



Unofficial Translation

National Committee for Sub-national Democratic Development (NCDD)

GUIDELINE FOR PILOT TESTING

Policy on Environmental and Social Safeguards and Policy on Promotion of Gender Equality for Sub-national Democratic Development in Sub-national Projects

ការសម្រុះសម្រួលដោះស្រាយបណ្តឹង

Complaint Handling

គោលនយោបាយ Policy

ការគ្រប់គ្រងការបំពុលបរិស្ថាន Pollution Management

សុវត្ថិភាពបរិស្ថាន និងសង្គម Environmental and Social Safeguard

រដ្ឋបាលថ្នាក់ក្រោមជាតិ Sub-National Administration

ជនជាតិដើមភាគតិច Indigenous People

ការរៀបចំផែនការ Planing

សមភាពយេនឌ័រ Gender

បរិភោគ Sustainable

ការប្រែប្រួលអាកាសធាតុ Climate Change

2022

PREFACE

The National Committee for Sub-National Democratic Development Secretariat (NCDDS) is mainly responsible to assist the NCDD in leading and coordinating the implementation of Decentralization and Deconcentration (D&D) reform through the design and implementation of the National Program on Sub-National Democratic Development within which gender equality and environmental and social safeguards (ESS) have been fully mainstreamed and integrated into the program activities.

In 2019, NCDDS was accredited by the Green Climate Fund (GCF) as a Direct Access Entity (DAE) for promoting climate adaptation. In this sense, all programs and projects which are managed and coordinated by NCDDS and funded by GCF shall be implemented in accordance with the policies, manuals and guidelines put in place by NCDD and the GCF conditions.

The Guideline for Pilot Testing on the Implementation of ESS and Gender Equality (Gender) Policies in the Sub-national Administration (SNA) Projects is formulated under technical support of UNCDF, aimed at testing and documenting experiences and lessons learnt on the implementation of ESS and Gender Policies in the SNA projects in selected target areas based on which will be used to promote and expand the implementation of these two policies in the whole country.

In this regard, NCDDS would like to encourage all stakeholders at both national and sub-national levels to actively participate, cooperate and implement this guideline as well as welcome all constructive comments, inputs, and recommendations to ensure that this pilot on these policies will be fruitfully completed and achieved objectives as planned.

Head of NCDD Secretariat

Ngan Chamroeun

List of Acronyms

Term	Meaning
CSF	Commune-Sangkat Fund
DMF	District-Municipal Fund
ESIA	Environmental and Social Impact Assessment
ESMP	Environmental and Social Management Plan
ESS	Environmental and Social Safeguards
FPIC	Free, Prior, Informed Consent
GRC	Grievance Redress Committee
IPM	Integrated Pest Management
MEF	Ministry of Economy and Finance
MoE	Ministry of Environment
MoWRAM	Ministry of Water Resources and Meteorology
NCDD	National Committee for Sub-National Democratic Development
NCDD-S	Secretariat of NCDD
PBCRG	Performance Based Climate Resilience Grants
PIM	Project Implementation Manual
PMC	Project Management Committee
SNA	Sub-National Administration
SNIF	Sub-National Investment Fund
WCC	Women and Children's Committee of the SNA Council

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1 Background

In 2019 NCDD approved two important policies that apply to all areas of the National Programme for Sub-National Democratic Development Phase 2 (NP-2). These policies are:

- NCDD Policy on Environmental and Social Safeguards (the ESS Policy);
- NCDD Policy on Promotion of Gender Equality for Sub-national Democratic Development (the Gender Policy).

The policies also have implementation guidelines approved by NCDD:

- The ESS Guideline;
- The Gender Action Plan.

These policies apply to NP-2 activities of the sub-national administrations (SNA) at Capital/Province, District/Municipality/Khan and Commune/Sangkat, including implementation of projects financed by the District/Municipality Fund (DMF) and Commune/Sangkat Fund (CSF).

NCDD-S has gained accreditation as a national implementing entity of the Green Climate Fund (GCF). In a partnership with the UNCDF-LoCAL programme, NCDD-S will mobilise funds from GCF to support climate change adaptation by SNA, through Performance Based Climate Resilience Grants (PBCRG). Compliance with the ESS Policy and the Gender Policy will be conditions for use of GCF funds.

This Guideline describes procedures for implementing the ESS Policy and the Gender Policy in SNA projects. NCDD-S will support a pilot of these procedures in 2022. Based on the results of the pilot, the procedures will be integrated in the Project Implementation Manuals (PIM) for the CSF and the DMF.

2 Implementation of the ESS Policy by SNA

2.1 Overview of the ESS Policy

The Goal of the ESS Policy is to ensure the sustainability of the eco-system, natural resources, cultures, traditions, customs, indigenous peoples, gender equality, safety and social welfare at the sub-national level. The policy target is to avoid any harmful impacts on the society and environment which may arise out of projects for development at the sub-national level. The scope for the policy on the social and environmental safety for the sub-national democratic development covers such sub-national administrations as the Capital, Provinces, Municipalities, Districts, Khans, Commune, and Sangkat as well as any other projects under the democratic reform at the sub-national level.

The ESS Policy is implemented through 8 Strategies as follows:

- Strategy 1: Assessment and Management of Environmental and Social Risks and Impacts
- Strategy 2: Labour and Working Conditions
- Strategy 3: Resource efficiency and pollution management
- Strategy 4: Health Safety and Welfare of the Community
- Strategy 5: Land Acquisition and Involuntary Resettlement
- Strategy 6: Biodiversity Conservation and Sustainable Management of Living Natural Resources
- Strategy 7: Indigenous Peoples
- Strategy 8: Cultural Heritage.

These Strategies, and the approach to implement them in SNA projects, are described in following sections of this Guideline.

The CSF PIM and DMF PIM already include some ESS, including:

- Guideline on Environmental Impact Assessment and Environmental Management Plan
- Guideline on Land Study, Voluntary Land Contribution, Land Acquisition and compensation of land users;
- Guideline on Protection of Indigenous People’s Rights’
- Contract conditions for compliance with labour laws, protection of the environment etc.

The new guideline updates these procedures so that they include all the requirements of the ESS Policy. However, some of the existing procedures, for example on land study and on indigenous people’s rights, will not change.

In addition to the CSF PIM and the DMK PIM, there are other existing guidelines for ESS in SNA projects, particularly for the Sub-National Investment Fund (SNIF). Where possible, the new procedures are similar to procedures already used for SNIF and other programmes.

The ESS Policy is consistent with the laws and regulations of the Kingdom of Cambodia. Therefore, implementing ESS procedures is the same as complying with Cambodian law.

2.2 ESS Policy Strategy 1: Assessment and Management of Environmental and Social Risks and Impacts

2.2.1 Scope of Strategy 1

Strategy 1 establishes the framework for identifying and managing all types of ESS risks and impacts. Each of Strategy 2 to Strategy 8 concern a particular type of risk. So Strategy 1 includes the process for implementing Strategy 2 to Strategy 8.



Strategy 1 includes:

- The process for analysing and evaluating risks of negative impacts the project may have on society and the environment in relation to each of Strategies 2 - 8
- Collecting data about the level of risks (high risk, medium risk, low risk) and the size of impacts (high impact, medium impact, low impact) on the environment and society;
- Preparing plans to avoid, minimize or mitigate negative impacts on the environment and society;
- Consultation and discussion with people affected by the project, including women and men, people with disabilities, elderly people, indigenous people and vulnerable groups
- Monitoring and Evaluation of Environmental and Social Safeguards
- Handling complaints from citizens about environmental and social harm from projects.

2.2.2 Process for Risk Identification and Management

The following table explains some important terms for risk identification and management.

Term	Meaning
NEGATIVE IMPACT	A bad result that can affect people or the natural environment as a result of the project. Negative impacts can be big, medium or small
LIKELIHOOD	How likely it is that the negative impact will happen. Likelihood may be very likely, likely or unlikely
RISK	Risk is a measure of the size of the impact and the likelihood of the impact together. So a big impact that is likely to occur, or a medium impact that is very likely to occur, may both be High Risk.
RISK MANAGEMENT	Risk management means measures taken to reduce negative impacts from the project or to compensate for them. Risk management measures can be Avoid, Minimize and Mitigate (see below).
AVOID	Avoid means taking measures to stop the impact event from happening. Example: choose the line of a road so that it does not go through a forest.
MINIMIZE	Minimize means taking measures to reduce the impact if the risk event occurs. Example: design a road through the forest in a way that results in the smallest number of trees destroyed.
MITIGATE	Mitigate means measures that compensate for the negative impact. Example: plant new trees to replace the ones that are destroyed.

In the SNA project implementation process, ESS risk identification and risk management is carried out through participatory processes. At each step, the people who may be affected by the project will be consulted and will assist in developing risk management measures.

Screening: All SNA investment projects will be screened for ESS risks. The screening will be done using a simple form. Each question on the form will have the answer “Yes” or “No”.

Categories: Based on the result of the screening, each project will be identified as Category A (High Risk); Category B (Medium Risk) or Category C (Low Risk).

- For **Category A** projects, the SNA should consult with the Ministry or other authority responsible for the relevant risk.
- For **Category B** projects, the next step will be an Environmental and Social Impact Assessment, a Land Study or an Indigenous People study, depending on the type of risks identified in the screening.
- **Category C** projects do not need any further special ESS activities. However, some ESS measures, including those in the standard conditions of contract for construction works, will still apply.

Category A projects will not be eligible for financing by GCF.

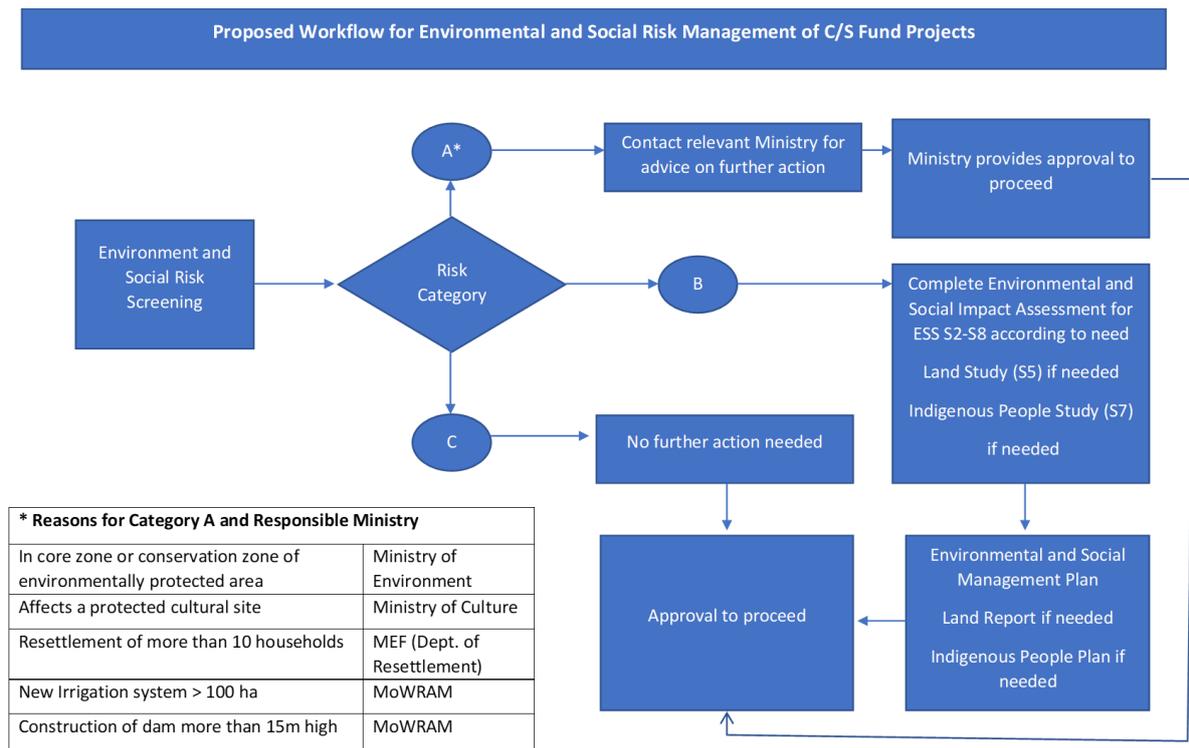
The **Environmental and Social Impact Assessment (ESIA)** will be similar to the Environmental Impact Assessment in the current CSF PIM and DMK PIM. However, it will cover all the ESS Strategies except for Strategy 5: Land Acquisition and Resettlement, and Strategy 7: Indigenous People (not every Strategy will apply for every project).

If the Screening identifies that Strategy 5: Land Acquisition and Resettlement, or Strategy 7: Indigenous People apply, the process will be similar to the process in the CSF PIM and DMK PIM.

The **Environmental and Social Management Plan (ESMP)** will be developed based on the result of the ESIA. The ESMP will show appropriate risk management measures for each risk that is identified as High Risk or Medium Risk.

The ESMP will be reviewed and approved by the Capital / Province Planning and Investment Division.

For projects in areas where there are special risks, the ESMP will be reviewed by NCDD-S Working Group on ESS.



The Capital / Province Planning and Investment Division and the NCDD-S Working Group on ESS will be responsible for monitoring and evaluation of the ESMP.

There will be a complaints procedure so that people who believe they have been negatively affected by the project, can submit complaints and receive compensation if necessary. The complaints procedure will be handled by the District Ombudsman Office. However, citizens also have the right to complain directly to NCDD-S. The complaints procedure must respect the following principles:

- People who believe they have been negatively affected by the project have the right to submit a complaint
- People are informed how to submit a complaint, and about the investigation process.
- All complaints are received, recorded and investigated on their merits
- Appropriate actions are taken if a complaint is found to be justified
- The process is fully documented and can be audited
- People who complain are protected against any kind of retaliation.

2.3 Strategy 2: Labour and Working Conditions

2.3.1 Scope of Strategy 2

Strategy 2 of the ESS policy includes the following requirements:

- Keeping the worker and employee informed of their rights relating their work, payments, remuneration, and other benefits they are entitled to;
- Ensuring safety and welfare of the workers and employees in a way of working conditions and employment accidents while they are on duty;
- Acting on the basis of gender equality and equity, but not any discrimination, in terms of with remuneration, job opportunities, management and dismissal;
- Not constraining the rights and freedom of the workers if they join a union;
- Preparing a mechanism for receiving and responding to the complaints of the workers;

- Preventing the exploitation of child labour based on the labour law and child protection;
- Avoid child labour during project implementation that might affecting their studies and their health and their social development in any way;
- Avoiding forced labour or human trafficking;
- Ensuring that the rights (working conditions) of the workers or employees of sub-contractors;
- Monitoring regularly the implementation of labour by prioritising safety to reduce labour risks.

In most cases, complying with the requirements of Strategy 2 is the same as complying with the relevant laws and regulations of the Kingdom of Cambodia.

2.3.2 Labour and Working Conditions in SNA Projects

Based on the result of screening, a project is classed as Category B in relation to Labour and Working Conditions if:

- The project will require a labour force of more than 50 workers (this does not include employment of community members for casual tasks such as grass-planting);
- The project will require a labour force of more than 10 people who will work for more than 3 months;
- The project will require people to be employed for hazardous work, except where the hazardous work will be undertaken by workers who have special training (for example, if community members will be employed for hazardous work, the project is Category B).

If the project is Category B, an ESIA will be carried out and an ESMP prepared for management of labour and working conditions risks.

However, Labour and Working Conditions safeguards apply to all projects where workers will be employed to implement the project. **This includes Category C projects.**

The Conditions of Contract should state clearly the responsibility of contractors to comply with laws and regulations for labour and working conditions.

The Contractor is responsible to ensure compliance with labour and working conditions safeguards by sub-contractors and suppliers.

- For example, a contractor must not buy bricks from a factory where there are children working.

There could be some types of project where specific risk management measures are needed in the ESMP:

- If implementation of the project required hazardous work
- If implementation requires a large number of workers, who will need safe and hygienic accommodation and arrangements to avoid any conflict with the local population.

Examples of Labour and Working Conditions in SNA Project Implementation

- No children working for the contractor, or for sub-contractors and suppliers, except as allowed by Cambodian labour law.
- Construction workers must be supplied with safety equipment (helmets, boots, breathing masks). The contractor is responsible to make the workers use the safety equipment.
- Workers living at the project site must have clean, safe, hygienic accommodation.
- Contractors and suppliers must respect equal pay and equal opportunities for women and men.

2.4 Strategy 3: Resource Efficiency and Pollution Management

2.4.1 Scope of Strategy 3

The requirements of Strategy 3 of the ESS Policy include:

- Use of water, air, land, and construction material for the local development on the basis of sustainability, effectiveness and efficiency;
- Use water for the purpose of project implementation in an appropriate amount and with no harmful effects on water quality and the sustainability of water source used by the communities;
- Use raw materials for construction in an appropriate amount and with no harmful effects on the environment and ensure the sustainable use by the communities;
- Not pollute the environment due to the project implementation by avoiding any activities that pollute the air, water and soil. However, if the pollution is inevitable, make sure that it is at a low or minimal level or the lowest possible;
- Avoid giving back either harmful or nonharmful waste to the environment. However, if that is unavoidable, waste must be ensured to be at a minimal level;
- Ensure that any tools and equipment that may cause accidents to take place or otherwise are not safe for the workers or the project implementers shall be replaced with substitutes which are accident-free and safe as well as avoiding producing, exchanging or using any chemical materials prohibited by laws;
- Integrated Pest Management (IPM) and crop care must ensure the management of poisonous chemical substances as well as harmlessness for biodiversity in the communities;
- Ensure that the amount of greenhouse gases emitted by the project is as small as possible.

2.4.2 Implementation of Strategy 3 in SNA projects

Projects with risks related to Strategy 3 will be identified in the Screening step.

A project that includes constructing a new irrigation system to irrigate more than 100ha of land is considered as Category A. The reason is that the water used for the irrigation system may result in water shortages for other users or for the natural environment. The SNA must consult with Ministry of Water Resources and Meteorology (MoWRAM) before proceeding.

If any case in the following table applies, the project is considered as Category B.

Case	Reason
<ul style="list-style-type: none"> • Construction of a new irrigation scheme to irrigate less than 100ha of land that has not been irrigated before 	<ul style="list-style-type: none"> • Check that there is enough water for the scheme and it will not cause shortages for other users or the natural environment.
<ul style="list-style-type: none"> • Rehabilitate or improve an irrigation scheme with more than 100ha of irrigated land 	
<ul style="list-style-type: none"> • Constructing or repairing a water storage reservoir with a water surface area of more than 1ha (dam is less than 15m high) 	
<ul style="list-style-type: none"> • Project will take more than 10% of the water out of any existing stream or canal? 	<ul style="list-style-type: none"> • Construction work may cause pollution of the water channel and negative impacts on water users
<ul style="list-style-type: none"> • Project will require construction work in a flowing water channel (example, in a stream crossing a road) 	
<ul style="list-style-type: none"> • Project includes constructing any agriculture processing facility with capacity more than 1 tonne / day? 	<ul style="list-style-type: none"> • Processing facilities may cause solid and liquid waste that must be disposed of carefully
<ul style="list-style-type: none"> • Project includes construction or improvement of a solid waste disposal site? 	<ul style="list-style-type: none"> • Solid waste disposal site may result in water pollution and air pollution affecting communities
<ul style="list-style-type: none"> • Project will result in any long-term source of water pollution 	<ul style="list-style-type: none"> • Negative impacts on water users and the environment
<ul style="list-style-type: none"> • Project will result in any long-term source of solid waste, e.g. plastic? 	<ul style="list-style-type: none"> • Negative impacts on the environment if solid waste is not properly disposed of.
<ul style="list-style-type: none"> • Project will require use of hazardous chemicals of any kind 	<ul style="list-style-type: none"> • Chemicals may have negative impacts on people and the natural environment.

For Category B projects, risks will be assessed in the ESIA and risk management measures will be included in the ESMP.

It is important to consider risks of long-term and short-term impacts:

- Long-term impacts continue after implementation of the project is complete. For example, if an irrigation project results in pumping too much water from a stream or a lake, with negative impacts on other users or the environment, that is a long-term impact.
- Short-term impacts caused by project implementation. Most often, short term impacts may be caused by construction work. Noise and dust pollution from construction work are examples of short-term impacts.

Examples of long-term impacts	Examples of short-term impacts
<ul style="list-style-type: none"> • Irrigation project takes too much water, so there is a water shortage for existing users or for the natural environment • Construction of culverts for road causes erosion of soil • Agro-processing plant causes air pollution or water pollution • Project uses plastic materials (e.g. nets for vegetable growing) that are thrown away when they are old • Unhygienic disposal of sanitation water causes pollution of lakes, streams or groundwater • Diesel engine for pumping water releases smoke and CO2 in the air 	<ul style="list-style-type: none"> • Construction work causes pollution of streams • Dust from construction work affects people living near • Noise of construction work disturbs people living near • Construction traffic damages roads • Air and water pollution from the construction site • Waste material from construction including plastic bags etc. thrown away in environment.

2.5 Strategy 4: Health Safety and Welfare of the Community

2.5.1 Scope of Strategy 4

The requirements of Strategy 4 of the ESS Policy include:

- Analyse and avoid any effects on health and safety of people during or after the project implementation;
- Avoid or minimise any contributing factors that lead the communities to be faced with any diseases that do harm to people’s health or that are caused by dangerous construction practices or that can be caught by water and people’s breathing system;
- Prepare and manage the safety over the harmful chemicals that may become a challenge for the communities or a threat to the health and life of people and workers as well as putting the effects at a minimal level;
- Prepare for emergency during the project implementation in case any problems or accidents are caused by negligence or nature, fire, explosion or chemical leaks;
- Analyse and minimise risks that may contribute to harmful effects on the community health especially of the vulnerable groups including women, children, elderly, and people with disabilities during and after the project implementation which may be caused by tools/equipment and construction materials or any technical construction plan;
- Protect the community rights by working with the competent authorities to prevent illegal activities from taking place, identifying the crimes and taking action according to the laws;
- Analyse and avoid the harmful effects on the ecological systems such as a loss of protection layers, mangrove forests, trees, flooded jungle and water sources that the community benefit from by putting the effects at a minimal risk level.

2.5.2 Implementation of Strategy 4 in SNA projects

Projects with risks related to Strategy 4 will be identified in the Screening step.

Projects that require construction of a water storage dam more than 15m high will be placed in Category A. The reason is that, if the dam collapses and causes a flood, it will cause danger to people and property.

For a project that is Category A for this reason, the SNA must consult with the Ministry of Water Resources and Meteorology (MoWRAM) before proceeding.

Projects will be considered as Category B, relevant to Strategy 4, in the cases shown in the following table.

Case	Reason
• Construction of a new line of road	• Danger of increased traffic accidents
• Improving or widening any road more than 10km long	• Danger of increased traffic accidents
• Constructing or repairing a water storage reservoir with surface area more than 1ha (but dam height is less than 15m)	• Danger of damage if the dam collapses and causes a flood.
• Project requires use of hazardous chemicals of any kind	• Danger to health from hazardous chemicals
• Project is in an area known to be a high risk for mines or unexploded bombs (UXO / ERW)	• Danger to construction workers and the community from explosions

For Category B projects, risks will be assessed in the ESIA and risk management measures will be included in the ESMP.

Examples of risks relevant to Strategy 4
<ul style="list-style-type: none"> • Mines or unexploded bombs buried at the construction site • Children playing near construction machines • People drive faster after the road is improved, causing more accidents and accidents that are more dangerous than before • A dam built by the project collapses and causes a flood • Project causes farmers to increase use of agriculture chemicals, with a bad impact on their health

2.6 Strategy 5: Land Acquisition and Involuntary Resettlement

2.6.1 Scope of Strategy 5

The requirements of Strategy 5 of the ESS Policy include:

- At all costs, avoid causing forced eviction, threats and residential resettlement of the community;
- Avoid causing the community to resettle involuntarily;
- Conduct project land acquisition studies in consultation with the people who will be affected, to identify what land can be provided under a voluntary land contribution framework, and what land will require compensation;
- Provide compensations to the people who, because of the project implementation, have to resettle or who are the legal property owners in a fair manner, and the compensations shall be worth the loss of land, property and income as well as restoring the living environment and welfare they have lost;
- Improve the lives of the affected people who have to resettle because of the project;
- Ensure legal property ownership for the people who have to resettle by helping them with the legal ownership certificate or by providing in-cash compensations which can be used for the application for the legal ownership certificate’;
- Ensure that the people, who have to resettle, are provided with residence and property equivalent to what they have lost even though some may not possess a legal ownership certificate.

Under Sub-Decree 22 ANK/BK (2018) General Department of Resettlement of Ministry of Economy and Finance (MEF) is responsible for managing resettlement and compensation for land acquisition in all projects with external development partner funding. MEF, through the Provincial Department of

Economy and Finance and the Provincial Department of Treasury, would need to approve any compensation paid from the SNA budget. Therefore, for any project requiring large-scale resettlement and compensation of land users, SNA should consult with MEF.

2.6.2 Implementation of Strategy 5 in SNA projects

Examples of negative impacts relevant to Strategy 5

- People have to move from the house where they live
- People have to move their business away from its location
- People lose farming land
- People lose access to land they use for grazing animals or for collecting natural resources (even if they do not own the land)

Projects requiring land acquisition (voluntary or with compensation) will be identified through the ESS Screening step.

Any project that will require 10 or more households to move their place of residence will be considered as Category A. The SNA should consult MEF about how to proceed with a project of this type.

The SNA should also consult MEF if any project will require a large amount of land acquisition with compensation, even if it does not require 10 households to move their residence. This is because MEF will need to approve any budget allocation for compensation.

Projects that require land acquisition, but with less than 10 households needing to relocate, are considered as Category B.

The procedure for land studies and land acquisition for Category B projects is the existing procedure described in the CSF PIM and the DMF PIM. In summary, the process consists of:

- Land Study led by Planning and Investment Division of Capital / Province
- Agreement with affected land owners or occupiers
- Voluntary Land Contribution Report, or
- Land Procurement Report
- Compensation, if needed.

2.7 Strategy 6: Biodiversity Conservation and Sustainable Management of Living Natural Resources

2.7.1 Scope of Strategy 6

The requirements of Strategy 6 of the ESS Policy include:

- Evaluating or minimising the undesirable effects by analysing and avoiding such effects on the biodiversity and ecological system. If the effects are inevitable, make sure any action has been taken at all cost in accordance with the law to put the effects at a minimal level and to improve the biodiversity and the living natural resources that habitat in the area;
- Raising any action to conserve the biodiversity area by avoiding increased human settlement or invasion into the conserved or protected area;
- Analysing services on an ecological system which are affected by the project and avoiding or reducing or minimising the negative effects on rare species of plants and animals in the protected area;
- Not transforming or changing the existing natural habitat in the community area unless no other appropriate choices can be made; discussing with the relevant persons and having most specific mechanisms for minimising the undesirable effects which lead to the loss of biodiversity;
- Avoiding implementing the projects in the main habitat. If no other appropriate choices can be made, ensure that the project implementation will not trigger negative impacts on the

habitat of the biodiversity and the ecological system as well as on the vulnerable animals and plants as well as ensuring the effective monitoring of the project implementation;

- The project cannot be implemented in the protected area unless the law permits it and ensures the relevant persons will act completely in accordance with the law and seek to be highly committed to protecting and improving the conserved area;
- Ensuring that any activities that affect living natural resources (trees, agricultural yields, animals and trees) will be in line with both national and international standards on sustainability management;
- In the production chain relating to the biodiversity and living natural resources, make sure that regular monitoring will be carried out by the project implementers to ensure that the natural resources and the conserved areas will not be harmed and destroyed.

2.7.2 Implementation of Strategy 6 in SNA projects

Examples of negative impacts relevant to Strategy 6

- Project implemented in a protected natural area (national park, wildlife reserve, forest etc)
- Project directly harms the natural environment, including forests and wetlands, and wild animals, birds and fish
- Project will result in an increase in activity by people that harms the natural environment (hunting, fishing, or agriculture activities in protected areas)
- Project will drain water away from a natural wetland area
- Project causes farmers to change farming techniques and use more chemicals that harm animals and useful wild plants

Projects with risks related to Strategy 6 will be identified in the Screening step.

If any part of a project is located in a conservation zone or the core zone of an environmentally protected area, the project is considered as Category A. The SNA must consult with Ministry of Environment (MoE) about how to proceed.

Projects will be considered as Category B, relevant to Strategy 4, in the cases shown in the following table.

Case	Reason
<ul style="list-style-type: none"> • Project location is on the NCDD environment watch-list 	<ul style="list-style-type: none"> • Project is in an environmentally sensitive area
<ul style="list-style-type: none"> • Project will affect any of the following: <ul style="list-style-type: none"> • Natural forests • Natural flooding forests / mangrove forests • Wetland area • Estuary area 	<ul style="list-style-type: none"> • Risk of damage to environmentally sensitive areas
<ul style="list-style-type: none"> • Project includes construction of a new line of road 	<ul style="list-style-type: none"> • Risk that new road construction could cause environmental damage
<ul style="list-style-type: none"> • Project includes upgrading or widening a road more than 10km long 	<ul style="list-style-type: none"> • Risk that road widening / road improvement could result in environmental damage
<ul style="list-style-type: none"> • Project involves growing crops on land that is not used for growing crops now 	<ul style="list-style-type: none"> • Risk that expanding crop land could damage the natural environment
<ul style="list-style-type: none"> • Project will have an impact on a flooded forest area 	<ul style="list-style-type: none"> • Risk of damage to natural flooded forest
<ul style="list-style-type: none"> • Project will have an impact on a forest area (that is not flooded forest) 	<ul style="list-style-type: none"> • Risk of damage to natural forest

For Category B projects, risks will be assessed in the ESIA and risk management measures will be included in the ESMP.

2.8 Strategy 7: Indigenous Peoples

2.8.1 Scope of Strategy 7

The requirements of Strategy 7 of the ESS Policy include:

- Identifying indigenous peoples, natural resources and the area in which they suffer from the negative impacts of the project implementation and ensuring that the project will benefit them;
- Avoiding all negative effects on the cultures of the indigenous peoples. If such effects are unavoidable, make sure that the effects will be put at a minimal level and then restored; or compensation will be made for such effects on their cultures;
- Avoiding the project that affects the sacred place or the land of the indigenous people unless the project effects are thoroughly studied. The indigenous people shall be made aware of their rights, ensuring that they will be entitled to the enjoyment, compensations and appropriate benefits from the project;
- Avoiding making the indigenous peoples resettle or change their enjoyment of the natural resources unless they agree with that voluntarily;
- The implementation of the project must not give back serious effects to the cultural heritage of the indigenous peoples unless they agree with that voluntarily;
- Avoid exploiting the cultures and traditions of the indigenous peoples for business purposes unless they agree with that and there are appropriate benefits to improve their living standards;
- Any project implementation must be joined and discussed with the indigenous peoples especially with their representatives or village chiefs.

The principle of Free, Prior, Informed Consent (FPIC) must be applied to any project that will affect the land, culture or livelihood of an indigenous people's community.

- **Free** means that the indigenous community agree to the project proposal voluntarily and without any kind of pressure;
- **Prior** means that the indigenous community are consulted and give their agreement before project approval and before implementation starts;
- **Informed** means that the indigenous community have full information about the project and the expected impacts, before they agree. This may require providing information in the language of the indigenous community;
- **Consent** means a collective decision of the members of the indigenous community. Often, this will be reached through a traditional decision-making process.

2.8.2 Implementation of Strategy 7 in SNA projects

Examples of negative impacts relevant to Strategy 7

- Project uses land that belongs to an indigenous community or is important for their way of life
- Project negatively affects the livelihood of an indigenous community
- Project negatively affects the culture and traditions of an indigenous community
- Indigenous community is affected by the project, but has not been consulted and given free, prior, informed consent (FPIC).

Projects with risks related to Strategy 7 will be identified in the Screening step.

Any project in a location on the NCDD watch list for indigenous people is considered as Category B.

Any project that is not on the watch list, but that will affect a community of indigenous people who live in a traditional way, is considered as Category B.

For projects that are Category B in relation to Strategy 7, the procedures for protection of indigenous people's rights, described in the existing CSF PIM and DMK PIM, will apply.

These procedures require the following steps:

- Meeting of Project Dissemination to Indigenous People
- Discussion Meeting with Indigenous People on Project Plans
- Report of Indigenous People Protection Measures.

2.9 Strategy 8: Cultural Heritage

2.9.1 Scope of Strategy 8

Strategy 8 of the ESS Policy has the following requirements:

- Identifying and avoiding negative impacts on the tangible cultural heritages (ancient temple compounds and historical sites) and also the intangible cultural heritages (sacred and worship places) and so on;
- Acting in accordance with the law on heritage to ensure the protection, and neither direct nor indirect harm may be brought about during the project implementation;
- Consulting the relevant authorities i.e. APSARA Authority, National Authority for Preah Vihear, and Ministry of Culture to analyze the benefits from the cultural heritages in comparison with the benefits from the project under Cultural Heritage Law;
- Creating a cultural heritage protection system for any cultural items discovered during project implementation;
- Ensuring that community can take part in protecting the cultural heritage which is located within the area under the project;
- Strictly prohibiting any acts of damaging or leading to the loss of the cultural heritage unless the law permits such action;
- Any use of the intangible cultural heritage for any promotions shall be involved with the relevant communities.

2.9.2 Implementation of Strategy 8 in SNA projects

Examples of negative impacts relevant to Strategy 8

- Construction work damages a culturally important site, for example an ancient temple
- Buried cultural artifacts (e.g. ancient statues) found during construction work and not properly cared for
- Construction work near a cultural heritage site has an indirect negative impact, e.g.
 - Noise affecting the site
 - Pollution affecting the site
 - Change the beautiful appearance of the area
- Project negatively affects intangible cultural heritage

Projects with risks related to Strategy 8 will be identified in the Screening step.

Any project that directly affects a place that is a protected cultural site (for example, an ancient temple) is considered as Category A.

For a project that is Category A in relation to Strategy 8, the SNA must consult the Ministry of Culture or other authority that is responsible for preserving the cultural site.

Projects will be considered as Category B if any of the following apply:

- Project includes construction work within 500m of any place that is a protected cultural site;
- Project affects any place that is culturally important for the people who live in the area.

For Category B projects, risks will be assessed in the ESIA and risk management measures will be included in the ESMP.

3 Implementation of the Gender Policy by SNA

3.1 Requirements of the Gender Policy

The purpose of the Gender Policy is to promote and bolster gender equality within the framework of the implementation of sub-national democratic development reforms.

All SNA projects must be implemented in line with the Gender Policy and in particular with Strategy #8 of the Policy, which is “Develop programs, projects, activity plans and budgets that respond to gender equality.”

Strategies of the Gender Policy that are most relevant to SNA project implementation are:

- **Strategy 1:** Increase number of women in management positions
- **Strategy 8:** Develop programs, projects, activity plans and budgets that respond to gender equality
- **Strategy 10:** Promote and support gender responsive planning at SNA
- **Strategy 11:** promote the allocation of funds to SNA that are gender responsive.

In practice, this means that:

- Women should have a strong role and voice in preparation of plans and budgets;
- Plans and budgets should give priority to projects that women will benefit from;
- Women should participate actively in stakeholder discussions for design of projects.
- Women’s needs should be considered in project design (for example, in a water supply project, women should be consulted about the best locations to construct the wells or water points);
- Project Management Committee should always include women members;
- Women should have equal opportunities for employment and to be engaged as contractors for project implementation;
- Women should receive equal pay with men for equal work.

3.2 Gender-Positive Projects

A “gender-positive” project is a project that positively promotes women’s equality and women’s economic empowerment in line with the Gender Policy.

Gender concerns should be mainstreamed in each step of SNA project planning, preparation and implementation. There are five criteria for a gender-positive project:

- **Planning:** Women participate in selecting the project, and the project is one that is a high priority for women in the community;
- **Design:** Women are consulted about the design of the project, and the design includes features that are specifically chosen to benefit women;
- **Benefits:** A high proportion of the project beneficiaries are women, and the ways in which women will benefit are clearly identified and understood;
- **Leadership:** The project management committee includes at least 40% women members, and there are women in leadership roles;
- **Opportunities:** The project will create economic opportunities for women, either by employing women or creating new opportunities for women to earn livelihoods from small business.

3.3 Gender Screening

Gender Screening should be carried out for all SNA investment projects. Gender Screening is done using a Gender Screening Form. The result of Gender Screening is a “gender score” for the project.

The questions on the Gender Screening Form are quite simple and can be answered by the Project Management Committee. Most questions have “yes” or “no” answers.

The process for Gender Screening is similar to the process for ESS Screening and both can be done at the same time. However, at least one member of the SNA Council Women and Children Committee should participate in Gender Screening.

Gender score points are awarded for each answer on the Gender Screening Form. There are 13 questions and each question can score a maximum of either 5 or 10 points. The maximum possible score is 100 points.

Gender Screening Form: Example

Area	Question	Response	Score
Planning	Have the needs of women (which may be different from the needs of men) been considered in selecting the project	<i>Yes</i>	Yes = 5 5
	During the planning process, were there women’s focus groups to identify the priorities of women?	<i>No</i>	Yes = 5 0
	Was the project a high priority for women in the community	<i>Yes</i>	Yes = 10 10
Design	Have the women who will benefit from the project been consulted about the design (separately from men)	<i>No</i>	Yes = 10 0
	Has the project been discussed in a meeting of the Council Women and Children’s Committee?	<i>Yes</i>	Yes = 5 5
	Does the project design include any features specifically to improve the benefits for women?	<i>No</i>	Yes = 10 0
Benefits	What percentage of the direct beneficiaries of the project are women?	<i>50%</i>	>40% = 5 > 60% = 10 5
	Does the Project Information Form clearly describe how women will benefit from the project?	<i>No</i>	Yes = 5 0
Leadership	Is the chair of the Project Management Committee a woman?	<i>No</i>	Yes = 10 10
	Are at least 40% of the members of the Project Management Committee women?	<i>Yes</i>	Yes = 5 5
Opportunities	Will women have equal opportunities with men for employment in the project, with equal pay and conditions?	<i>Yes</i>	Yes = 5 5
	Will the project create any employment opportunities for women?	<i>No</i>	Yes = 10 0
	Will the project create any opportunities for women to do business (e.g. market selling?)	<i>No</i>	Yes = 10 0
		Gender Score	(Max = 100) 45

A project with a Gender Score of 60 or more will be considered a Gender-Positive Project.

In future, NCDD-S may consider an incentive, such as extra budget, for SNA that implement gender-positive projects. In that case, the Gender Score would be checked by the District/Municipal Women and Children’s Committee (for a Commune / Sangkat project) or by the Capital / Province Women and Children’s Committee (for a District / Municipality Project).

The minimum acceptable Gender Score is 30. If the Gender Score is found to be less than 30, the SNA should consider how to adjust the project to increase the Gender Score.

(NOTE: the questions on the Gender Screening Form, the scores awarded, the Gender Positive Project score and the minimum acceptable Gender Score may all need to be adjusted, after experience in the pilot phase).

4 ESS and Gender in the Project Implementation Process

4.1 Overview

The previous sections have described principles for integrating ESS and Gender in SNA project implementation.

This section describes the actions that the SNA must take at each stage of the implementation process.

4.2 Formation of the Project Management Committee

The SNA must form a Project Management Committee (PMC) at the start of the project implementation process.

The role of the PMC (as defined in the PIM) is:

- Manage project study and preparation;
- Prepare project proposal with supports of the technical assistant; and
- Review and approve project proposal.

The membership of the PMC (as defined in the PIM) for a Commune / Sangkat project is:

- Commune/Sangkat chief as the chairman;
- One first deputy commune/Sangkat chief as vice-chairman;
- Member of commune/Sangkat procurement committee as a member;
- One beneficiary representative from each village that receives benefits from the project constructed in those villages as the member. If there is user group (s) that will be responsible for the operation and maintenance of the project results, village representative should come from these user groups; and
- Commune/Sangkat clerk as the secretary.

The SNA should ensure that at least 40% of the members of the PMC are women. In any case, at least two PMC members must be women.

In the case of a project that mainly provides benefits to women, the village representatives on the PMC should be women.

The PMC must include at least 2 members who have been trained in ESS procedures,

4.3 Environmental and Social Screening

Key Points of Environmental and Social Screening	
Which Projects?	All SNA investment projects must have environmental and social screening
Who?	SNA and PMC, with local people who are knowledgeable about the area
What?	Confirm project as Category A, B or C Identify further studies needed
When?	At start of project preparation If the project design changes a lot, it may be necessary to repeat the screening
Where?	At the project site
How?	Screening form with 30 simple questions. Each question has answer “yes” or “no”

The Environmental and Social Safeguards (ESS) Screening form (Form 3) must be completed for all projects. Form 3 must be prepared by the PMC together with the Technical Assistant and members of the local community who will be affected by the project. Form 3 can be prepared at the same time as stakeholder consultation for the Project Information Form (Form 14).

The result of ESS Screening using Form 3 will be to:

- Put the project in ESS Risk Category A, B or C;
- If the project is Category A, indicate which agency the Commune must contact to carry out a specialised impact study;
- If the project is Category B, indicate which ESS Impact Assessment procedures must be carried out for preparation of an Environmental and Social Management Plan (ESMP).

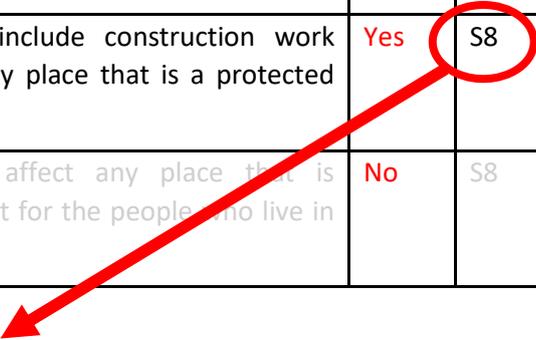
Form 3 consists of a set of questions. The answer to each question is “yes” or “no.” The questions are quite simple. It is important to give truthful answers, even if a “yes” answer means that additional studies will be needed.

Form 3 is divided into two sections. Section 1 has 5 questions. If the answer to any question in Section 1 is “yes”, the project is in Category A (High Risk).

Section 2 of Form 3 has 25 questions. If the answer to any question in Section 2 is “yes” (but the answer to all questions in Section 1 is “no”), the project is ESS Category B (medium risk).

If the project is Category B, the Commune must carry out an Environmental and Social Impact Assessment (ESIA) using Form 19.1, and prepare an ESMP (Form 19.2). For any question on Form 3, part 2, that has the answer “yes”, the right-hand column of the form shows which parts of Form 19.1 must be completed.

8. Is the project in a watch list area for indigenous peoples?	No	S7
9. Will the project include construction work within 500m of any place that is a protected cultural site?	Yes	S8
10. Will the project affect any place that is culturally important for the people who live in the area?	No	S8



Form 19.1 S8: Cultural Heritage

Problem	Level		Place on Map
Construction work will cause direct damage to a cultural heritage site	Big Impact		
	Medium Impact		
	Small or No Impact		
Construction work will cause damage to cultural heritage that is buried in the ground (so not known about)	Big Impact		
	Medium Impact		

If the answers to all questions in Section 1 and all questions in Section 2 are “no” the project is Category C. No further impact assessment is needed.

Form 3 must be prepared by the PMC together with the Technical Assistant and members of the local community who will be affected by the project. Form 3 can be prepared at the same time as stakeholder consultation for the Project Information Form (Form 14).

Form 3 will be checked by the Provincial Planning and Investment Division (PPID). If the PPID is not satisfied that the answers on Form 3 are correct, it may review the screening result and instruct the Commune to take any action required.

Form 3: Example

Form 3: Environmental and Social Risk Screening

Capital/province: <i>Kampong Cham</i>	Commune/Sangkat administration: <i>Russey Srok</i>
Municipality/district/Khan: <i>Srey Santhor</i>	Commune/Sangkat code: <i>031411</i>
Project name: <i>Repair earth road from village “A” to village “B” in Russey Srok Commune</i>	
Short Description of Project: <i>Repair existing earth road 2.5 km length, construct two new culverts, laterite surface.</i>	

Part 1. Answer questions 1 – 5 either “Yes” or “No.”. If any answer to any question is “Yes” the project is in Risk Category A. The project owner must contact the responsible Ministry for advice on necessary action.

Question	Yes / No	Ministry to contact if “Yes”
1. Is any part of the project in the conservation zone or the core zone of an environmentally protected area?	<i>No</i>	Ministry of Environment
2. Will the project directly affect any place that is a protected cultural site (e.g. an ancient temple)?	<i>No</i>	Ministry of Culture
3. Will the project require more than 10 households to move their place of living?	<i>No</i>	Ministry of Economy and Finance (Department of Resettlement)
4. Does the project include constructing a new irrigation system to irrigate more than 100ha of land that has not been irrigated in the past?	<i>No</i>	Ministry of Water Resources and Meteorology
5. Does the project include constructing or repairing a water storage dam more than 15m high (measure from foundation to top)?	<i>No</i>	Ministry of Water Resources and Meteorology

Part 2. Answer Questions 6 – 30 “Yes” or “No.”. If the answer to any question is “Yes” (but the answers to questions 1 – 5 are all “No”) the project is Category B. Further studies will be needed, depending on the question. If the answers to questions 1-5 and questions 6-30 are all “No” the project is Category C and does not need further study.

Question	Yes / No	Further study needed if “Yes”
6. Is the location of this project on the NCDD environmental watch-list?	<i>No</i>	S6
7. Will the project affect any of the following types of environmentally sensitive areas: • Natural forests • Natural flooding forests / mangrove forests • Wetland area • Estuary area	<i>No</i>	S6
8. Is the project in a watch list area for indigenous peoples?	<i>No</i>	S7
9. Will the project include construction work within 500m of any place that is a protected cultural site?	<i>Yes</i>	S8
10. Will the project affect any place that is culturally important for the people who live in the area?	<i>No</i>	S8
11. Will the project require any land acquisition, including voluntary land contributions?	<i>No</i>	S5

12. Does the project include construction of a new line of road?	<i>No</i>	S4, S5, S6
13. Does the project include upgrading or widening any road more than 10km long?	<i>No</i>	S4, S5, S6
14. Does the project include constructing a new irrigation system to irrigate less than 100ha of land that has not been irrigated in the past?	<i>No</i>	S3, S6
15. Does the project include rehabilitating or improving an irrigation system with more than 100ha of irrigated land?	<i>No</i>	S3, S6
16. Does the project include constructing or repairing a water storage reservoir with a water surface area of more than 1 ha (dam less than 15m high)?	<i>No</i>	S3, S4, S6
17. Will the project require construction work close to peoples houses, shops, school, pagoda, clinic or other busy place, or on a road with busy traffic?	<i>Yes</i>	S3, S4
18. Will the project require construction work in any flowing water channel (where water will be flowing at the time of construction, e.g. a stream crossing a road).	<i>Yes</i>	S3
19. Does the project include constructing any agriculture processing facility with capacity more than 1 tonne / day?	<i>No</i>	S3
20. Does the project involve construction or improvement of a solid waste disposal site?	<i>No</i>	S3
21. Will the project take more than 10% of the water out of any existing stream or canal?	<i>No</i>	S3
22. Will the project affect any water supply used by households?	<i>No</i>	S3
23. Will the project result in any long-term source of water pollution?	<i>No</i>	S3
24. Will the project result in any long-term source of solid waste, e.g. plastic?	<i>No</i>	S3
25. Will the project require use of hazardous chemicals of any kind?	<i>No</i>	S3, S4
26. Will implementation of the project need a labour force of more than 50 people, or a labour force of more than 10 people for more than 3 months?	<i>No</i>	S2
27. Will the project require employing community members to do hazardous types of work that they are not trained for?	<i>No</i>	S2
28. Will the project involve growing crops on land that is not used for growing crops now?	<i>No</i>	S6
29. Will the project result in land that is used for growing crops now, being used for another purpose?	<i>No</i>	S6
30. Is the project in an area that is known to be a high risk for UXO / ERW?	<i>No</i>	S4

Day.....Month.....Year.....

Day.....Month.....Year.....

Commune/Sangkat chief

Technical Assistant

4.4 Gender Screening

Key Points of Gender Screening	
Which Projects?	All projects need Gender Screening
Who?	SNA and PMC, with local people who are knowledgeable about the area. At least one member of the SNA Women and Children's Committee must be present
What?	Calculate Gender Score Confirm project has at least minimum acceptable Gender Score Identify if project is Gender Positive Project
When?	At start of project preparation If the project design changes a lot, it may be necessary to repeat the screening
Where?	At the project site
How?	Screening form with 13 simple questions. Most questions are answered "yes" or "no"

4.4.1 Gender Screening Process

Gender Screening should be carried out for all SNA investment projects. Gender Screening is done using a Gender Screening Form. The result of Gender Screening is a "gender score" for the project.

The questions on the Gender Screening Form are quite simple and can be answered by the PMC. Most questions have “yes” or “no” answers.

The process for Gender Screening is similar to the process for ESS Screening and both can be done at the same time. However, at least one member of the SNA Council Women and Children Committee should participate in Gender Screening.

Gender score points are awarded for each answer on the Gender Screening Form. There are 13 questions and each question can score a maximum of either 5 or 10 points. The maximum possible score is 100 points.

Gender Screening Form: Example

Area	Question	Response	Score
Planning	Have the needs of women (which may be different from the needs of men) been considered in selecting the project	<i>Yes</i>	Yes = 5 5
	During the planning process, were there women’s focus groups to identify the priorities of women?	<i>No</i>	Yes = 5 0
	Was the project a high priority for women in the community	<i>Yes</i>	Yes = 10 10
Design	Have the women who will benefit from the project been consulted about the design (separately from men)	<i>No</i>	Yes = 10 0
	Has the project been discussed in a meeting of the Council Women and Children’s Committee?	<i>Yes</i>	Yes = 5 5
	Does the project design include any features specifically to improve the benefits for women?	<i>No</i>	Yes = 10 0
Benefits	What percentage of the direct beneficiaries of the project are women?	50%	>40% = 5 > 60% = 10 5
	Does the Project Information Form clearly describe how women will benefit from the project?	<i>No</i>	Yes = 5 0
Leadership	Is the chair or deputy chair of the PMC a woman?	<i>No</i>	Yes = 10 10
	Are at least 40% of the members of the PMC women?	<i>Yes</i>	Yes = 5 5
Opportunities	Will women have equal opportunities with men for employment in the project, with equal pay and conditions?	<i>Yes</i>	Yes = 5 5
	Will the project create any employment opportunities for women?	<i>No</i>	Yes = 10 0
	Will the project create any opportunities for women to do business (e.g. market selling?)	<i>No</i>	Yes = 10 0
		Gender Score	(Max = 100) 45

A project with a Gender Score of 60 or more will be considered a Gender-Positive Project.

In future, NCDD-S may consider an incentive, such as extra budget, for SNA that implement gender-positive projects. In that case, the Gender Score would be checked by the District/Municipal Women and Children’s Committee (for a Commune / Sangkat project) or by the Capital / Province Women and Children’s Committee (for a District / Municipality Project).

The minimum acceptable Gender Score is 30. If the Gender Score is found to be less than 30, the SNA should consider how to adjust the project to increase the Gender Score.

4.4.2 Follow-up to Gender Screening

After the Gender Screening form is completed, the PMC should review the results together with the SNA Council Women and Children's Committee (WCC).

If the Gender Score is less than 30, the PMC must identify ways to increase the Gender Score to at least 30.

Even if the Gender Score is already more than 30, the PMC and the WCC should study if there are ways to increase the gender score further. Examples might include:

- Hold a meeting with women project beneficiaries to discuss how to ensure women can get the maximum benefit from the project;
- Discuss with the technical support official or design engineer, if there are any ways to adjust the design to make it more convenient for women;
- Increase the number of women on the PMC.

4.5 Environmental and Social Impact Assessment

Key Points of Environmental and Social Impact Assessment	
Which Projects?	Projects that are Category B in relation to ESS Policy Strategies S2, S3, S4, S6 and / or S8
Who?	Capital / Province Planning and Investment Division SNA Technical Staff People affected by the Project
What?	Identify environmental and social risks
When?	After technical studies for the project
Where?	At the project site
How?	ESIA Form 19.1 with separate section for each ESS Strategy Environmental and Social Map.

4.5.1 Definition of Environmental and Social Impact Assessment

The Environmental and Social Impact Assessment (ESIA) is conducted with local people's participation and is based mainly on local people's knowledge of the project area and of their own needs.

ESIA must be carried out for all SNA projects that are classed as Category B after the ESS Screening step, in relation to one or more of the following Strategies of the ESS Policy:

- Strategy S2: Labor and Working Conditions
- Strategy S3: Resource efficiency and pollution management
- Strategy S4: Health Safety and Welfare of the Community
- Strategy S6: Biodiversity Conservation and Sustainability Management of Living Natural Resources
- Strategy #8: Cultural Heritage.

There is one procedure and one form for Environmental and Social Impact Assessment for Strategies #2, #3, #4, #6 and #8.

Projects that are Category B in relation to Strategy #5: Land Acquisition and Involuntary Resettlement have a different process for preparing a Land Report.

Projects that can have a negative impact on indigenous people (Strategy #7) have a different process for preparing an Indigenous People Report.

Projects that are classed as Category C (Low Environmental and Social Risk) do not need an ESIA.

4.5.2 Person Responsible for ESIA

The official of Planning and Investment Division of Capital/province is responsible for the ESIA with participation of the local people that are affected by the project. Other people are also encouraged to participate in ESIA. It will be better if there is participation of all groups of people such as youths, elderly, farmers and monks etc.

For any projects located in Communes/Sangkats situated in the list of zones vulnerable to the environmental impact and are found, via inspection, to have the potential of environmental impact, Working Group of Environmental and Social Safeguards of NCDD must conduct the examination at the project location and provide instruction of how to do the ESIA and how to prepare the Environment and Social Management Plan.

4.5.3 Place for Doing ESIA

The ESIA is conducted at the project location or near project location where it is easy for local people to join the meeting and participate.

4.5.4 Dissemination of Project to People

First step of the ESIA meeting is dissemination of information about the project so that the people understand clearly about:

- Project result
- How to implement the project
- Results expected from the project
- Necessary reasons that need to do ESIA for the project
- The result of the ESIA is the Environmental and Social Management Plan (ESMP). The ESMP is a recommendation. Sometimes, the ESMP may change before it is finalised and implemented.

4.5.5 Environmental and Social Map

After disseminating the project to the people, next step is preparing project environmental and social map with the people. This environmental and social map must be based on project map in the project information form.

Process of project environmental map preparation is as follow:

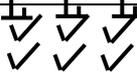
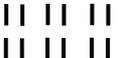
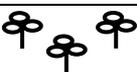
- By drawing, copy project map on flip chart so that local people can see it and provide their comments
- Discuss with the people in order to include important information in the map
- Copy the environmental and social map onto A4 paper to be attached to the environmental and social management plan.

Important information to be shown in the map includes:

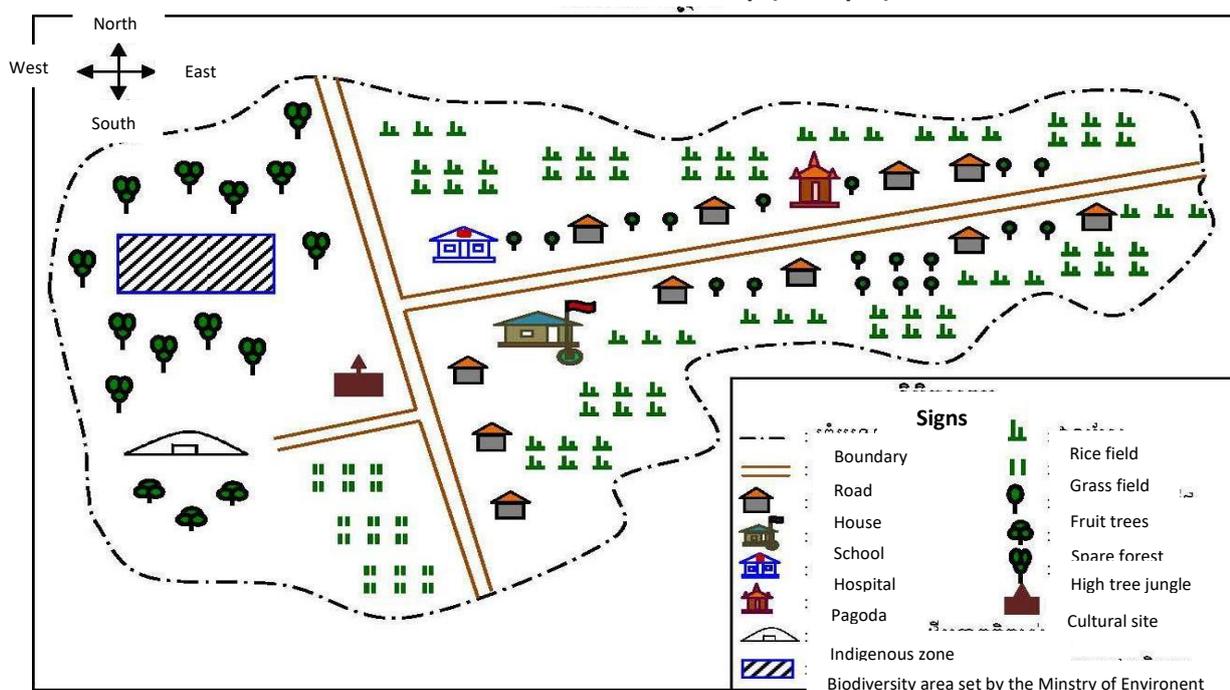
1. Topography: Slope, gradient or flat area (terrace)
2. Type of soil: serious erosion, minor erosion, and none-erosion
3. Green cover and use of land, especially, forest area and wet land area
4. Important cultural sites
5. Road that can access to work site
6. Water source
7. Size (level) of flood along the road
8. Residential area and source of water for use

- 9. Protected areas
- 10. Biodiversity areas
- 11. Indigenous people zone.

Use of sign on the map

Signs	Meaning
	Steep slope (More than 5%)
	Gradient (Less than 5%)
	Erosion
	Rice field
	Field for yearly crops
	Fruit tree
	Grass field
	Spare forest
	Jungle of high trees
	House
	Year round water availability
	None-year round availability
	Cultural site
	Road accessible to work site
	Protected area set by national and provincial level
	Biodiversity area set by the Ministry of Environment
	Indigenous people zone

Environmental and Social Map (Example)



4.5.6 Completing the Environmental and Social Impact Assessment Form

After drawing the environmental and social map, the next step of the ESIA must be conducted with the people using ESIA Form (Form 19.2).

Form 19.2 is divided into the following parts:

- General Information about the project (all projects)
- Labour and Working Conditions Impacts (for projects where Strategy #2: Labour and Working Conditions is identified as relevant);
- Resource efficiency and pollution management (for projects where Strategy 3: Resource efficiency and pollution management is identified as relevant);
- Health, Safety and Welfare (for projects where Strategy 4: Health Safety and Welfare of the Community is identified as relevant);
- Biodiversity and Living Natural Resources (for projects where Strategy 6: Biodiversity Conservation and Sustainability Management of Living Natural Resources is identified as relevant);
- Cultural Heritage (for projects where Strategy 8: Cultural Heritage is identified as relevant).
- Final Recommendations (all projects),

Each section of Form 19.2 is a list of potential types of environmental and social impact due to the project implementation. Some sections are divided into two parts: Long term impact and short term impact.

For each problem in this list, the responsible official must explain the meaning and agree with the local people if this problem will happen. They should discuss and agree whether the problem should be classed as “Big impact”, “Medium impact” or “Small or no impact.”

The exact meaning of “big impact” or “medium impact” depends on the views of the local people about what level of impact is acceptable. However, in general, a “big impact” is not acceptable. If a problem with a “big impact” is identified, it will be necessary to find risk management measures to reduce the

impact to “medium.” This will be done at the next step, preparation of the Environmental and Social Management Plan (ESMP).

For problems identified to have big impact or medium impact, those places must be marked on the map. Each place must be marked with alphabet or number. For example, damage caused by excavation (digging) at place “A” and place “B”. They must write “A” and “B” in the last column of environmental impact Assessment list and marked place “A” and “B” on the environmental map.

EXAMPLE Form 19.1: Environmental and Social Impact Assessment

Capital/province: <i>Kampong Cham</i>	Commune/Sangkat administration: <i>Russey Srok</i>
Municipality/district/Khan: <i>Srey Santhor</i>	Commune/Sangkat code: <i>031411</i>
Project name: <i>Repair earth road from village “A” to village “B” in Russey Srok Commune</i>	
Short Description of Project: <i>Repair existing earth road 2.5 km length, construct two new culverts, laterite surface.</i>	
Date of participatory environmental and social impact analysis <i>01/02/202X</i>	Official in charge of environmental and social analysis <i>AA (Planning and Investment Division)</i>
Analysis location <i>Village A and walk on road</i>	Number of citizens participating <i>25</i>

Sections of Environmental and Social Impact Analysis Required (based on Form 3)

Environmental and Social Safeguards Strategy	<i>Yes/No</i>
S2: Labour and Working Conditions	<i>No</i>
S3: Resource efficiency and pollution management	<i>Yes</i>
S4: Health, Safety and Welfare of the Community	<i>No</i>
S6: Biodiversity Conservation and Sustainable Management of Living Natural Resources	<i>No</i>
S8: Cultural Heritage	<i>Yes</i>

S2: Labour and Working Conditions

Problem	Level	Place on Map
Contractor will not provide fair treatment for workers hired from the local community	Big Impact	
	Medium Impact	
	Small or No Impact	
Contractor will not give equal employment opportunities and equal pay for equal work to women, vulnerable groups and minorities	Big Impact	
	Medium Impact	
	Small or No Impact	
Contractor will not provide safe and healthy working conditions for workers	Big Impact	
	Medium Impact	
	Small or No Impact	
Contractor will bring many workers from outside. They will not have a good and hygienic place to live and this will cause pollution	Big Impact	
	Medium Impact	
	Small or No Impact	
Contractor will bring many workers from outside. This will cause social problems with the local community	Big Impact	
	Medium Impact	
	Small or No Impact	

S3: Resource Efficiency and Pollution Prevention: Long Term Impacts

Problem	Level		Place on Map
Over-extraction impact on water users	Big Impact		
	Medium Impact		
	Small or No Impact	X	
Over extraction impact on natural habitat	Big Impact		
	Medium Impact		
	Small or No Impact	X	
Damage to water courses	Big Impact		A
	Medium Impact	X	
	Small or No Impact		
Erosion or lost fertility of soil on agriculture land	Big Impact		
	Medium Impact		
	Small or No Impact	X	
Erosion of hill slopes etc	Big Impact		A,B
	Medium Impact	X	
	Small or No Impact		
Bad smells or air pollution from the site	Big Impact		
	Medium Impact		
	Small or No Impact	X	
Non-biodegradable wastes (e.g. plastic)	Big Impact		
	Medium Impact		
	Small or No Impact	X	
Pollution of surface water (streams, lakes etc) by polluted water draining from the site	Big Impact		
	Medium Impact		
	Small or No Impact	X	
Pollution of groundwater by polluted water soaking into the ground from the site	Big Impact		
	Medium Impact		
	Small or No Impact	X	
Increased amount of sewage water for disposal	Big Impact		
	Medium Impact		
	Small or No Impact	X	

S3: Resource Efficiency and Pollution Prevention: Short-Term Impacts

Problem	Level		Place on Map
Pollution of water courses during construction	Big Impact		<i>A and B</i>
	Medium Impact	<i>X</i>	
	Small or No Impact		
Dust pollution during construction	Big Impact		<i>C, D</i>
	Medium Impact	<i>X</i>	
	Small or No Impact		
Noise pollution during construction	Big Impact		<i>C, D</i>
	Medium Impact	<i>X</i>	
	Small or No Impact		
Solid waste from construction	Big Impact		<i>E</i>
	Medium Impact	<i>X</i>	
	Small or No Impact		
Construction traffic will cause damage to roads used for access to the project site	Big Impact		<i>All</i>
	Medium Impact	<i>X</i>	
	Small or No Impact		
Construction will cause short-term damage to agriculture land and crops	Big Impact		<i>F</i>
	Medium Impact	<i>X</i>	
	Small or No Impact		
Polluted drainage water from the site	Big Impact		<i>A</i>
	Medium Impact	<i>X</i>	
	Small or No Impact		
Bad smells or air pollution from the site	Big Impact		
	Medium Impact		
	Small or No Impact	<i>X</i>	
Non-biodegradable wastes (e.g. plastic)	Big Impact		
	Medium Impact		
	Small or No Impact	<i>X</i>	
Increased amount of sewage water for disposal	Big Impact		<i>F (Contractor's camp)</i>
	Medium Impact	<i>X</i>	
	Small or No Impact		

S4: Heath, Safety and Welfare

Problem	Level		Place on Map
Construction work will disturb landmines or unexploded bombs, causing danger for workers and the community	Big Impact		
	Medium Impact		
	Small or No Impact		
Risk of construction work causing accidents for people in the local community	Big Impact		
	Medium Impact		
	Small or No Impact		
Improved road will result in faster driving, so more accidents and accidents are more dangerous	Big Impact		
	Medium Impact		
	Small or No Impact		
A dam constructed by the project could collapse, causing danger for the local community	Big Impact		
	Medium Impact		
	Small or No Impact		
Farmers will increase their use of agriculture chemicals, causing bad impacts on their health.	Big Impact		
	Medium Impact		
	Small or No Impact		
	Medium Impact		
	Small or No Impact		

S6: Biodiversity, Conservation and Sustainable Management of Living Natural Resources

Problem	Level		Place on Map
Project will directly harm wild animals or birds, or destroy places where they live	Big Impact		
	Medium Impact		
	Small or No Impact		
Project will cause an increase in types of activity by people that harm wild animals and birds	Big Impact		
	Medium Impact		
	Small or No Impact		
Project will directly damage fisheries resources or fisheries stocks	Big Impact		
	Medium Impact		
	Small or No Impact		
Project will cause an increase in types of activity by people that damage fisheries resources of fisheries stocks	Big Impact		
	Medium Impact		
	Small or No Impact		
Project will cause direct damage to natural forest or flooding forest	Big Impact		
	Medium Impact		
	Small or No Impact		
Project will cause an increase in types of activity by people that damage natural forest or flooding forest	Big Impact		
	Medium Impact		
	Small or No Impact		
Project will drain or remove water supply from a natural wetland area	Big Impact		
	Medium Impact		
	Small or No Impact		
Project will cause people to convert forest, flooding forest, natural wetland or estuary area into agriculture land	Big Impact		
	Medium Impact		
	Small or No Impact		
Project will change farming methods in a way that destroys fish, frogs or other useful animals, or useful wild plants, that live in agriculture land	Big Impact		
	Medium Impact		
	Small or No Impact		

S8 Cultural Heritage

Problem	Level		Place on Map
Construction work will cause direct damage to a cultural heritage site	Big Impact		
	Medium Impact		
	Small or No Impact	X	
Construction work will cause damage to cultural heritage that is buried in the ground (so not known about)	Big Impact		G (small ancient temple 300m from road)
	Medium Impact	X	
	Small or No Impact		
The project will have a negative indirect impact on a cultural heritage site (e.g. by noise or pollution, or by changing the beautiful appearance of the area)	Big Impact		G
	Medium Impact	X	
	Small or No Impact		
The project will have a negative impact on the culture of the people in the local community	Big Impact		
	Medium Impact		
	Small or No Impact	X	

Recommendations of Environmental and Social Impact Analysis

No.	Description	Choose one Answer
1	The project will result in unacceptable negative environmental or social impacts	
2	The project will cause moderate negative environmental or social impact. Implementation and monitoring of the Environmental and Social Management plan will reduce the impacts to a level that can be accepted.	X
3	The project will not cause any significant negative environmental or social impacts.	
<p>Index attached:</p> <ul style="list-style-type: none"> • Form 3: Environment and Social Risk Screening • Environment and Social Map • Environment and Social Management Plan • Participants List for Environmental Impact Analysis • The Minutes of Environmental Impact Analysis Meeting 		

Date:.....

Date:.....

Commune/Sangkat Chief

In-charge Official

4.6 Environmental and Social Management Plan Preparation

Key Points of ESMP Preparation Process	
Which Projects?	Any project where the ESIA identifies a risk with Big Impact or Medium Impact
Who?	Capital / Province Planning and Investment Division SNA Technical Staff People affected by the Project
What?	Agree risk management measures for risks identified in the ESIA
When?	After preparing the ESIA
Where?	At the project site
How?	ESIA Form and Project Environmental and Social Map ESMP form 19.2

The Environmental and Social Management Plan (ESMP, Form 19.2) must be prepared in discussion with the people who are directly subjected to the effect from the project. All problems of environmental and social impact that are shown as “Big Impact” or “Medium Impact” on the ESIA (Form 19.1) must be shown on the ESMP (Form 19.2), with one row for each problem.

For each type of negative impact, the meeting should agree and record on the form:

- Appropriate risk management measures to reduce the negative impact. Risk management measures can include changes to the project design, implementation or operation and maintenance arrangements. Risk management measures may also include some benefit to the people who will suffer negative impacts.
- When (timing of management measures). Usually these will be either before implementation, during implementation or after completion of the project;
- Responsibility: Who will implement the management measures? For example, the management measure may be the responsibility of the SNA, the technical official, or the contractor. If the management measure is to be implemented during construction of the project, the responsibility will usually be “Contractor.” In this case, the management measure must be included in the contract with the contractor.
- Size of Impact after Risk Management Measure. Usually, the management measure will reduce the size of the impact. For example, if a road project is expected to have a big impact on soil erosion, the management measure (changing the design of the road drainage) may reduce the impact to “moderate”. If the impact is still “big” after the management measure, it may be necessary to cancel the project.

Example Form 19.2 Environmental and Social Management Plan

Capital / Province <i>Kampong Cham</i>		Municipality / District / Khan <i>Srey Santhhor</i>		Commune / Sangkat <i>Russey Srok</i>	C/S No: <i>031411</i>
Project Name: <i>Repair earth road from village "A" to village "B" in Russey Srok Commune</i>					
Copy from Form 19.1		Risk Management Measure	When	Responsibility	Size of Impact after Measure
Type of Negative Impact	Size of Impact				
<i>Damage to Water Courses</i>	<i>Medium</i>	<i>Erosion protection upstream and downstream from new culverts</i>	<i>Design and construction</i>	<i>Design engineer Contractor</i>	Small
<i>Erosion of hill slopes</i>	<i>Medium</i>	<i>Construct drains to prevent erosion of slopes</i>	<i>Design and construction</i>	<i>Design engineer Contractor</i>	Small
<i>Pollution of water courses during construction</i>	<i>Medium</i>	<i>Construct in dry season Temporary culvert to pass construction site</i>	<i>Construction</i>	<i>Contractor</i>	Small
<i>Dust pollution during construction</i>	<i>Medium</i>	<i>Spray water on dust near school and houses</i>	<i>Construction</i>	<i>Contractor</i>	Small
<i>Noise pollution during construction</i>	<i>Medium</i>	<i>No working at night</i>	<i>Construction</i>	<i>Contractor</i>	Small
<i>Solid waste from construction</i>	<i>Medium</i>	<i>Control and remove all solid waste</i>	<i>Construction</i>	<i>Contractor</i>	Small
<i>Construction traffic will cause damage to roads used for access to the project site</i>	<i>Medium</i>	<i>No heavy traffic in wet weather</i>	<i>Construction</i>	<i>Contractor</i>	Small
<i>Construction will cause short-term damage to agriculture land and crops</i>	<i>Medium</i>	<i>Negotiate with farmers on land needed for working near road</i>	<i>Construction</i>	<i>Contractor</i>	Small
<i>Polluted drainage water from the site</i>	<i>Medium</i>	<i>Control any liquid or chemical waste at site</i>	<i>Construction</i>	<i>Contractor</i>	Small

Day..... Month..... Year.....

Commune/Sangkat Chief

Day..... Month..... Year.....

Technical Assistant

4.6.1 Recommendations of ESIA and ESMP

The Final Recommendations section of Form 19.1 should be completed for all projects, after the ESMP (Form 19.2) has been prepared.

One of the following recommendations should be selected:

- Project will not have any unacceptable (big or moderate) negative environmental or social impact;
- Risk management measures needed include changes to the project design, so that all environmental and social impacts will be at an acceptable level;
- Risk management measures needed include changes to project implementation, so that all environmental and social impacts will be at an acceptable level;
- Risk management measures needed include changes to project operation and maintenance, so that all environmental and social impacts will be at an acceptable level;
- The project will cause big negative environmental and social impacts that cannot be reduced by risk management measures. Therefore, the project should be cancelled.

After completing the ESIA, the SNA leader must send the report and annexes (including Form 3, Form 19.1, Form 19.2, the Environmental and Social Map and the attendance record for the analysis meeting) to the Planning and Investment Division of Capital/province for review.

4.6.2 Review of Environmental and Social Impact Analysis

After receiving the ESIA and ESMP from the SNA leader, the Planning and Investment Division of Capital/province shall examine the accuracy and sufficiency of this report.

In the review, if it is found that the ESIA has some flaws or lack of information that need to be corrected or filled out, the Planning and Investment Division of Capital/province must inform the SNA leader in writing by indicating clearly those flaws or lacked aspects for correction. After the correction, SNA leader must send this ESIA report to the Planning and Investment Division of Capital/Province.

In the review, if it is found that the ESIA is correct and sufficient, the Planning and Investment Division of Capital/province must send a copy of the ESIA and ESMP to the Department of Environment of Capital/Province for technical audit.

The Department of Environment of Capital/province has the rights to make objection in 15 days period after receiving environmental impact analysis report.

If the Department of Environment of Capital/Province wants to make an objection of the ESIA report, the Department of Environment of Capital/province must provide information in writing to the Planning and Investment Division of Capital/province.

In 15 days period, if there is no objection, it means the ESIA report is completely technically audited by the Department of Environment of Capital/province.

For projects whose location is in the commune/Sangkat listed in the list of zone vulnerable to the environmental impact, the Planning and Investment Division of Capital/province must send ESIA report and annex of this report in electronic document to Working Group of Environmental and Social Safeguards of NCDD for review before sending the environmental and social impact analysis to the Department of Environment of Capital/province for technical audit. Working Group of Environmental and Social Safeguards of NCDD has a period of 10 working days to work on the review after receiving the environmental and social impact analysis report. In the review, if it is found that there are flaws or shortcomings to be corrected or filled out, Working Group of Environmental and Social Safeguards

of NCDD Secretariat must inform the Planning and Investment Division of Capital/province via email within a period of 10 working days. The project proposal cannot be sent to involved specialized department/entity for technical audit before the environmental and social impact analysis report is agreed by Working Group of Environmental and Social Safeguards of NCDD Secretariat.

4.7 Land Study

If the project Screening result (Form 3) shows that the project is in Category B in relation to ESS Strategy 5: Land Acquisition and Resettlement, there must be a Land Study carried out according to the guidelines in the CSF PIM or the DMF PIM, as applicable.

4.8 Report on Indigenous People's Rights

If the project Screening result (Form 3) shows that the project is in Category B in relation to ESS Strategy 7: Indigenous People, there must be an Indigenous People's Rights study carried out according to the guidelines in the CSF PIM or the DMF PIM, as applicable.

4.9 Project Information Form

The process for completing the Project Information Form is described in the CSF PIM or the DMF PIM, as applicable.

However, the Project Information Form should show the result of the Environmental and Social Risk Screening.

Part 3: Result of Environmental and Social Risk Screening

What is the Environmental and Social Risk Category of the project ?	Category A, B or C according to the Environmental and Social Risk Screening result
If the project is Category A	The reason why the project is classed Category A, based on the question answered "Yes" from Form 3, Questions 1 – 5; The Ministry responsible for this issue (shown on Form 3); The date the responsible Ministry issues a letter approving the project to proceed.
If the project is Category B, which Environmental and Social Impact Studies are identified as needed?	From Environmental and Social Strategies S2 – 28, which ones are relevant to the project, based on Form 3?

4.10 Implementation of the ESMP, Land Study Report and Indigenous People Report

4.10.1 Before project implementation

The Risk Management Measures in the ESMP, or in the Land Study Report or the Indigenous People report, may include measures that must be completed before project implementation can start.

For example, the risk management measures may require changes to the design of the project. For example, the line of a road may be changed so that it does not affect a place that is important for the environment.

The technical support official or design engineer is responsible to make the changes.

The PMC must check that the changes have been made to comply with the ESMP.

Other risk management measures that have to be completed before project implementation include compensation for land acquisition. Any compensation agreed as a result of the Land Study must be paid before project implementation. This includes any informal agreement for compensation (for

example, allowing a business owner to move his or her business to a new site) that is agreed in the Voluntary Land Contribution Agreement.

4.10.2 Risk Management Measures during Project Implementation

The PMC, technical officials and the contractor are responsible to ensure good environmental and social management during implementation of the project. Usually, environmental and social management is important for construction contracts, but goods and services contracts may also have some environmental or social risks.

Good environmental and social management means compliance with all relevant laws and regulations of the Kingdom of Cambodia, and compliance with the NCDD Policy on Environmental and Social Safeguards.

The standard conditions of contract for works contracts (Form 50.1) state the contractor's responsibility to comply with laws and regulations on employment, health and safety, environmental protection, prevention of pollution and protection of cultural heritage. The contractor must only construct on public land or other land indicated by the project owner. If the contractor needs to make temporary use of private land during construction, the contractor must negotiate with the land owner for permission and compensation. The project owner and technical official must check compliance with these contract conditions and must not approve payment until these conditions are complied with.

For projects that are Category A or Category B, the Environmental and Social Management Plan (ESMP, Form 19.2) must be provided to the contractor as part of the contract documentation. The contractor must read and understand the ESMP and must implement any risk management measures that are shown as the responsibility of the contractor. The project owner and technical official must check compliance with the ESMP before they approve payment to the contractor.

During implementation, the PMC and the technical official must supervise compliance with the ESMP and relevant contract conditions in the same way as they supervise compliance with technical aspects of the contract.

In case any people affected by the project raise any complaint related to negative environmental and social impacts, the PMC must take appropriate action to investigate the complaint. People also have the right to submit complaints to the District/Municipal or Capital/Province Ombudsman Office, or directly to NCDD-S as described in Section 7.

In case any unexpected event during implementation causes a major negative environmental or social impact, the SNA must inform the relevant authorities and the NCDD Environment and Social Safeguards Working Group as soon as possible.

5 Role of NCDD-S

5.1 NCDD-S Working Group on Environment and Social Safeguards

The Working Group of Environment and Social Safeguards of NCDD Secretariat is a mechanism formed to monitor and provide advice on implementation of the Policy on Environmental and Social Safeguards for Sub-National Democratic Development. This includes:

Working Group of Environment and Social Safeguards of NCDD Secretariat will prepare a list of environmental vulnerability areas (commune/Sangkat located within dramatic environmental impact zone) and list of indigenous people areas (village with indigenous consisting of more than 5% of total population in the village) and submit the list to NCDD for review and approval. NCDD will provide these two lists to the involved Capital/province and will disseminate these two lists in the NCDD website

(<https://www.ncdd.gov.kh>). Consequence to receiving these two lists, Capital/province must give these two lists to the commune/Sangkat.

Working Group of Environment and Social Safeguards of NCDD Secretariat must update list of the areas that are vulnerable to environmental impact and list of indigenous people areas.

List of the areas that are vulnerable to environmental impact must be updated based on the following points:

- Whole size of topography or half of the commune/Sangkat covered by the natural forest;
- Commune/Sangkat's topography that is covered by wet land or forest of the size of 10 percent or more of the total size of commune/Sangkat land;
- Set by Capital/province level or national level for protected area, protected forest zone, fresh water fish or sea water fish conservation zone or archaeology conservation zone;
- Biodiversity zones set to be the zone that supports endangered animal species;
- Areas where previous project implementation caused serious environmental impact;
- Village that number of indigenous people living in that village is more than 5% of village total population.

For Commune/Sangkat project whose location is within commune/Sangkat listed in the list of environmental impact vulnerable zone, Environment and Social Safeguards of NCDD Secretariat will:

- Re-examine the review of the need for environmental impact study of these projects in order to confirm the potentials of environmental impacts of these projects;
- Examine at project location, advise on environmental impact Assessment, and review environmental Assessment and annexes of the project that re-examination shows that it has the potentials of environmental impacts (especially, new road project, new irrigation system, new dike, new reservoir, or new canal) in advance before the project receives technical audit.

For Commune/Sangkat project whose location is within the village of the list of indigenous people zone, Environment and Social Safeguards of NCDD Secretariat will:

- Re-examine the review of the need for preparation of report on indigenous people safety protection measures of these projects in order to determine the potentials of the effects of these projects on the indigenous people; and
- Review the report of measures to protect indigenous people safety.

Working Group of Environment and Social Safeguards of NCDD Secretariat will conduct annual study and assessment of land impact caused by commune/Sangkat project implementation.

5.2 NCDD-S Gender Working Group

Implementation of the Policy on Promotion of Gender Equality for Sub-national Democratic Development is overseen by the Gender Working Group of NCDD. The Working Group is chaired by Ministry of Women's Affairs (MoWA) and includes members from MoWA and NCDD-S.

The NCDD Gender Working Group will oversee integration of the Gender Policy in the C/S Fund PIM and D/M Fund PIM. For the pilot phase, the responsibilities of the Gender Working Group will include:

- Approve the design of the pilot;
- Approve the criteria for calculating the Gender Score, identifying Gender Positive Projects and setting the minimum acceptable Gender Score;
- Support capacity development for mainstreaming gender in C/S Fund and D/M Fund projects;
- Monitor implementation of the gender policy in C/S Fund and D/M Fund projects;

- In case that any incentive is agreed for Gender Positive Projects, the Working Group will review and approved the award of incentives based on the Gender Score;
- Review the lessons learned from the pilot and make proposals for integrating the Gender Policy in the C/S Fund PIM and D/M Fund PIM, including considering whether incentives can be provided for Gender Positive Projects.

Administrative work of the NCDD Gender Working Group will be undertaken by the NCDD-S staff members of the Working Group, who will report to the Chairperson of the Working Group.

6 Monitoring and Evaluation of the ESMP

The PMC is responsible to monitor implementation of the ESS risk management measures and report to the SNA leadership. Monitoring should confirm that:

- Risk management measures in the ESMP were correctly implemented;
- Land Acquisition Agreement or Voluntary Land Contribution Agreement correctly implemented
- Indigenous Peoples' Protection Measures correctly implemented
- Contractor complies with ESS in Conditions of Contract.

If the project is selected for Technical Audit, implementation of the ESS risk management measures should be part of the Technical Audit.

The Planning and Investment Division of the Capital / Province Administration should select a sample of District/Municipal and Commune/Sangkat projects each year and conduct an evaluation of the effectiveness of ESS risk management measures. The report of this evaluation should be shared with NCDD-S ESS Working Group.

NCDD-S ESS Working Group will also select a sample of projects for direct monitoring and evaluation each year.

7 Handling of Complaints

7.1 Principles

Any citizen or stakeholder has the right to complain if he or she suffers a negative impact as a result of an SNA investment project. This includes complaints that are related to:

- The ESS Policy is not implemented correctly, leading to negative environmental or social impacts of the project;
- The Gender Policy is not implemented correctly, causing unfair disadvantage to women as a result of the project.

The following principles apply to handling of complaints about ESS and gender:

- People who believe they have been negatively affected by the project have the right to submit a complaint
- People are informed how to submit a complaint, and about the investigation process.
- All complaints are received, recorded and investigated on their merits
- Appropriate actions are taken if a complaint is found to be justified
- The process is fully documented and can be audited
- People who complain are protected against any kind of retaliation.

The Capital / Province and District / Municipal Ombudsman Office is responsible for handling complaints about ESS and gender in SNA project implementation. However, citizens also have the right to submit complaints directly to NCDD-S.

7.2 Complaint Handling by the Ombudsman Office

The District/Municipality Ombudsman Office is responsible for receiving and handling complaints about ESS and gender in SNA project implementation. In case there is no Ombudsman Office at the District / Municipality level, the Capital / Province Ombudsman Office is responsible.

The Ombudsman Office will follow its established procedures in handling and investigating complaints related to implementation of the ESS Policy and the Gender Policy in SNA project implementation.

Ombudsman Office staff will be invited to trainings on ESS Policy and on the Gender Policy so that they understand the requirements of these policies.

In case that the Ombudsman Office receives a complaint about the implementation of the ESS Policy, and the Ombudsman Office does not have enough expertise to investigate the complaint, the Ombudsman Office may:

- If the complaint does not concern any mistake or wrongdoing by the Capital / Province Planning and Investment Division, the Ombudsman Office may request the C/P Planning and Investment Division to act as an adviser for the investigation;
- Alternatively, the Ombudsman Office may ask a relevant Capital / Province department (e.g. the Department of Environment) to advise on investigating the complaint, provided that department has not been involved in any way in the project that is the cause of the complaint;
- The Ombudsman Office may also ask NCDD-S Environmental and Social Working Group to advise on investigation of an ESS complaint.

In case that the Ombudsman Office receives a complaint about the implementation of the Gender Policy, and the Ombudsman Office does not have enough expertise to investigate the complaint, the Ombudsman Office may:

- If the complaint does not concern any mistake or wrongdoing by the Capital / Province Women and Children's Committee the Ombudsman Office may request the C/P Women and Children's Committee to act as an adviser for the investigation;
- Alternatively, the Ombudsman Office may ask the Capital / Province Department of Women's Affairs to advise on investigating the complaint, provided that department has not been involved in any way in the project that is the cause of the complaint;
- The Ombudsman Office may also ask NCDD-S Environmental and Social Working Group to advise on investigation of a complaint about implementation of the Gender Policy.

In any case of a complaint related to implementation of the ESS policy or the Gender Policy in SNA project implementation, the Ombudsman Office should submit a copy of the completed report on the investigation to NCDD-S.

7.3 Complaint Handling by NCDD-S

Citizens have the right to submit complaints concerning implementation of SNA investment projects, including negative environmental and social impacts and violation of the Gender Policy, directly to NCDD-S.

Complaints submitted to NCDD-S will be handled and investigated by the NCDD-S Grievance Redress Committee (GRC) in line with the NCDD-S Grievance Redress Mechanism and Procedures (GRMP).

Complaints may be submitted:

- Through Grievance Boxes established at NCDD-S Office;
- By letter to NCDD-S GRC;
- By e-mail to NCDD-S GRC;
- By telephone to NCDD-S GRC or any NCDD-S staff member;
- In writing to NCDD-S GRC.

If a complaint is made in person to an officer of NCDD-S, the officer should report the complaint to the GRC for follow-up.

Complaints may be submitted anonymously. Where the complainant provides their name and contact details, the GRC will as soon as possible send acknowledgement to the complainant to assure that their grievance has been taken into account.

Annex: Forms for ESS and Gender

Form 3: Environmental and Social Risk Screening

Capital/province:	Commune/Sangkat administration:
Municipality/district/Khan:	Commune/Sangkat code:
Project name:	
Short Description of Project:	

Part 1. Answer questions 1 – 5 either “Yes” or “No.”. If any answer to any question is “Yes” the project is in Risk Category A. The project owner must contact the responsible Ministry for advice on necessary action.

Question	Yes / No	Ministry to contact if “Yes”
1. Is any part of the project in the conservation zone or the core zone of an environmentally protected area?		Ministry of Environment or other responsible authority
2. Will the project directly affect any place that is a protected cultural site (e.g. an ancient temple)?		Ministry of Culture or other responsible authority
3. Will the project require more than 10 households to move their place of living?		Ministry of Economy and Finance (Department of Resettlement)
4. Does the project include constructing a new irrigation system to irrigate more than 100ha of land that has not been irrigated in the past?		Ministry of Water Resources and Meteorology
5. Does the project include constructing or repairing a water storage dam more than 15m high (measure from foundation to top)?		Ministry of Water Resources and Meteorology

Part 2. Answer Questions 6 – 30 “Yes” or “No.”. If the answer to any question is “Yes” (but the answers to questions 1 – 5 are all “No”) the project is Category B. Further studies will be needed, depending on the question. If the answers to questions 1-5 and questions 6-30 are all “No” the project is Category C and does not need further study.

Question	Yes / No	Further study needed if “Yes”
6. Is the location of this project on the NCDD environmental watch-list?		S6
7. Will the project affect any of the following types of environmentally sensitive areas: a. Natural forests b. Natural flooding forests / mangrove forests c. Wetland area d. Estuary area		S6
8. Is the project in a watch list area for indigenous peoples?		S7
9. Will the project include construction work within 500m of any place that is a protected cultural site?		S8

10. Will the project affect any place that is culturally important for the people who live in the area?		S8
11. Will the project require any land acquisition, including voluntary land contributions?		S5
12. Does the project include construction of a new line of road?		S4, S5, S6
13. Does the project include upgrading or widening any road more than 10km long?		S4, S5, S6
14. Does the project include constructing a new irrigation system to irrigate less than 100ha of land that has not been irrigated in the past?		S3, S6
15. Does the project include rehabilitating or improving an irrigation system with more than 100ha of irrigated land?		S3, S6
16. Does the project include constructing or repairing a water storage reservoir with a water surface area of more than 1 ha (dam less than 15m high)?		S3, S4, S6
17. Will the project require construction work close to peoples houses, shops, school, pagoda, clinic or other busy place, or on a road with busy traffic?		S3, S4
18. Will the project require construction work in any flowing water channel (where water will be flowing at the time of construction, e.g. a stream crossing a road).		S3
19. Does the project include constructing any agriculture processing facility with capacity more than 1 tonne / day?		S3
20. Does the project include construction or improvement of a solid waste disposal site?		S3
21. Will the project take more than 10% of the water out of any existing stream or canal?		S3
22. Will the project affect any water supply used by households?		S3
23. Will the project result in any long-term source of water pollution?		S3
24. Will the project result in any long-term source of solid waste, e.g. plastic?		S3
25. Will the project require use of hazardous chemicals of any kind?		S3, S4
26. Will implementation of the project need a labour force of more than 50 people, or a labour force of more than 10 people for more than 3 months?		S2
27. Will the project require employing community members to do hazardous types of work that they are not trained for?		S2
28. Will the project involve growing crops on land that is not used for growing crops now?		S6
29. Will the project result in land that is used for growing crops now, being used for another purpose?		S6
30. Is the project in an area that is known to be a high risk for UXO / ERW?		S2, S4

Gender Screening Form

Area	Question	Response	Score
Planning	Have the needs of women (which may be different from the needs of men) been considered in selecting the project		Yes = 5
	During the planning process, were there women's focus groups to identify the priorities of women?		Yes = 5
	Was the project a high priority for women in the community		Yes = 10
Design	Have the women who will benefit from the project been consulted about the design (separately from men)		Yes = 10
	Has the project been discussed in a meeting of the Council Women and Children's Committee?		Yes = 5
	Does the project design include any features specifically to improve the benefits for women?		Yes = 10
Benefits	What percentage of the direct beneficiaries of the project are women?		>40% = 5 > 60% = 10
	Does the Project Information Form clearly describe how women will benefit from the project?		Yes = 5
Leadership	Is the chair of the Project Management Committee a woman?		Yes = 10
	Are at least 40% of the members of the Project Management Committee women?		Yes = 5
Opportunities	Will women have equal opportunities with men for employment in the project, with equal pay and conditions?		Yes = 5
	Will the project create any employment opportunities for women?		Yes = 10
	Will the project create any opportunities for women to do business (e.g. market selling?)		Yes = 10
		Total Score	(Max = 100)

Form 19.1: Environmental and Social Impact Assessment

Capital/province:	Commune/Sangkat administration:
Municipality/district/Khan:	Commune/Sangkat code:
Project name:	
Short Description of Project:	
Date of participatory environmental and social impact analysis	Official in charge of environmental and social analysis
Analysis location	Number of citizens participating

Sections of Environmental and Social Impact Analysis Required (based on Form 3)

Environmental and Social Safeguards Strategy	Yes/No
S2: Labour and Working Conditions	
S3: Resource efficiency and pollution management	
S4: Health, Safety and Welfare of the Community	
S6: Biodiversity Conservation and Sustainability Management of Living Natural Resources	
S8: Cultural Heritage	

S2: Labour and Working Conditions

Problem	Level		Place on Map
Contractor will not provide fair treatment for workers hired from the local community	Big Impact		
	Medium Impact		
	Small or No Impact		
Contractor will not give equal employment opportunities and equal pay for equal work to women, vulnerable groups and minorities	Big Impact		
	Medium Impact		
	Small or No Impact		
Contractor will not provide safe and healthy working conditions for workers	Big Impact		
	Medium Impact		
	Small or No Impact		
Contractor will bring many workers from outside. They will not have a good and hygienic place to live and this will cause pollution	Big Impact		
	Medium Impact		
	Small or No Impact		
Contractor will bring many workers from outside. This will cause social problems with the local community	Big Impact		
	Medium Impact		
	Small or No Impact		

S3: Resource Efficiency and Pollution Prevention: Long Term Impacts

Problem	Level		Place on Map
Over-extraction impact on water users	Big Impact		
	Medium Impact		
	Small or No Impact		
Over extraction impact on natural habitat	Big Impact		
	Medium Impact		
	Small or No Impact		
Damage to water courses	Big Impact		
	Medium Impact		
	Small or No Impact		
Erosion or lost fertility of soil on agriculture land	Big Impact		
	Medium Impact		
	Small or No Impact		
Erosion of hill slopes etc	Big Impact		
	Medium Impact		
	Small or No Impact		
Bad smells or air pollution	Big Impact		
	Medium Impact		
	Small or No Impact		
Non-biodegradeable wastes (e.g. plastic)	Big Impact		
	Medium Impact		
	Small or No Impact		
Pollution of surface water (streams, lakes etc)	Big Impact		
	Medium Impact		
	Small or No Impact		
Pollution of groundwater by polluted water soaking into the ground from the site	Big Impact		
	Medium Impact		
	Small or No Impact		
Increased amount of sewage water for disposal	Big Impact		
	Medium Impact		
	Small or No Impact		

S3: Resource Efficiency and Pollution Prevention: Short-Term Impacts

Problem	Level		Place on Map
Pollution of water courses during construction	Big Impact		
	Medium Impact		
	Small or No Impact		
Dust pollution during construction	Big Impact		
	Medium Impact		
	Small or No Impact		
Noise pollution during construction	Big Impact		
	Medium Impact		
	Small or No Impact		
Solid waste from construction	Big Impact		
	Medium Impact		
	Small or No Impact		
Construction traffic will cause damage to roads used for access to the project site	Big Impact		
	Medium Impact		
	Small or No Impact		
Construction will cause short-term damage to agriculture land and crops	Big Impact		
	Medium Impact		
	Small or No Impact		

S4: Heath, Safety and Welfare

Problem	Level		Place on Map
Construction work will disturb land-mines or unexploded bombs, causing danger for workers and the community	Big Impact		
	Medium Impact		
	Small or No Impact		
Risk of construction work causing accidents for people in the local community	Big Impact		
	Medium Impact		
	Small or No Impact		
Improved road will result in faster driving, so more accidents and accidents are more dangerous	Big Impact		
	Medium Impact		
	Small or No Impact		
A dam constructed by the project could collapse, causing danger for the local community	Big Impact		
	Medium Impact		
	Small or No Impact		
Farmers will increase their use of agriculture chemicals, causing bad impacts on their health.	Big Impact		
	Medium Impact		
	Small or No Impact		
	Medium Impact		
	Small or No Impact		

S6: Biodiversity, Conservation and Sustainable Management of Living Natural Resources

Problem	Level		Place on Map
Project will directly harm wild animals or birds, or destroy places where they live	Big Impact		
	Medium Impact		
	Small or No Impact		
Project will cause an increase in types of activity by people that harm wild animals and birds	Big Impact		
	Medium Impact		
	Small or No Impact		
Project will directly damage fisheries resources or fisheries stocks	Big Impact		
	Medium Impact		
	Small or No Impact		
Project will cause an increase in types of activity by people that damage fisheries resources of fisheries stocks	Big Impact		
	Medium Impact		
	Small or No Impact		
Project will cause direct damage to natural forest or flooding forest	Big Impact		
	Medium Impact		
	Small or No Impact		
Project will cause an increase in types of activity by people that damage natural forest or flooding forest	Big Impact		
	Medium Impact		
	Small or No Impact		
Project will drain or remove water supply from a natural wetland area	Big Impact		
	Medium Impact		
	Small or No Impact		
Project will cause people to convert forest, flooding forest, natural wetland or estuary area into agriculture land	Big Impact		
	Medium Impact		
	Small or No Impact		
Project will change farming methods in a way that destroys fish, frogs or other useful animals, or useful wild plants, that live in agriculture land	Big Impact		
	Medium Impact		
	Small or No Impact		

S8 Cultural Heritage

Problem	Level		Place on Map
Construction work will cause direct damage to a cultural heritage site	Big Impact		
	Medium Impact		
	Small or No Impact		
Construction work will cause damage to cultural heritage that is buried in the ground (so not known about)	Big Impact		
	Medium Impact		
	Small or No Impact		
The project will have a negative indirect impact on a cultural heritage site (e.g. by noise or pollution, or by changing the beautiful appearance of the area)	Big Impact		
	Medium Impact		
	Small or No Impact		
The project will have a negative impact on the culture of the people in the local community	Big Impact		
	Medium Impact		
	Small or No Impact		

Recommendations of Environmental and Social Impact Analysis

No.	Description	Choose one Answer
1	The project will result in unacceptable negative environmental or social impacts	
2	The project will cause moderate negative environmental or social impact. Implementation and monitoring of the Environmental and Social Management plan will reduce the impacts to a level that can be accepted.	
3	The project will not cause any significant negative environmental or social impacts.	
Index attached: - Form 3: Environment and Social Risk Screening - Environment and Social Map - Environment and Social Management Plan - Environment and Social Monitoring Plan - Participants List for Environmental Impact Analysis - The Minutes of Environmental Impact Analysis Meeting		

Date:.....

Date:.....

**Commune/Sangkat
Chief**

In-charge Official

Form 19.2 Environmental and Social Management Plan

Capital / Province		Municipality / District / Khan		Commune / Sangkat	C/S No:
Project Name:					
Copy from Form 19.1		Mitigation Measure	When	Responsibility	Size of Impact after Mitigation
Type of Negative Impact	Size of Impact				

ការសម្រុះសម្រួលដោះស្រាយបណ្តឹង
Complaint Handling

គោលនយោបាយ
Policy

ការគ្រប់គ្រងការបំពុលបរិស្ថាន
Pollution Management

សុវត្ថិភាពបរិស្ថាន និងសង្គម
Environmental and Social Safeguard

ជនជាតិដើមភាគតិច
Indigenous People
ការរៀបចំផែនការ
Planing

ចីរភាព
Sustainable
រដ្ឋបាលថ្នាក់ក្រោមជាតិ
Sub-National Administration

សមភាពយេនឌ័រ
Gender

លទ្ធកម្មដីធ្លី និងតាំងទីលំនៅ
Land Acquisition and Resettlement

ពលកម្ម និងលក្ខខណ្ឌការងារ
Labour and Working Conditions

Indigenous People
ជនជាតិដើមភាគតិច

បរិយាប័ន្ន
inclusiveness

សមភាពយេនឌ័រ
Gender

ពលកម្ម និងលក្ខខណ្ឌការងារ
Labour and Working Conditions

ការរៀបចំផែនការ
Planing
Policy

លទ្ធកម្មដីធ្លី និងតាំងទីលំនៅ
Land Acquisition and Resettlement

សុវត្ថិភាពបរិស្ថាន និងសង្គម
Environmental and Social Safeguard

ចីរភាព
Sustainable

ការប្រែប្រួលអាកាសធាតុ
Climate Change

រដ្ឋបាលថ្នាក់ក្រោមជាតិ
Sub-National Administration

ពលកម្ម និងលក្ខខណ្ឌការងារ
Labour and Working Conditions

គោលនយោបាយ

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