant stakeholders in monitoring.	Capacity building provisions are in the ESMF for this purpose.

Contracts procured at national level and a simplified ESHS specification for contracts for small works procured by Commune Councils, Page 5: ESS1.4 Management and contractor	(NGOF and Members) The procurement documents are concerned about the capacity of CC. If possible, the commune council needs technical staff that fits to experiences of procurement. It was concerns about existing resources person in CC structure	Project will ensure adequate technical assistance for any procurement by CC.
The following additional instruments, as Annexes to the LWCP, are to be developed during the Project inception period, Page 5: ESS2 Labor and working conditions, 2.1 Labor management procedure 5	(NGOF and Members) Prevention forced labor and restrictions on child labor. Generally, there are more workers without contract	LWCP specifies that all contracted project workers must have contracts and has provisions to safeguard against child labour and forced labour.
Establish, maintain, and operate a grievance mechanism for direct and contracted Project workers, Page 6: ESS2: 2.2 Grievance mechanism for project workers	(NGOF and Members) Mechanism should be established and operated well.	The project will establish a Project Worker Grievance Redress Mechanism which is described in the LWCP (separate from the general project GRM described in the SEP)
All contracted workers are aware of (a) their rights to express grievances; (b) where to address a grievance in the first instance; (c) what action they can expect as of right when a grievance is expressed; and (d) that they are adequately protected against sanctions or recriminations, Page 6: 2.2 Grievance mechanism for project workers	(NGOF and Members) Contracted workers are best but it should think about labor cost and salary cost based on GDP of citizen or JD of project? Contract and respected with rights to advocate for their demands and expressed safety and peacefully. Requirement an international standard training to contractors and contracted workers and labor worker unions? Refresh training and consultation to reflect and complete documents with both English and Khmer.	Worker's rights to organise are covered in LWCP. Salaries of contracted workers are not controlled by the project except insofar as labour law (minimum wage) must be respected. Provisions for training contractors are in LWCP.
Resource use efficiency measures will be covered in the ESMP for each Project site, Page 7: ESS3: 3.1 Resource efficiency and pollution prevention and management 3.1 Resources efficiency	(NGOF and Members) The project make sure infrastructure does not destroy the existing water resources. Existing water resources shall be protected with infrastructure and livelihood plans. Some infrastructure benefits to companies but community lost	ESMF has provisions for environmental impact assessment of infrastructure
Planting of trees in common areas of SLC and ICLT sites, Page 7: Avoid or minimize air, water and land pollution and noise pollution from civil works through control of works, dust prevention measures, proper 3.2 Pollution prevention and management	(NGOF and Members) Please consider about water pollution and infection to the health of communities related ELC of mines, industries	This risk is identified in the ESMF (see 4.4)
3.2 Social and environment impact from extractive industry, Page 7	(NGOF and Members) Social and environment impact from Extractive industry risk mitigation framework should be develop for mining concessioner to implementation Why serious impact from mining concession included social, environment and economic impact was not mentioned? Environmental Impact Assessment (EIA) and environmental management plan (EMP) and Water quality testing should be conduct before, during and by end of project.	LASED will not support mining operations so will not be a cause of mining pollution. However, the risk that SLC land recipients could be resettled in areas affected by mining pollution is recognized as a CHS risk (ESS4). It is mentioned in ESCP 4.4 and addressed in the ESMF. This is already covered under 4.4 and in ESMF

high-risk dams, Page 7: ESS4: Community health and safety, 4.1 Safety of dam	(NGOF and Members) A study research shall be conducted if the dam is affected to community livelihoods in the site.	Point already covered in ESMF
The Project will support formation and / or strengthening of Women and Children's Committee structures at SLC and ICLT site, Page 9 4.7 Gender based violence	(NGOF and Members) Ensure gender audit and guidelines of gender development such as gender equality, gender equity, gender justice, gender mainstreaming, gender analysis, women's empowerment. Please included capacity building plan by year	4.7 The project will prepare and implement a gender action plan for gender equality and women's economic empowerment. Within this, GBV will be addressed as a specific Community Health and Safety issue under ESS4, as identified here.
Excluding land for which a legitimate private claim exists, from SLC or ICLT land Providing compensatory benefits including SLC land allocations where appropriate, Page 8: ESS5: Land acquisition, restriction on land use and involuntary resettlement 5.1 Avoidance involuntary resettlement	(NGOF and Members) ELC cancellation is better for a project site for SLC or ICLT. Resettlement of SLC need to support the livelihood project with consultation and participation.	See above. Project cannot control what vacant State Land was previously used for, only check it is vacant and suitable for SLC. SLC and ICLT support will include livelihoods projects
Identify biodiversity hotspots and exclude them from land allocated as SLC or ICLT sites, in accordance with law, Page 11: ESS6: Biodiversity conservation and sustainable management of living natural resources 6.1: Biodiversity risks and impacts	(NGOF and Members) Ensure that the SLC site are not overlapped with PA.	This is already part of established process and described in ESMF
Implement the capacity building plan for E&S risk management described in the ESMF, Page 13: Capacity support (training), CS1	Capacity on Legal and regulation is very important to assure that project staff understand risk mitigation to NRM.	Capacity building plan is covered in ESMF