



**វេទិកាផ្សារការងារមិនមែនរដ្ឋាភិបាល ស្តីពីកម្ពុជា**  
**The NGO Forum on Cambodia**

NGOF. ០២៧... LFP/២០២០

**សូមគោរពជូន**  
**ឯកឧត្តមឧបនាយករដ្ឋមន្ត្រី**  
**រដ្ឋមន្ត្រីក្រសួងរៀបចំដែនដី នគរូបនីយកម្ម និងសំណង់**

**កម្មវត្ថុ:** សូមគោរពជូនរបាយការណ៍ស្តីពី មតិយោបល់របស់អង្គការសង្គមស៊ីវិល សម្រាប់ជាធាតុចូល ទៅក្នុង សេចក្តីព្រាងនៃកម្រងឯកសារ ស្តីពីការគ្រប់គ្រងហានិភ័យទាក់ទងនឹងបរិស្ថាន និង សង្គមនៃគម្រោង LASEDIII។

សេចក្តីជូនដំណឹងចែងក្នុងកម្មវត្ថុខាងលើ តាងនាមវេទិកាផ្សារការងារមិនមែនរដ្ឋាភិបាល ស្តីពីកម្ពុជា អង្គការ សមាជិក និងអង្គការដៃគូ ខ្ញុំបាទមានកិត្តិយសសូមគោរពជម្រាបជូន **ឯកឧត្តមឧបនាយករដ្ឋមន្ត្រី** មេត្តា ជ្រាបថា វេទិកាផ្សារការងារមិនមែនរដ្ឋាភិបាល ស្តីពីកម្ពុជា បានសម្របសម្រួលអង្គការសមាជិកដែលធ្វើកិច្ចការអំពី សិទ្ធិដីធ្លី និងលំនៅឋាន សិទ្ធិជនជាតិដើមភាគតិច និងព្រៃឈើ និងអង្គការដៃគូចំនួន២៣ស្ថាប័នផ្សេងៗគ្នាចូល រួមផ្តល់ជាមតិយោបល់ និងធាតុចូលលើសេចក្តីព្រាងនៃកម្រងឯកសារស្តីពី ការគ្រប់គ្រងហានិភ័យទាក់ទងនឹង បរិស្ថាន និងសង្គម នៃគម្រោង LASEDIII ក្នុងគោលបំណងចូលរួមចំណែកជាមួយរាជរដ្ឋាភិបាលកម្ពុជា សម្រេច គោលដៅដូចមានចែងក្នុងគម្រោង LASEDIII។

ដើម្បីសម្រេចតាមគោលដៅរបស់គម្រោង អង្គការសង្គមស៊ីវិល សូមគោរពអនុញ្ញាតស្នើសុំ **ឯកឧត្តម ឧបនាយករដ្ឋមន្ត្រី** មេត្តាពិចារណាសម្រេចដាក់ឯកសារទាំងនោះឱ្យមានភាពរស់រវើក ដោយបន្តបង្កើតឱ្យមាន ការពិគ្រោះយោបល់ កែលម្អបន្ថែម និងការផ្សព្វផ្សាយឱ្យបានទូលំទូលាយ បើទោះជាស្ថិតក្នុងដំណាក់កាលកំពុង អនុវត្តគម្រោងក្តី។

អាស្រ័យដូចបានគោរពជម្រាបជូនខាងលើ សូម **ឯកឧត្តមឧបនាយករដ្ឋមន្ត្រី** មេត្តាពិនិត្យ និង ទទួលយកមតិយោបល់ និងធាតុចូលរបស់អង្គការសង្គមស៊ីវិល ដើម្បីដាក់បញ្ចូលទៅក្នុងកម្រងឯកសារទាំងនោះ ដោយក្តីអនុគ្រោះ។

សូម **ឯកឧត្តមឧបនាយករដ្ឋមន្ត្រី** មេត្តាទទួលនូវការគោរពដ៏ខ្ពង់ខ្ពស់ អំពីខ្ញុំបាទ។

ថ្ងៃសុក្រ ៣កើត ខែពិសាខ ឆ្នាំជូត ទោស័ក ព.ស២៥៦៣  
រាជធានីភ្នំពេញ, ថ្ងៃទី២៤ ខែមេសា ឆ្នាំ២០២០

សូមភ្ជាប់ជូនជាមួយនូវ៖  
-របាយការណ៍ស្តីពីមតិយោបល់របស់អង្គការសង្គមស៊ីវិល

**នាយកប្រតិបត្តិ**  
  
**បណ្ឌិត តឹក វណ្ណារ៉ា**

**Inputs and Comments of NGOs on  
The Draft Environmental and Social Risk Management  
LASED III Project  
Ministry of Land Management, Urban Planning, and Construction  
April 24, 2020**



**Stakeholder Engagement Plan**

Original Document	Page	Para	Inputs/ Suggestions	Supporting Idea
	5	1.5 The Objective of LASED III	<p>Please add the word “land title” and “disadvantaged and vulnerable”</p> <p>The <b>objective</b> of LASED III is to provide sustainable access to land, <b>land title</b>, and</p>	LASED III is specifically designed to assist disadvantaged and vulnerable groups in rural areas.

			technical services to targeted <b>disadvantaged and vulnerable</b> small farmers including from ICs and selected infrastructure and social services in the project areas.	
	20	68	Please add “ <b>The compensation must be appropriated and must be agreed by the people who are resettled in advance</b> ” to the paragraph 68.	Based on the 1993 Constitution and the Law on Appropriation
<b>Annex 3</b> Stakeholder Engagement Activities in ICLT Process			Suggest to include NGOs since the first stage of the process.	NGOs could mobilize resources, provide technical inputs, and facilitation.

#### ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN

Original Document	Page	Para	Inputs/Suggestions	Supporting Idea
Material measure and action Monitoring and reporting	2	Table (A)	It should be a three-month basis	For increasing stakeholder and partner engagement.
Incident and accident	2	Table (B)	Please consider to add risks/incidents such as world war trade, EBA and virus, ideological, political changes	External incident (regional and global and internal incident (Cambodia)
ESS:1.2 Environmental and social assessment	3	Identified for SLC investments	There are three components of conflict related CPA, SLC and ICLT or if included ELC? Is ESMF include international standards?	It is concerned that state public land are risks to mobilize to private land based on legislation adjustment but the rich and powerful people was got benefits more than the poor.

ESS1.3 Management tools and instruments	4	Social Land Concession sites and ICLT sites	SLC in ELC cancellation is the best for livelihood of the poor according to its purpose.	
ESS1.3 Management tools and instruments	4	Respective ESSs below:	The capacity building should be provided to assure that the tools could be implemented by project staff and relevant stakeholders in monitoring.	
ESS1.4 Management and contractor	5	contracts procured at national level and a simplified ESHS specification for contracts for small works procured by Commune Councils.	The procurement documents are concerned about the capacity of CC. If possible, the commune council needs technical staff that fits to experiences of procurement.	It was concerns about existing resources person in CC structure
ESS2 Labor and working conditions, 2.1 Labor management procedure	5	The following additional instruments, as Annexes to the LWCP, are to be developed during the Project inception period:	Prevention forced labor and restrictions on child labor.	Generally, there are more workers without contract
ESS2: 2.2 Grievance mechanism for project workers	6	Establish, maintain, and operate a grievance mechanism for direct and contracted Project workers,	Mechanism should be established and operated well.	
2.2 Grievance mechanism for project workers	6	All contracted workers are aware of (a) their rights to express grievances; (b) where to address a grievance in the	Contracted workers are best but it should think about labor cost and salary cost based on GDP of citizen or JD of	Requirement an international standard training to contractors and contracted workers and labor worker

		first instance; (c) what action they can expect as of right when a grievance is expressed; and (d) that they are adequately protected against sanctions or recriminations	project? Contract and respected with rights to advocate for their demands and expressed safety and peacefully.	unions? Refresh training and consultation to reflect and complete documents with both English and Khmer.
ESS3: Resource efficiency and pollution prevention and management 3.1 Resources efficiency	7	Resource use efficiency measures will be covered in the ESMP for each Project site	The project make sure infrastructure is not destroy the existing water resources.	Existing water resources shall be protected with infrastructure and livelihood plans. Some infrastructure benefits to companies but community lost
3.2 Pollution prevention and management	7	Planting of trees in common areas of SLC and ICLT sites  Avoid or minimize air, water and land pollution and noise pollution from civil works through control of works, dust prevention measures, proper	Please consider about water pollution and infection to the health of communities related ELC of mines, industries	
3.2 Social and environment impact from extractive industry	7		Social and environment impact from Extractive industry risk mitigation framework should be develop for mining concessioner to implementation	Why Serious impact from mining concession included social, environment and economic impact was not mentioned?  Environmental Impact Assessment (EIA) and environmental management plan (EMP) and Water quality testing should be conduct before, during and by end of project.

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

## ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK

Original Document	Page	Para	Inputs/Suggestions	Supporting Idea
The Environmental Protection and Natural Resources Law (1996)	VIII	2	Please explain why it does not mention protected area law 2008 in the ESMF.	The 6-target province enriches of natural resources and biodiversity
Stakeholders to be consulted through this process include stakeholders in Kratie, Monduliri and Ratanakiri at Province, Commune and IP community level as well as stakeholders in Phnom Penh.	XI	9	NGOs mentioned there was not a consultation happening at the targeted provinces. Such as Monduliri, Ratanakiri, Preah Vihear yet. The consultation with all stakeholders both national and sub-national level should be done.	NGOs suggest to make the ESMF and its annexes alive which we can provide suggestions for improvement even during the project implementation.
Phase 2.5	Table 1B	23	The interim protective measures should be automatically issued once the application form ICs reach the provincial department. However, the measure, process, and title could be negotiated later among ICs and government officials. In general, NGOs, local authorities, and communities are working together to identify their preliminary map before applying to the provincial department.	This is to avoid dispute with encroachers.
ICLT Eligibility.	9	42	Please provide more detailed information if it includes ICs who already apply for ICLT, but they have conflict on land with ELCs and PAs.	
The project communication team will ensure that internal and external information sharing and awareness raising reach beneficiaries and other stakeholders through appropriate communication means.	9	44	What are appropriate communication means? Please specify tools clearly for public stakeholders, NGO partners, targeted communities, etc. How often the information is shared? Who is the communication team doing for	It would be easier for all stakeholders, especially communities, to access the information.

			dissemination? Could NGOs participate in dissemination?	
<p>Table 3: Gap Analysis of Legislative and Regulatory Framework vs. ESS Requirements</p> <p>Land Acquisition, Restrictions on Land Use and Involuntary Resettlement (See also: RPF)</p>	23		<p>For fair valuation, there shall be an Independent Committee consisting of ministry which initiate the project, representatives of local authorities, representatives of NGOs, selected representatives of community who are triggered to be affected, women representatives, at least two technical experts on social safeguard for each project to oversight the valuation of fair and just compensation. Carry out meaningful consultations with affected persons, host communities, community members and leaders, provincial government agencies and concerned nongovernment organizations with particular attention to vulnerable groups and ensuring their meaningful participation in planning, implementation, and monitoring and evaluation of resettlement programs. (NGOF, 2018)</p> <p>The SLC site should implement where recipients (landless households) could settle, do farming, or other options where people can survive with economic and social welfare.</p>	
ESS6: Biodiversity Conservation and Sustainable Management of Living Natural Resources.	23		<p>Conduct a study and identify ICLT proposals that overlap with protected areas in consultation with indigenous communities for approval based on their actual use and ensure the sustainability of natural resources.</p>	





				and city more than rural areas. If they are excluded, the social issues won't be resolved.
9.2 Public Disclosure	81	345	Information related to affected people and beneficiaries must be proactively shared and consulted which is easily accessible and understandable to affected people.	

### Cultural Heritage Protection Framework

Original Document	Page	Para	Inputs/Suggestions	Supporting Idea
<p>General Comment:</p> <ul style="list-style-type: none"> <li>To include rare reptiles in the mapping exercise</li> <li>To add communal land management without restriction on size of sacred land and graveyards</li> <li>To create dispute resolution mechanism</li> <li>To include CPA, CF, Fisheries Community in the LASED II</li> </ul>				

### INDIGENOUS PEOPLES PLANNING FRAMEWORK

Original Document	Page	Para	Inputs/Suggestions	Supporting Idea
	13	47	<p>Set up a clear mechanism to address the overlapping issues and aware related stakeholders to be at the same page.</p> <p>The IPPF sounds great with a very comprehensive framework. However,</p>	<p>NGOs have been coordinating and facilitating in cooperation with PDoLMUPC, PDoE and PDoAFF and Sub-National Authorities to support the sketch mapping and preliminary map for ICLT application by IPs. Mostly, IPs wish not to see the three separated required by CF, CPA and ICLT application in different stage, but they wish to see the ICLT in once. The practical experiences, MoE wish IPs to request for CPA if any area overlapped with Protected Areas or Wildlife</p>

			the document seems not involved by MoE.	<p>Sanctuary and MAFF wish IPs to request for CF if overlapped with the forest under MAFF management. So what is the strategy for compromising and coping that challenges by this LASED-III project?</p> <p>Conduct a study and identify ICLT proposals that overlap with protected areas in consultation with indigenous communities for approval based on their actual use.</p>
	17	57	If applicable, LASED III should coordinate MoE and MAFF to produce a guideline to address conflict of legal jurisdiction of sub-decree 83, law on protected area and forest law while land claimed for CLT is overlapping to PA or permanent conserved forest.	The overlapping of legal jurisdiction of the forest law, law on protected area, and sub-decree 83 is a challenge. As experienced, ICs which already obtained legal entities from MoI and applied for land registration to MLMUPC have been stuck if the land claimed for CLT overlaps protected area or forest.
Step 1.b	16	Activity Detailed and stakeholder	To develop a preliminary map, PDoLMUPC should involve PDoE and PDoAFF from the beginning.	PDoLMUPC should involve PDoE and PDoAFF in the process of CLT especially in the preliminary map development in order to avoid overlapping CPA and CF. At the time, technical meeting may need to verify if the overlapping can be proceeded for CLT or not, if not does CPA, or CF can be proposed to IC.
<p>General comment:</p> <ul style="list-style-type: none"> <li>Free, Prior, and Informed Consent (FPIC): Where Indigenous Peoples are affected by a World Bank supported project, the World Bank requires that the Borrower obtains the Free, Prior and Informed Consent of the affected Indigenous Peoples regarding the project design, implementation arrangements and expected outcomes related to risks and impacts. There is not only one way of obtaining FPIC from a community. The process, procedure and methods would dependent on the legal circumstances the community is situated in. What constitute consent from the community should be determined by them which is based on their customary decision-making process and procedure. FPIC does not necessarily mean</li> </ul>				

unanimity and absence of opposition or disagreements within the community. Consent refers to the collective decision reached by the community through a consensus building process and decision-making.

- Proper FPIC process which also includes "Full participation" and "Meaningful Public Consultation". The "Meaningful Public Consultation" should include at least 8 key elements such as: 1- early notification, 2- accessible information, 3- shared knowledge, 4- sensitivity to community values, 5- reasonable timing, 6- appropriate levels of participation, 7- adaptive processes, and 8- Transparent results.
- Requesting to include MOE and MAFF as main actors, because they also involve in the CLT process.
- When COVID-19 ended and safe for gathering people; it is suggested to conduct a workshop with all relevant stakeholders to be more clearly understand the framework, in particular, should be some key IPs representatives involved in that workshop.

### Resettlement Management Framework

Original Document	Page	Para	Inputs/Suggestions	Supporting Idea
Component 2: Community Infrastructure Development.	12-13	Infrastructure	<p>It should have included/added: demining supported activities within SLCs.</p> <p>This will support prioritized and viable infrastructure investments at new project sites.</p> <p>These include the provision of productive/economic and social community infrastructure investments such as rural roads, side drains, culverts, drifts, water supply and sanitation facilities, small-scale irrigation systems, school buildings, teachers' houses, health posts and community centers, among others.</p>	<p>In Oddar Meanchey province which was a Khmer Rouge's stronghold area and there are many UXOs.</p> <p>Recently, our community members have found UXOs in their SLCs.</p>

<p>Component 3: Agriculture and Livelihood Development will support the settlement process of beneficiary households, the building of socio-economic capital (producer groups/cooperatives) and the development of climate-change resilient and market demand driven agricultural production systems. to scale up successful local initiatives.</p>	13	<p>Agriculture and Livelihood development</p>	<p>Should have added land clearing for farming land.</p> <p>These will include support for: (a) settling-in assistance to newly-installed land recipients and land preparation assistance for a first cover crop and/or planting of seedlings for tree crops such as cashew to provide the basis for land recipients to establish a new residency and start using their new agriculture land; (b) implementation of a comprehensive agricultural services strategy with an emphasis on climate-smart agriculture techniques and proceeding with a pluralistic service provider approach, leveraging modern ICT and promoting farmer-managed demonstration plots on improved technologies and practices; (c) establishment and/or strengthening of farmers organizations for production and marketing activities and other community interest groups; and (d) provision of a Community Fund for Development (CFD)</p>	<p>The community people who received plots of farming land (SLCs) in Oddar Meanchey claimed that they are facing difficulty to clear the land (forest land and full of tree trunk).</p>
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7.1 Land Identification, Exclusion of Private Land, Provision of Compensatory SLC Land, and Assessment of Land Acquisition Requirements within the SLC Planning Framework	28	SLCs process	Should have added the timeframe to respond to the request for SLCs from the community people, especially poor and landless people. Hence, the commune authorities (commune chiefs) shall have lists of community people who apply for SLCs and shall have data or figures of available land in their territories.	Community people in Oddar Meanchey province have applied for SLCs, yet they have not received any information in terms of their request from the provincial authority even though they did follow up with them many times.
<p>General Comment:</p> <ul style="list-style-type: none"> <li>• Careful identification of existing land users including legal owners or possessors and other types of occupants and users who access to or gain livelihoods from the land without occupying it (e.g. Common Property Resource (CPR) users).</li> <li>• SLC site should not too far from their old resident because they may lose their job, education, and areas where they used to access natural resources products.</li> <li>• Excluding land for which a legitimate private claim exists, from SLC or ICLT land.</li> <li>• Providing compensatory benefits including SLC land allocations where appropriate.</li> <li>• Engaging with affected parties to find mutually agreeable and acceptable solutions including preserving access to CPR through a participatory approach and due diligence process.</li> <li>• Where involuntary resettlement is necessary, the Project will prepare, disclosed, consult, proceed and complete grievance process, and adopt, and thereafter implement resettlement plans (RPs) in accordance with ESS 5 and consistent with the requirements of the Resettlement Policy Framework (RPF) that has been prepared for the Project, in a manner acceptable to the Association.</li> <li>• SLC and ICLT should implement on the land of ELC cancellation. Because ELC cancellation has purpose for SLC and natural reforestation.</li> <li>• Effective SLC should carefully consider on 3 main areas: (i) site where does not create conflict, or completely solve land dispute with the local community before project implementation, (ii) the right recipient who is landless, and (iii) develop social infrastructure and systematic and sustainable livelihood before allow recipient to settle in SLC location.</li> </ul>				