



Environmental and Social Management Framework

CAMBODIA NATIONAL REDD+ STRATEGY

V.2 21st November 2018

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1. Executive Summary

The proposed actions for REDD+ implementation in the Kingdom of Cambodia centre on three strategic objectives: (1) to improve management and monitoring of forest resources and forest land use, (2) to strengthen implementation of sustainable forest management, and (3) to mainstream approaches to reduce deforestation, build capacity and engage stakeholders. The primary implementing agencies are the General Directorate of Administration for Nature Conservation and Protection (GDANCP) of the Ministry of Environment as well as the Forestry (FA) and Fisheries Administrations (FiA) of the Ministry of Agriculture, Forestry and Fisheries (MAFF).

This assessment follows UNDP's social and environmental standards (SES) for screening risks of a project. It evaluates each of the proposed actions in Cambodia's draft Action and Investment Plan of the National REDD+ Strategy (NRS) against nine Standards of social-environmental risk that are grouped into the three Principles of human rights, gender equality, and environmental sustainability. Following this screening framework, this assessment identifies two instances where a project activity creates a risk of potentially high significance. Some other risks of moderate risk were identified, while most project interventions were of low risk to most of the social and environmental standards. Overall, the REDD+ strategy as described in the Action and Investment Plan of the NRS was deemed to be of Moderate Risk.

The most serious risks of project activities relate to resource access by local communities and in particular by Indigenous¹ groups. Two of the proposed actions that relate to demarcating protected area boundaries and completing protected area zoning designations could result in reduced access to resources by Indigenous communities, potentially resulting in harm to livelihoods and/or population displacement. A loss of access to resources may also have disproportionate impacts on women and girls, thus potentially increasing inequality. Stakeholder engagement and mechanisms for grievance redress are both essential to mitigating risks relating to loss of resource access.

The SES assessment process also identified risks of lower significance to cultural heritage— primarily resulting from potential loss of resource access described above—as well as to biodiversity and to health and safety. Risks to biodiversity result from proposed reforestation and forest restoration actions as well as from the proposed expansions of community forestry and expansion of the commercialization of non-wood forest projects. Risks to health and safety are deemed relatively minor but stem from employment that will result from the proposed actions and the potential that employment will not meet labour standards.

Four areas were identified where management plans are required to mitigate SES risks, namely, biodiversity, Indigenous Peoples, resettlement, and gender. In some cases, particularly biodiversity, management plans require additional primary information gathering before they can be operationalized. Many of the risks identified in this assessment can be mitigated or eliminated with a well-informed, inclusive, and ongoing process of engagement with stakeholders. Additionally, grievance redress mechanisms, although insufficiently operationalized at present, are an important component of mitigating the social and environmental risks identified in this assessment.

¹ There is no single definition of Indigenous peoples; rather, identification of a group of people as Indigenous relies on many potential factors. These factors may include that the group maintains a cultural identity that is distinct from the cultural majority or that the group maintains a special connection with the resources and territories that it has traditionally occupied (UNDP 2017. [Social and Environmental Standards 2017. Guidance note standard 6: Indigenous Peoples](#)). In the context of Cambodia, the ethnic minorities sometimes referred to as Khmer Loeu are considered Indigenous Peoples for the purposes of the REDD+ safeguards.

2. Introduction

This Environmental and Social Management Framework (ESMF) has been prepared for the government of Cambodia.

As this project is supported by UNDP in its role as FCPF Delivery Partner, the PAMs proposed in Cambodia's draft Action and Investment Plan of the National REDD+ Strategy (AIP-NRS) have been screened against UNDP's Social and Environmental Standards (SES) utilizing the UNDP Social and Environmental Screening Procedure (SESP). The proposed PAMs pose low risk relative to standards in a majority of cases; however, some pose a moderate risk, and in two very specific cases, potential high risk cases were identified.

The AIP-NRS includes a range of activities that have not been fully specified in terms of specific locations/components and cannot be fully assessed at this stage for all potential social and environmental risks and impacts. As such, this ESMF has been prepared setting out the principles, rules, guidelines and procedures for screening, assessing, and managing the potential social and environmental impacts of the forthcoming but as yet undefined interventions. It contains measures and plans to avoid, and where avoidance is not possible, to reduce, mitigate and/or offset adverse risks and impacts. The ESMF specifies the most likely applicable social and environmental policies and requirements and how those requirements will be met through procedures for the screening, assessment, approval, mitigation, monitoring and reporting of social and environmental risks and impacts associated with the activities to be supported.

This ESMF includes general management plans for addressing likely social and environmental impacts of the forthcoming but as yet undefined interventions, and to address the requirements of applicable policies and standards, including the UNDP SES.

These general management plans will need to be further elaborated (following templates provided in annexes) when the activities have been fully specified in terms of specific locations/components and additional screening is carried out.

3. Project Description

3.1. Overview of REDD+ Approach in Cambodia

REDD+ in Cambodia is in the transition from readiness phase to implementation phase. A draft of the National REDD+ Strategy Action Plan has been prepared² that describes strategies and actions for advancing REDD+ in Cambodia, all of which support three overarching strategic objectives (SOs):

- SO1: Improve management and monitoring of forest resources and forest land use
- SO2: Strengthen implementation of sustainable forest management
- SO3: Mainstream approaches to reduce deforestation, build capacity and engage stakeholders

Eleven actions, grouped under six strategies (see Table 1), will be employed in order to progress towards the SOs. Some of these actions are direct interventions—meaning that they are specific, often local activities which result in a direct change in the carbon stock. Other actions are enabling, meaning that they are aimed at facilitating the implementation of direct interventions by putting in place the conditions—institutional or social—that will improve the likelihood of success of the direct interventions.

² The description following and all subsequent analyses in the present document are based on the version of the draft Action Plan and Investment plan to the NRS that is dated 16 November 2017 and that is included in the February 14, 2018 document entitled “Plan for advancing NRS Action Plan, Subnational REDD+ implementation and National REDD+ M&E Framework”

3.2. Summary of Activities

The six strategies are introduced in the following sub-section, while the actions and their associated risks are discussed in Section 5 of this document.

SO1.1: Strengthen management of forest conservation areas, such as protected areas and flooded and mangrove conservation areas

SO1.1 seeks to improve demarcation of protected areas (PAs) by digitally mapping PA boundaries, registering those boundaries with the Ministry of Land Management, and installing physical markers of the PA borders at access points such as roads and trails (1.1.1). SO1.1 also aims to prepare PA management plans that include zoning designations (1.1.2), and to develop and implement plans for forest restoration, forest rehabilitation, and reforestation (1.1.3). The three actions under SO1.1 are all classified as direct. The strategy has a projected budget of 7.11 million USD from 2018-2021 and of 6.95 million USD from 2022-2026.

In 2017, seven of 46 PAs in Cambodia have their outer boundaries demarcated. Action 1.1.1 projects that 21 PAs will be demarcated and registered by 2021 and all 46 PAs by 2026.

Action 1.1.2 will focus on developing PA management plans (PAMPs) with particular focus on zoning designations. Protected areas in Cambodia are each sub-divided into four management zones:³

- Core zone
- Conservation zone
- Sustainable use zone
- Community zone

with zones lower on the list representing less stringent protection of the area and increasing levels of allowable resource use. The lowest level of zoning—community zone—allows some residential use and swidden cultivation, particularly for indigenous communities. Other zones do not allow residential use but do allow some access for livelihood use, also with prioritized access for indigenous communities. As of 2017, one PA had an approved PAMP while three others had approved zoning plans. The goal of 1.1.2 is to have 20 PAMPs approved by 2021 and 35 (75% of Cambodian PAs) by 2026.

Action 1.1.3, on forest restoration, forest rehabilitation, and reforestation, seeks to have forest restoration plans (FRPs) approved and being implemented in 15 PAs by 2021 and in 23 PAs (50% of the total) by 2026.

SO1.2: Strengthen law enforcement activities to address unauthorized logging, and encroachment

SO1.2 seeks to provide training and equipment to forest law enforcement staff who monitor PAs and land concessions (1.2.1) as well as to improve the understanding by local government staff and community officials of forest laws and regulations (1.2.2). These two actions have been classified as enabling interventions in that they will create an environment It has a projected budget of 2.55 million USD between 2018 and 2021 and 2.3 million USD between 2022 and 2026.

As of 2017, four PAs are considered to have adequate equipment while 300 forest rangers have gone through training of the kind that is envisioned under SO1.2.1. Projections are to train another 700 forest rangers by 2021 and to have adequate equipment in 30 PAs by 2021 and in all Cambodian PAs by 2026.

³ Protected Area Law 2008. Kingdom of Cambodia.

SO2.1: Strengthen and scale up community-based forest management

Actions undertaken under strategy SO2.1 will expand community forest development, including community forests (CF), community fisheries (CFi), and community protected areas (CPA) (2.1.1). In addition, actions under SO2.1 (2.1.2) will invest in livelihood enhancement including by supporting training and extension for the use and marketing of NWFPs, extension efforts to improve agricultural yields and agroforestry, encouraging employment in ELCs, and promoting small business development and microcredit initiatives. Strategy SO2.1 has a projected budget of 6.0 million USD between 2018 and 2021 and 4.0 million USD between 2022 and 2026.

As of 2017, 22 CPA management plans have been completed. By 2021, the goal is to establish 25 new CPAs with approved management plans as well as to have a total of 60 CPA management plans approved. By 2026, the goal is to have approved management plans for 75% of CPAs and to have established 25 new CPAs in addition to the 25 that were established by 2021. Regarding livelihood enhancements, as of 2017, they had been initiated in 15 CPAs with goals of initiation in 50 CPAs by 2021 and in 75% of CPAs and 100% of CPAs in 2026 and 2031, respectively.

SO2.2: Enhance timber supply and wood-based energy sourced from community-based forest management areas and private plantations to reduce pressure on forest areas.

SO2.2 seeks to expand and improve the wood-based economy. Actions under SO2.2 will improve security of land tenure and access rights to trees and tree crops, will incentivize investment in the wood products sector through tax incentives, will provide technical support for plantations, and will expand legal frameworks relating to timber legality and to benefit sharing with communities (2.2.1). SO2.2 will also include the development of management guidelines for planted forests (2.2.2).

Budget projections for SO2.2 are not yet available and baselines and targets for SO2.2 are not included in the current draft of the Action and Investment Plan of the NRS.

SO3.1: Strengthen national and subnational capacity for improved coordination mechanism for national land use policy and planning

The one action described as part of SO3.1 focuses on land allocation in concessions (3.1.1). Activities that will take place under this action include

- reviewing current procedures of land allocation,
- improving planning coordination among ministries,
- ensuring that land allocation decisions are taken following EIA procedures,
- defining the rights of provincial governments to determine land-use allocations, and
- establishing a land resources evaluation program that will include a master map of allocations.

As of the most recent draft of the Action and Investment Plan of the NRS, no baselines or targets have been established for SO3.1 and budget projections are not yet available.

SO3.2: Encourage public engagement, participation and consultations in forestry and land use planning, and promote the involvement of multiple stakeholders.

No specific actions are described under SO3.2 in the November 16, 2017 draft of the Action and Investment Plan of the NRS. Budget projections for SO3.2 are not yet available.

Table 1. Proposed national REDD+ strategies and actions

| Strategic Objective 1 (SO1): Improve management and monitoring of forest resources and forest land | | |
|---|--|---------------------------|
| <i>Strategy</i> | <i>Action</i> | <i>Direct / enabling?</i> |
| SO1.1: Strengthen management of forest conservation areas, such as protected areas and flooded and mangrove conservation areas | SO1.1.1 Demarcate and register PA boundaries. | Direct |
| | SO1.1.2 Prepare PA Management Plans include zoning designations. | Enabling |
| | SO1.1.3 Develop and implement Forest Restoration Plans. | Direct |
| SO1.2: Strengthen law enforcement activities to address unauthorized logging, and encroachment | SO1.2.1: Strengthen the law enforcement capacity | Enabling |
| | SO1.2.2 Raise awareness for law enforcement among local authorities and communities. | Enabling |
| Strategic Objective 2 (SO2): Strengthen implementation of sustainable forest management | | |
| <i>Strategy</i> | <i>Action</i> | <i>Direct / enabling?</i> |
| SO2.1.: Strengthen and scale up community-based forest management | SO2.1.1 Support and expand forest community development (CPA, CF and FiA) | Direct |
| | SO2.1.2 Expand livelihood opportunities for local communities. | Direct |
| | SO2.1.3: Target CPAs, CFs and CFis for livelihood enhancements | Direct |
| SO2.2: Enhance timber supply and wood-based energy sourced from community-based forest management areas and private plantations to reduce pressure on forest areas. | SO2.2.1 Establish the institutional framework to facilitate public and private investments | Enabling |
| | SO2.2.2 Develop management guidelines for planted forests. | Enabling |
| Strategic Objective 3 (SO3): Mainstream approaches to reduce deforestation, build capacity and engage stakeholders | | |
| <i>Strategy</i> | <i>Action</i> | <i>Direct / enabling?</i> |
| SO3.1: Strengthen national and subnational capacity for improved coordination mechanism for national land use policy and planning | SO3.1.1 Review and streamline land allocation procedures in concessions | Enabling |
| SO3.2: Encourage public engagement, participation and consultations in forestry and land use planning, and promote the involvement of multiple stakeholders. | (no specific actions described) | Enabling |

4. Applicable safeguard commitments

The Government of Cambodia seeks to meet the UNFCCC, Green Climate Fund and the Forest Carbon Partnership Facility (FCPF) safeguard requirements in a coordinated and cost-effective manner. Below we examine each of these requirements.

4.1. UNFCCC safeguard requirements

In recognition of the role forests can play in efforts to mitigate and adapt to global climate change, Parties to the UNFCCC developed a policy mechanism to contribute to the reduction of global carbon emissions from deforestation and to enhance their resilience by providing financial incentives, in the form of 'results-based payments', to developing countries that successfully slow or reverse forest loss. This mechanism is known as Reducing Emissions from Deforestation and Forest Degradation (REDD), and conservation, sustainable management of forests and enhancement of forest carbon stock (+). The UNFCCC Conference of the Parties (COP) has articulated five REDD+ activities that developing countries can implement to be eligible to receive these payments:⁴

- Reducing emissions from deforestation;
- Reducing emissions from forest degradation;
- Sustainable management of forests;
- Conservation of forest carbon stocks; and
- Enhancement of forest carbon stocks

After several years of negotiations and discussions at the international level, the UNFCCC COP adopted the 'Warsaw Framework for REDD+' at its 19th meeting in December 2013.⁵ This officially anchored REDD+ to the UNFCCC regime. The Warsaw Framework builds on previous COP decisions and clarifies and consolidates the requirements and methodological guidance countries must meet in order to access results-based finance.⁶ According to the Warsaw Framework, developing country Parties aiming to receive results-based finance for REDD+ must:

- Ensure that the anthropogenic forest-related emissions by sources and removals resulting from the implementation of REDD+ activities are fully measured, reported and verified (MRV) in accordance with UNFCCC guidance;⁷
- Have in place:⁸
 - a. A national strategy or action plan (a link to which is shared on the UNFCCC REDD+ Web Portal);
 - b. A national forest reference emission level and/or forest reference level, or if appropriate, as an interim measure, subnational forest reference emission levels and/or forest reference level (that has undergone a UNFCCC-coordinated technical assessment process);
 - c. A robust and transparent national forest monitoring system for the monitoring and reporting of REDD+ activities; and

⁴ UNFCCC Decision 1/CP.16 paragraph 70

⁵ UNFCCC Decisions 9/CP.19; 10/CP.19; 11/CP.19; 12/CP.19; 13/CP.19; 14/CP.19 and 15/CP.19

⁶ UNFCCC Decision 2/CP.17 paragraph 63

⁷ UNFCCC Decision 1/CP.16 paragraph 73

⁸ UNFCCC Decision 1/CP.16 paragraph 71

- d. A system for providing information on how the safeguards are being addressed and respected (SIS);
- Ensure that REDD+ activities, regardless of the source and type of funding, are implemented in a manner consistent with the UNFCCC REDD+ safeguards;⁹ and
 - Provide the most recent summary of information on how all the UNFCCC REDD+ safeguards have been addressed and respected before they can receive results-based payments.¹⁰

REDD+ is based on a three-phased approach, which includes: Readiness (Phase I), implementation (Phase II) and results-based actions (Phase III).¹¹ However, due to the significant time-frame between REDD+'s initial conception and introduction as a UNFCCC negotiation topic at COP 13 in Bali¹² and its finalisation at COP 19 in Warsaw, several multilateral institutions and bilateral agreements were established to fund initial REDD+ readiness activities, including the World Bank's FCPF, which was set up in 2010 "to assist eligible REDD+ countries in their efforts to achieve emission reductions from deforestation and/or forest degradation by providing them with financial and technical assistance in building their capacity to benefit from possible future systems of positive incentives for REDD+."¹³

Although REDD+ is primarily a mechanism to incentivise forest-based climate change mitigation, it is broadly agreed that it should, as a minimum, 'do no harm', and where possible go beyond this to 'do good' and achieve multiple (carbon and non-carbon) benefits. Given the potential environmental risks and benefits of REDD+ implementation, Parties to the UNFCCC recognised the need to ensure that the rules and guidance for REDD+ include measures to protect those potentially at risk, particularly indigenous peoples, local communities and biodiversity. For this reason, they agreed to the adoption of seven safeguards for REDD+ at the 16th Conference of the Parties (COP16) also known as the 'Cancun safeguards' (see Box 1).

Box 1: The Cancun safeguards¹⁴

When undertaking the activities referred to in paragraph 70 of this decision, the following safeguards should be promoted and supported:

- (a) That actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements;
- (b) Transparent and effective national forest governance structures, taking into account national legislation and sovereignty;

⁹ UNFCCC Decision 2/CP.17 paragraph 63

¹⁰ UNFCCC Decision 9/CP.19 paragraph 4

¹¹ UNFCCC Decision 1/CP.16 paragraph 73

¹² UNFCCC Decision 2/CP.13

¹³ The other stated objectives of the FCPF are: To pilot a performance-based payment system for Emission Reductions generated from REDD activities, with a view to ensuring equitable benefit sharing and promoting future large scale positive incentives for REDD; to test ways to sustain or enhance livelihoods of local communities and to conserve biodiversity; and To disseminate broadly the knowledge gained in the development of the Facility and implementation of Readiness Preparation Proposals and Emission Reductions Programs. FCPF, (2010) Charter Establishing the FCPF. The International Bank for Reconstruction and Development (IBRD). Available: http://www.forestcarbonpartnership.org/sites/forestcarbonpartnership.org/files/Documents/PDF/Sep2010/FCPF_Charter-August_2010_clean.pdf

¹⁴ UNFCCC Decision 1/CP.16 Appendix 1 paragraph 2

- (c) Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples;
- (d) The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities, in the actions referred to in paragraphs 70 and 72 of this decision;
- (e) That actions are consistent with the conservation of natural forests and biological diversity, ensuring that the actions referred to in paragraph 70 of this decision are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits;¹⁵
- (f) Actions to address the risks of reversals;
- (g) Actions to reduce displacement of emissions

The UNFCCC recognises that safeguards are a key part of REDD+ implementation and **links the Cancun safeguards to results-based payments**, requiring that countries demonstrate how they have addressed and respected them throughout the implementation of their REDD+ activities.¹⁶ The specific UNFCCC safeguard requirements are the following:

Requirement 1: Implement REDD+ activities in a manner consistent with the Cancun safeguards

REDD+ activities, regardless of their type of funding source, are to be implemented in such a way that is **consistent** with the Cancun safeguards.¹⁷ This implies that countries should take steps to define **how** the Cancun safeguards will be implemented, and to ensure compliance with the safeguards **throughout** the implementation of REDD+ activities.

Requirement 2: Establish a system to provide information on how the Cancun safeguards are being addressed and respected

The governments of countries implementing REDD+ activities are required to establish a system to provide information on how the seven Cancun safeguards are being addressed and respected in all of the phases of implementation of REDD+ activities.¹⁸ This is commonly referred to as the **Safeguard Information System**, or SIS.

¹⁵ Taking into account the need for sustainable livelihoods of indigenous peoples and local communities and their interdependence on forests in most countries, reflected in the United Nations Declaration on the Rights of Indigenous Peoples, as well as International Mother Earth Day.

¹⁶ UNFCCC Decision 2/CP.17, Paragraphs 63 and 64, which should be read along with UNFCCC Decision 1/CP.16, Paragraph 69 and Appendix 1, Paragraph 2.

¹⁷ "Agrees that, regardless of the source or type of financing, the activities referred to in decision 1/CP.16 paragraph 70, should be consistent with the relevant provisions included in decision 1/CP.16, including the safeguards in its appendix 1" UNFCCC Decision 2/CP.17 paragraph 63

¹⁸ UNFCCC Decision 1/CP.16 Paragraph 71(d).

According to the UNFCCC guidelines, the SIS should:¹⁹

- Be consistent with guidance in decision 1/CP.16, appendix I, paragraph 1²⁰;
- Provide transparent and consistent information that is accessible by all relevant stakeholders and updated on a regular basis;
- Be transparent and flexible to allow for improvements over time;
- Provide information on how all the safeguards are being addressed and respected;
- Be country-driven and implemented at the national level;
- Build upon existing systems, as appropriate.

Requirement 3: Provide a summary of information on how the Cancun safeguards are being addressed and respected

In order to receive results-based payments, countries must present their most recent **summary of information demonstrating how the safeguards have been addressed and respected** (subsequently referred to as the summary of information or SOI).²¹ The UNFCCC also establishes that the summary of information should be provided periodically, and be included in national communications or other communication channels identified by the COP. An additional and voluntary format for providing information to the UNFCCC is through the UNFCCC REDD+ web platform.²²

In the final series of decisions on REDD+, agreed in Paris at COP 21, Parties to the UNFCCC developed some further guidance “on ensuring transparency, consistency, comprehensiveness and effectiveness when informing on how all the safeguards referred to in decision 1/CP.16, appendix I, are being addressed and respected.”²³

As part of this guidance, the COP “strongly encourages” developing country Parties, when providing the summary of information on how the Cancun safeguards are being addressed and respected, to include, inter alia, “[a] description of each safeguard in accordance with national circumstances.”²⁴

¹⁹ UNFCCC Decision 12/CP.17 Paragraph 2

²⁰ Which states that REDD+ activities should: (a) Contribute to the achievement of the objective set out in Article 2 of the Convention; (b) Contribute to the fulfilment of the commitments set out in Article 4, paragraph 3, of the Convention; (c) Be country-driven and be considered options available to Parties; (d) Be consistent with the objective of environmental integrity and take into account the multiple functions of forests and other ecosystems; (e) Be undertaken in accordance with national development priorities, objectives and circumstances and capabilities and should respect sovereignty; (f) Be consistent with Parties’ national sustainable development needs and goals; (g) Be implemented in the context of sustainable development and reducing poverty, while responding to climate change; (h) Be consistent with the adaptation needs of the country; (i) Be supported by adequate and predictable financial and technology support, including support for capacity-building; (j) Be results-based; (k) Promote sustainable management of forests;

²¹ Decision 9/CP, Paragraph 4, UNFCCC Decision 2/CP.17, op cit, Paragraph 63 and 64.

²² Decision 12/CP.19, Paragraph 2 and 3

²³ UNFCCC Decision 17/CP.21, see also UN-REDD [brief on summaries of information](#)

²⁴ Ibid, paragraph 5(b) see also UN-REDD [brief on summaries of information for further analysis](#)

4.2. FCPF safeguard requirements

Countries receiving FCPF funding for readiness preparation are required to ensure compliance with the FCPF Readiness Fund’s Common Approach to Environmental and Social Safeguards for Multiple Delivery Partners (Common Approach).²⁵ According to the Common Approach, participating countries are expected to achieve “substantial equivalence” to the “material elements” of the World Bank’s environmental and social safeguard policies and procedures applicable to the FCPF Readiness Fund.²⁶

To comply with these safeguards countries are required to conduct a Strategic Environmental and Social Assessment (SESA). SESA helps countries to identify potential social and environmental risks associated with REDD+ projects, whether or not REDD+ projects may violate any of the Delivery Partner’s social and environmental policies and procedures. Countries also need to develop an Environmental and Social Management Framework (ESMF) based on the results of SESA to present specific strategies and means for addressing potential social and environmental impacts from REDD+ activities.

In case an organisation other than the World Bank is selected as a “Delivery Partner” for the FCPF, the Common Approach to Safeguards can be applied allowing the delivery partner to apply its own safeguards standards as long as these are substantially equivalent to, or more stringent than, the World Bank’s standards. **In the case of Cambodia, UNDP has been selected as a Delivery Partner for the FCPF REDD+ readiness project. Under the Common Approach, UNDP applies its own safeguards standards.**

4.3. UNDP Social and Environmental Standards

UNDP’s Social and Environmental Standards (SES) came into effect in January 2015. The SES underpin UNDP’s commitment to mainstream social and environmental sustainability in its Programmes and Projects to support sustainable development. Table 2 below outlines the Key Elements of UNDP’s Social and Environmental Standards.

The SES are an integral component of UNDP’s quality assurance and risk management approach to programming. This includes the [Social and Environmental Screening Procedure](#).

Table 2. *Key Elements of UNDP’s Social and Environmental Standards (SES)*

| Overarching Policy | Project-Level Standards | Policy Delivery Process & Accountability |
|--------------------|-------------------------|--|
|--------------------|-------------------------|--|

²⁵ UN REDD FCPF (2012) R-PP Template Annexes Version 6, for Country Use p. 44

²⁶ FCPF (2011) Readiness Fund Common Approach to Environmental and Social Safeguards for Multiple Delivery Partners. https://www.forestcarbonpartnership.org/sites/forestcarbonpartnership.org/files/Documents/PDF/Nov2011/FCPF%20Readiness%20Fund%20Common%20Approach%20_Final_%2010-Aug-2011_Revised.pdf

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| <p><u>Principle 1: Human Rights</u> <u>Principle 2: Gender Equality and Women's Empowerment</u> <u>Principle 3: Environmental Sustainability</u></p> | <p><u>Standard 1: Biodiversity Conservation and Sustainable Natural Resource Management</u> <u>Standard 2: Climate Change Mitigation and Adaptation</u> <u>Standard 3: Community Health, Safety and Working Conditions</u> <u>Standard 4: Cultural Heritage</u> <u>Standard 5: Displacement and Resettlement</u> <u>Standard 6: Indigenous Peoples</u> <u>Standard 7: Pollution Prevention and Resource Efficiency</u></p> | <p><u>Quality Assurance</u> <u>Screening and Categorization</u> <u>Assessment and Management</u> <u>Stakeholder Engagement</u> and <u>Response Mechanism</u> <u>Access to Information</u> <u>Monitoring, Reporting, and Compliance review</u></p> |
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The Standards are underpinned by an [Accountability Mechanism](#) with two key functions:

- A [Stakeholder Response Mechanism](#) (SRM) that ensures individuals, peoples, and communities affected by UNDP projects have access to appropriate procedures for hearing and addressing project-related grievances; and
- A [Compliance Review](#) process to respond to claims that UNDP is not in compliance with UNDP's social and environmental policies.

Through the Green Climate Fund (GCF) Accreditation Process, the SES are acknowledged to be consistent with the GCF's Environment and Social Standards.

5. Potential Social and Environmental Impacts and Procedures for Addressing Them

5.1. Social and Environmental Impacts

The project has been screened against UNDP's Social and Environmental Standards utilizing the UNDP Social and Environmental Screening Procedure. The Social and Environmental Screening Template (Appendix 3) was prepared and the project deemed to be a Moderate Risk project. The SESP provides the rationale for the risk categorization. The Table 3 below summarizes the identified risk categorization.

Please note the risks assessment has been divided into direct interventions (section 5.1.1) and enabling interventions (section 5.1.2). Direct interventions allow a fuller assessment of risk than do enabling interventions because of their more immediate relationship to on-the-ground impacts.

Table 3. Summary risk assessment for each proposed REDD+ direct intervention.

Ordering is “impact; probability” –for example, “4; 2” means that impact (4) would be severe but probability (2) is not likely. Colour represents the overall significance of risk (green-yellow-red = low-moderate-high). See Appendix 2 for approach to risk classification.

| | Human rights | Gender | Biodiversity & NRM | Climate change | Health & safety | Cultural heritage | Displacement | Indigenous Peoples | Pollution & resources |
|---|--------------|--------|--------------------|----------------|-----------------|-------------------|--------------|--------------------|-----------------------|
| SO1.1.1 Demarcate and register PA boundaries. | 3; 3 | 3; 3 | 1; 1 | 1; 1 | 2; 2 | 2; 2 | 3; 3 | 4; 3 | 1; 1 |
| SO1.1.2 Prepare PA Management plans include zoning designations. | 3; 3 | 3; 3 | 1; 1 | 1; 1 | 1; 1 | 2; 2 | 3; 3 | 4; 3 | 1; 1 |
| SO1.1.3 Develop and implement Forest Restoration Plans. | 3; 3 | 2; 2 | 3; 1 | 2; 1 | 2; 2 | 1; 1 | 3; 1 | 3; 1 | 1; 1 |
| SO2.1.1 Support and expand community forest development (CPA, CF and FiA) | 2; 3 | 3; 3 | 2; 3 | 1; 1 | 1; 1 | 1; 1 | 2; 2 | 2; 3 | 1; 1 |
| SO2.1.2 Expand livelihood opportunities for local communities. | 2; 2 | 2; 2 | 2; 2 | 2; 2 | 2; 2 | 1; 1 | 1; 1 | 2; 2 | 2; 2 |
| SO2.1.3: Target CPAs, CFs and CFis for livelihood enhancements | 1; 1 | 1; 1 | 2; 2 | 2; 2 | 2; 2 | 1; 1 | 1; 1 | 1; 1 | 2; 2 |

5.1.1. Direct interventions

Direct interventions are those that will result in a direct change in the carbon stock. This immediacy means that their risks can be evaluated with more specificity than is the case with the enabling actions that act to facilitate the direct actions.

In the sub-sections below, the six direct interventions identified in the plan for advancing Cambodia's National REDD+ Strategy are discussed with risks identified for each. Summaries of the overall significance of the risk are provided in Table 3 and in Appendix 3.

SO1.1.1 Demarcate and register PA boundaries

Protected areas (PAs) play a central role in efforts to reduce rates of deforestation and to conserve biodiversity. Uncertainty relating to PA boundaries—whether resulting from overlapping land claims, from poorly marked borders, or limited education about PAs in local communities—can greatly reduce their effectiveness. Improved demarcation can make PA boundaries visible and thus more effective at the local level, while centralized registration on a national cadastre can reduce or eliminate the risk of there being competing legal claims to land covered by PAs.

Social risks:

- a) **Establishment or expansion of protected areas may result in population displacement and/or loss of access to traditional resources by local communities.** Establishment or expansion of protected areas has in some historical cases resulted in population displacement and/or loss of access to traditional resources by local communities. While action 1.1.1 focuses on demarcation and registration rather than extension, it is possible that existing ambiguities surrounding PA borders may mean that improved marking and enforcement of boundaries could result in reduced access by some groups (ref. Q.1.1). There is a risk that some populations may reside within PA borders and that those populations may be required to relocate (Q.5.1, Q.5.3). Groups who lose access to resources as a result, this process would create a risk of economic displacement (Q.5.2, Q.5.4). Experience has shown that individuals most reliant on wild harvest of resources from within PAs are more likely to be in poverty and more likely to belong to Indigenous groups. As such, increased enforcement of PA boundaries potentially poses a greater risk of harm to these groups than to the population as a whole (ref. Q.1.2).
- b) **A loss of access to resources or a threatened loss of access risks being difficult for a community to resist or to reverse, partly because of the lack of a grievance mechanism.** If any members of local communities claim to lose access to natural resources as a result of demarcation or registration, it is not clear that there exist grievance mechanisms to resolve those claims (Q.1.5; Q.1.6). As of the time of writing, The National Committee for Conflict Resolution on Protected Area Management under the Ministry of Environment is not yet operationalized²⁷. As a result, any potential changes in access may take place with few options for a community to respond.
- c) **Reduced access to natural resources can have a negative impact on gender equality in those cases where collection—of fuelwood, of water, of wild foods—is primarily undertaken by women and girls.** As of the most recent census (2008)²⁸, 84% of Cambodian households relied

²⁷ Refer to Output 2: Identification and Assessment of Cambodia's legal and institutional framework Relevant to Cancun safeguards and UNDP SES pp 62-63.

²⁸ General Population Census of Cambodia, 2008.

principally on fuelwood for cooking. Any loss of access to resources within PAs that results from improved demarcation and registration may disproportionately affect women and girls and thus may have a gendered effect (Q.2.1; Q.2.4).

- d) **If demarcation limits access to traditionally-used natural resources, there is a risk of a loss of cultural heritage (Q.4.1).** Knowledge, use of, and access to non-timber forest products such as medicines and foodstuffs, and maintenance of resin trees, constitute important components of cultural identity and should receive due consideration in the context of any policy that will affect access to natural resources.
- e) **Restricting access to traditional resources within PAs can negatively impact livelihoods and cultural heritage of Indigenous groups.** Indigenous communities live throughout Cambodia, particularly in the north-eastern provinces of Ratanakiri, Mondulkiri, and Kratie. Reliance on natural resources, including on resources harvested from within the borders of existing PAs, can be high in indigenous communities;²⁹ as such, any actions that may reduce access to traditionally-harvested resources within PAs risk having negative impacts on the traditional livelihoods of indigenous groups.

SO1.1.2 Prepare PA Management Plans include zoning designations

Social risks:

- a) **PA Management Plans (PAMPs) that create zoning designations restricting resource use below status quo levels risk harming the livelihoods of PA-adjacent communities whose livelihoods rely on resources from within the PA.** PAMPs, and in particular zoning designations included in them, have wide-reaching potential implications for land and resource access by communities adjacent to PAs. This risk is a particular concern for indigenous groups who generally rely more heavily on wild-harvested foods and medicines and on shifting cultivation as an agricultural technique. The potential importance of this issue is illustrated by one study of two ethnic minority communities in Ratanakiri province that are adjacent to Virachey National Park: it showed 84% of households relied on NTFP collection for some portion of their livelihood and 92% on some form of natural resource extraction, primarily from the national park itself.³⁰
- b) **PAMPs may not accurately reflect the needs and priorities of those communities whose livelihoods will be most affected by changes in protected area zoning.** There exists a risk that the process of preparation of PAMPs itself will not be sufficiently engage all stakeholders, particularly marginalized groups and Indigenous Peoples.
- c) **Restricting access to traditional resources within PAs can negatively impact livelihoods and cultural heritage of Indigenous groups.** Any actions that may reduce access to traditionally-harvested resources within PAs risk having negative impacts on the traditional livelihoods of indigenous groups.
- d) **Reductions in access to natural resources that may result from zoning changes can lead to increases in gender inequality.** The household division of labour is often highly gendered (e.g. men being more frequently responsible for fishing, resin tapping, agricultural wage labour, or rice planting, while women are more frequently responsible for forest food collection, small

²⁹ Cheb H. and Kong S. 2017. Natural resource dependency and indigenous people's behavior toward biodiversity in Virachey National Park, Cambodia. EEPSEA Small Research Grant Report No. 2017-SRG1. Economy and Environment Program for Southeast Asia, Laguna, Philippines.

³⁰ Ibid.

animal tending, household wage labour).³¹ Because of this gendered breakdown of tasks, any change in resource access and its associated impact on a household's livelihood composition may have implications for the gender balance of work in households.

SO1.1.3 Develop and implement Forest Restoration Plans

The action as described includes both forest restoration in some sites as well as reforestation with native species in others. It is not clear from the description what definition of forest will be used and whether or not any of the reforestation will lead to the establishment of commercial plantations.

Social risks:

- a) **Reforestation may exclude some rights-holders, particularly if land tenure is unclear prior to the reforestation.** If reforestation leads to the establishment of commercial plantations, there exists the risk that individuals and communities who previously used or accessed resources on the same land will be excluded, with associated negative impacts on livelihoods. If plantation investment and ownership is private, the establishment of plantations risks increasing inequality in rural areas between small-scale farmers and plantation owners.
- b) **Employment created by reforestation and restoration projects may fail to meet labour standards.** Reforestation projects are labour-intensive and at large scale will require hiring large numbers of people to complete physically demanding work. The risk exists that international and national labour standards will not be met (Q.3.3.8).
- c) **Reforestation projects can inadvertently lead to loss of access to land by local communities, particularly Indigenous groups.** Reforestation that takes place in a context of overlapping or ambiguous land claims could result in a loss of access to territory and resources by local communities. Any such loss of access will negatively affect livelihoods and poses the risk of economic displacement (Q.5.2, Q.5.4). Indigenous groups are particularly susceptible to the risk of losing access to land and resources because of the very low level of indigenous community land titling in Cambodia.³² Loss of access to traditionally-used resources can negatively impact livelihoods and cultural heritage, particularly of Indigenous groups.

Environmental risks:

- d) **If reforestation leads to the establishment of commercial plantations, it may have a negative overall effect on biodiversity.** Reforestation, done appropriately, can often recover many of the ecosystem services and functions of a previously-reduced native ecosystem. However, reforestation to a monoculture—native species or otherwise—generally has a negative impact on biodiversity and blocks natural regeneration (Q.1.1). Depending on the sourcing of the seedlings used in reforestation and restoration, it is possible—although probably unlikely—that this action could involve the use of genetically modified organisms, even if the species were native (Q.3.1.6).
- e) **Reforestation or forest restoration may lead to a more homogenous landscape with reduced overall biodiversity.** Interventions to enhance forest carbon sequestration will in many cases have positive impacts on biodiversity. However, low carbon forests and non-forest areas may provide important ecosystem services and provide unique habitats that are required by some

³¹ Gorman 1999. Gender and development in Cambodia. Cambodia Development Resource Institute.

³² As of 2016, only 114 out of at least 458 ethnic minority communities in Cambodia had started the process of collective land title registration, and only 11 had successfully received title. (Cambodian Centre for Human Rights 2016. Access to Collective Land Titles for Indigenous Communities).

species. If these areas are managed to become higher-density forests, habitat diversity may decline leading to some loss in biodiversity.

- f) **A one-size-fits-all approach to reforestation or forest restoration planning nation-wide may result in the same practices and species being planted across the country.** Even well-designed forest restoration practices, if applied too uniformly, can reduce biodiversity at the regional and national scale even if they manage to attain relatively high levels of biodiversity at individual sites. This loss of biodiversity at large spatial scales would result from individual sites being too similar to one another.
- g) **Plantation forests can have large water demands which may reduce climate resilience.** Monoculture plantations of some tree species may create large water demands, which may in turn cause problems for climate adaptation. Two of the worst culprits for this issue globally—teak and eucalyptus—are not native to Cambodia, so planting native species (as planned) will already mitigate much of this risk.

SO2.1.1 Support and expand forest community development (CPA, CF and CFI)

Community forestry, community fisheries, and community protected areas are all examples of a decentralized mode of natural resource management that in general has a very good track record in terms of both resource management and livelihoods. The risks identified here generally have to do with access to the design of these programs and the equitable sharing of their benefits.

Social risks

- a) **The expansion of community forests may exacerbate gender inequality.** Community forests in Cambodia have traditionally had very low participation by women.³³ Without efforts to improve participation levels, women will be excluded from some of the benefits of community forests and will also have reduced influence in decisions regarding the management of their local environment.
- b) **Rapid up-scaling of community forestry, community fisheries, and community protected areas—potentially with insufficient allocation of human and financial resources—may reduce the effectiveness of these approaches.** One of the reasons for the success of community resource management is the bottom-up nature of its development and the fact that community needs, and priorities are often the driving factor in its establishment. There is a risk that expansion of CF, CFI, and CPAs—as a result of a top-down policy initiative—will result in less effective community institutions.
- c) **Community forestry and community fisheries may be more difficult to establish for Indigenous communities than for majority (Khmer) ones, leading to ethnic disparities.** The process of registering community forests and community fisheries in Cambodia is difficult and time consuming, which to some extent limits the potential for CFs and CFis. This challenge may be exacerbated among Indigenous groups, among whom there is already a very low level of collective land titling (CLT).³⁴ This lack of CLT—as well as other structural barriers, particularly language—may create obstacles for the full participation of Indigenous communities in CF, CFI, and CPA.

³³ RECOFTC and FAO 2015. Understanding women's participation in forestry in Cambodia.

³⁴ Cambodian Centre for Human Rights 2016. Access to Collective Land Titles for Indigenous Communities

Environmental risks:

- a) **Expanding community forestry may increase pressure on natural forests and may cause reductions in biodiversity.** Community forestry often achieves excellent outcomes in terms of timber harvest sustainability and biodiversity conservation; however, any expansion of harvest activities may have a negative effect on biodiversity by reducing some habitats and by increasing human presence in areas of natural forest.

SO2.1.2 Expand livelihood opportunities for local communities

Social risks:

- a) **Livelihood interventions risk increasing inequality if the majority of benefits are captured by elites.** Individuals who are well-capitalized and politically-connected are often best able to benefit from program opportunities. Indigenous groups, impoverished families, and women may in some cases be at a disadvantage in terms of capturing benefits.
- b) **Interventions focusing on agricultural yields may increase inequality between landowners and landless.** About 20-40% of Cambodia's rural population is landless,³⁵ meaning that interventions focusing on increasing agricultural yields may also increase inequality by increasing incomes of land owners while providing little support for landless.

Environmental risks:

- c) **Ecotourism may lead to loss of biodiversity and other negative environmental impacts.** Experience with ecotourism—one of the proposed livelihood interventions—has been mixed, with evidence showing that it is often associated with increased rates of deforestation resulting from increased construction and the movement of population to frontier areas. There is a risk of biodiversity loss both from that loss of forest cover as well as from increased human presence in habitats.³⁶
- d) **Increasing agricultural yields may lead to increased rates of deforestation in some contexts.** Investing in technologies to increase agricultural yields has been shown to generally reduce rates of deforestation in areas away from the frontier, but to increase rates of deforestation near the frontier (as higher profitability leads to more in-migration and more forest clearing). Impact of this action on forest cover likely to be context-dependent.³⁷
- e) **Investment in agricultural technologies may lead to increased application of pesticides and associated declines in water quality and ecosystem and human health.** One component of this action is described as “support[ing] technologies to increase agricultural yields.” Depending which specific technologies are supported, this may result in increased applications of fertilizers and/or pesticides in project areas (Q.7.3; Q.7.4). Mitigation of this risk is straightforward—particularly the avoidance of chemicals that are subject to bans or phase-outs (Q.7.3). Additionally, the expansion of ecotourism in project areas is also likely to require increased use of raw materials, energy, and water (Q.7.5).
- f) **Expanding NWFP commercialization may lead to unsustainable rates of harvest.** Expanding NWFP commercialization can improve livelihoods and increase the incentive for communities to conserve forested areas. However, improving opportunities to monetize NWFPs can also

³⁵ USAID 2011. LandLinks Country Profile: Cambodia.

³⁶ Brandt and Buckley 2018. A global systematic review of empirical evidence of ecotourism impacts on forests in biodiversity hotspots. *Current Opinion in Environmental Sustainability* 32: 112-118.

³⁷ Byerlee et al. 2014. Does intensification slow crop land expansion or encourage deforestation? *Global Food Security* 3: 92-98.

encourage increased rates of extraction that may eventually reach unsustainable levels if not sufficiently monitored and managed.

SO2.1.3: Target CPAs, CFs and CFis for livelihood enhancements

Social risks:

- a) **Interventions to enhance livelihoods risk increasing inequality as the individuals best able to benefit from the programs may be those who are wealthier than average in their communities or at least are not poorer than average.** Benefits from agricultural extension will flow to land owners rather than to the landless, while small business support will similarly tend to benefit wealthier community members.

Environmental risks:

- b) **Increasing NWFP harvest may lead to unsustainable extraction levels.** Commercializing NWFP harvest has in some cases led to unsustainable harvest levels.
- c) **Ecotourism investments can lead to loss of biodiversity and other negative environmental impacts.** Ecotourism has been shown to frequently increase deforestation rates when it is sited next to frontier forests. It can also lead to an increase in local water pollution.³⁸

³⁸ Brandt and Buckley 2018.

5.1.2. Enabling Interventions

Enabling interventions are aimed at facilitating the implementation of direct interventions. Because the influence of these actions is generally indirect, the risks they pose are evaluated differently than the risks of direct interventions. The focus here was to identify risks that have the potential to arise from poor design of these actions. In almost all cases, the potential risks of enabling options are best mitigated by ensuring the full and effective participation of relevant stakeholders.

SO1.2.1: Strengthen law enforcement capacity

Social risks:

- a) **Increased forest law enforcement can negatively affect rural livelihoods.** Increased law enforcement can reduce access to natural resources, limiting income and employment opportunities.³⁹ This is particularly a risk in areas where traditional rights to land and to resources are not formalized. Indigenous communities and the rural poor are less likely to be able to complete the paperwork required to demonstrate or acquire a legal right of access to territory or resources and so may be particularly susceptible to pressure by law enforcement. Politically-connected and well-capitalized actors, however, are more likely to be able to find a way to continue activities that negatively affect forests, either through legal means or otherwise.
- b) **The burden of increased law enforcement may fall disproportionately on disadvantaged groups, potentially exacerbating inequality.** Indigenous people and the rural poor are less likely to be able to demonstrate legal title to land and resources,⁴⁰ and may be less able to effectively navigate the legal system as a result of language barriers, education, or prejudice. To the extent that individuals and communities may lose access to some natural resources as a result of increased law enforcement, the effects of that lost access may also affect gender equality because of the gendered nature of the household division of labour, particularly relating to natural resource use.
- c) **Increasing law enforcement activity creates a risk to the health and safety of communities in cases where security personnel are insufficiently trained and/or insufficiently accountable.** Armed individuals in project areas increase the risk of harm to individuals, either through accident or intention (ref. Q.3.3.9).

Environmental risks:

- d) **There is a limited but non-negligible risk of damage to biodiversity directly resulting from increased law enforcement activity.** Increased patrolling and training exercises can have negative impacts on biodiversity, particularly if patrol or enforcement activity takes place in core conservation areas.

SO1.2.2 Raise awareness for law enforcement among local authorities and communities

This action involves trainings of local populations, including on “opportunities for improving local livelihoods while also contributing to the sustainable management of forests.”

³⁹ Kaimowitz 2003. Forest law enforcement and rural livelihoods. *International Forestry Review* 5: 3.

⁴⁰ Cambodian Centre for Human Rights 2016. Access to Collective Land Titles for Indigenous Communities

Social risks:

- a) **There is a risk of exclusion or under-representation of disadvantaged groups and of women at these trainings.** This would be a lost opportunity and could contribute to inequality.

SO2.2.1 Establish the institutional framework to facilitate public and private investments

Social risks:

- a) **Efforts to provide secure land title risk leading to dispossession and increased inequality.** In cases where land rights are mostly informal and many individuals and communities lack legal title, the process of proving a claim to land or resources is difficult and often places the rural poor and Indigenous groups at a disadvantage. Individuals who are more informed of the law can take better advantage of the opportunity that government titling programs provide. Some traditional land users may be dispossessed of land and/or resource rights if they are unable to effectively demonstrate their claim.

Environmental risks:

- b) **Increased private investment in the forestry sector in an area may increase rates of deforestation.** Historically, companies often used the establishment of plantations as a means to legally clear forest in areas that were otherwise off-limits for logging.⁴¹ Incentivizing investment in forestry near areas of conservation concern risks creating opportunities for illegal logging to occur.
- c) **Increasing market access for NWFPs may encourage unsustainable rates of harvest.** Increasing investment in the NWFP sector, coupled with policy efforts to improve market access, may have positive livelihood benefits for communities adjacent to forests. However, marketization of NWFPs has in some cases led to unsustainable harvest rates and eventual depletion of the resource.

SO2.2.2 Develop management guidelines for planted forests

This action will establish mandatory guidelines for reforestation, forest restoration, and forest rehabilitation. The guidelines will cover, among other items, practices for site selection, for technical management of projects, and for monitoring and evaluation.

Social risks:

- a) **Fixed management guidelines may make it more difficult for reforestation and restoration projects to be responsive to local perspectives and priorities.** The priorities of technical forestry staff for forest investment projects are likely to differ from the priorities of local and Indigenous communities, whether that be in terms of the type of species being planted or in terms of whether and where reforestation should happen. Guidelines that set a fixed technical standard may make it more difficult to solicit and respond to local priorities, which will have a negative effect on livelihood outcomes of forest investment projects.
- b) **The development of these guidelines may lack broad stakeholder engagement.** Given the technical difficulty of this topic and the knowledge of forestry practices and ecology that are required to engage with it in depth, there is a risk that these guidelines will be developed in a context that is dominated by technical staff and that does not provide space for representatives of the communities who will be most affected.

⁴¹ Davis 2005. Forests and Conflict in Cambodia. *International Forestry Review* 7 (2): 161-164

SO3.1.1 Review and streamline land allocation procedures in concessions

This action generally seeks to establish safeguards surrounding the process of land allocation in concessions. It seeks to improve coordination among ministries at the national level as well as among national, provincial, and local levels of government. It seeks to establish the use of EIA procedures in all land allocations for concessions. For reference, the principles of EIA as defined by the European Commission are as follows:⁴²

1. Participation – appropriate/timely access for interested parties
2. Transparency – open and accessible assessment decisions
3. Certainty – process/timing agreed in advance
4. Accountability – decision makers responsible for their actions and decisions
5. Credibility – undertaken with professionalism/objectivity
6. Cost effectiveness – environmental protection at the least cost to society
7. Flexibility – adaptable to deal efficiently with any proposal and decision situation
8. Practicality – information/outputs readily usable in decision making and planning

Social risks:

- a) **There is a risk that these safeguards will not provide local communities with sufficient leverage to meaningfully influence land allocations.** ELCs in Cambodia, although now under moratorium, have been associated with large-scale dispossession of local communities and Indigenous peoples as well as with high rates of deforestation. ELCs have also been associated with some of the wealthiest and most powerful individuals in the country. Politically-connected and well-capitalized actors will always be best positioned to take advantage of and insulate themselves from any change in law.

SO3.2: Encourage public engagement, participation and consultations in forestry and land use planning, and promote the involvement of multiple stakeholders.

No specific actions were described under the heading of strategy 3.2. However, fostering public engagement will always help mitigate social and environmental risks of any project, so there is no reason to flag this strategy as posing any particular risk. The primary concern would be to ensure that this strategy goes far enough and ensures engagement from a sufficient diversity of stakeholders, particularly from those groups that are habitually under-represented: particularly Indigenous peoples and women.

Social risks:

- a) **There is a risk that even with a wide-reaching engagement strategy, structural barriers—particularly language—may limit the effectiveness of engagement.** The effectiveness of consultation processes is limited by the degree to which participants are able to truly understand the strategies being discussed and to fully engage in dialogue. Using culturally-appropriate communication such as indigenous languages and investing sufficient time educating participants on the details of projects are ways to mitigate the risk of exclusion.

⁴² Principles quoted from EC 2016. Nature Protection and Environmental Impact Assessment: Module 3: Environmental Impact Assessment (EIA) Directive – Overview. http://ec.europa.eu/environment/legal/law/2/module_3_2.htm

5.2. Procedures to Address Social and Environmental Impacts

As noted above, the Draft National REDD+ Strategy Action Plan includes a range of activities that have not been fully specified in terms of specific locations/components and hence we were not able to fully assess at this stage for all potential social and environmental risks and impacts. As such, this section has been prepared to set out the principles, rules, guidelines and procedures for screening, assessing, and managing the potential social and environmental impacts of the forthcoming but as yet undefined interventions. It contains

This section outlines:

- a. Applicable legal and institutional legal framework to be used for ensuring consistency with the Cancun safeguards and UNDP SES;
- b. Screening procedure to be applied once the project activities are fully specified; and
- c. General management plans for addressing likely social and environmental impacts and to address the requirements of applicable policies and standards, including the UNDP SES. These plans will need to be further elaborated (following templates provided in annexes) when the activities have been fully specified in terms of specific locations/components.

A summary of potential social and environmental risks, as well as potential mitigating actions, is provided in Table 4, below. Note, these risks and the management measures are only described in general terms because REDD+ interventions have not yet been fully specified.

Table 4. Risk matrix and management measures

| Risk Description | Comments | Management Measures |
|--|---|--|
| <p>Risk 1: Interventions could lead to adverse impacts on enjoyment of the human rights (civil, political, economic, social or cultural) of the affected population and particularly of marginalized groups. Of particular concern is the risk that interventions could restrict availability, quality of, and access to resources or basic services, in particular to marginalized individuals or groups.</p> <p>Interventions could exclude affected stakeholders, in particular marginalized groups, from fully participating in decisions that affect them</p> | <p>Demarcation of protected areas and modified / established PA management plans may result in loss of access to territory and resources by local communities, particularly marginalized groups.</p> <p>Reforestation that takes place in a context of overlapping or ambiguous land claims could result in a loss of access to territory and resources by local communities. Any such loss of access will negatively affect livelihoods and poses the risk of economic displacement.</p> <p>Livelihood interventions risk increasing inequality if the majority of benefits are captured by elites. Individuals who are well-capitalized and politically-connected are often best able to benefit from program opportunities. Indigenous groups, impoverished families, and women may in some cases be at a disadvantage in terms of capturing benefits.</p> | <p>Resource use and land use assessments should be undertaken that assess who uses resources in areas affected by each REDD+ intervention and what is their tenure status. Particularly in cases with low levels of formal title, program funding should support efforts to formalize customary tenure and to ensure resource use rights.</p> <p>Assessments should focus in particular on resource use as differentiated by gender, by ethnicity, and by poverty level.</p> |
| <p>Risk 2: Interventions may have adverse impacts on gender equality and/or the situation of women and girls and may limit women’s ability to use, develop and protect natural resources. Interventions may reproduce</p> | <p>Reduced access to natural resources—for example through increased enforcement or through changed demarcation of protected areas—can have a negative impact on gender equality in those cases where collection—of fuelwood, of water, of wild foods—is primarily undertaken by women and girls.</p> | <p>REDD+ interventions should be conducted in a gender-responsive, culturally sensitive, non-discriminatory and inclusive manner, ensuring that potentially affected vulnerable and marginalized groups are identified and provided opportunities to participate. REDD+ activities should seek to combat discriminatory practices and to challenging the roles</p> |

| Risk Description | Comments | Management Measures |
|--|---|--|
| <p>discriminations against women based on gender, especially regarding participation in design and implementation or access to opportunities and benefits</p> | <p>Reductions in access to natural resources that may result from zoning changes can lead to increases in gender inequality. Because of the frequently gendered breakdown of tasks, any change in resource access and its associated impact on a household's livelihood composition may have implications for the gender balance of work in households.</p> <p>Without efforts to improve participation levels of women in community forestry, women will be excluded from some of the benefits of community forests and will also have reduced influence in decisions regarding the management of their local environment.</p> | <p>and stereotypes that create inequalities and exclusion.</p> <p>REDD+ interventions should ensure that both women and men are able to participate meaningfully and equitably, to have equitable access to resources, and to receive comparable social and economic benefits.</p> <p>Information on how women and men use forests as well as formal and informal use rights should be gathered and disseminated.</p> <p>At the community level, the capacity of both men and women should be developed to address gender issues and to ensure the participation of women in decision-making. At the institutional level, it is important to build capacity of local authorities and of communities to help include women in decision-making roles and to improve capacity for gender analysis, particularly at sub-national levels.</p> |
| <p>Risk 3: Interventions could cause adverse impacts to habitats (e.g. modified, natural, and critical habitats) and/or ecosystems and ecosystem services.</p> | <p>If reforestation leads to the establishment of commercial plantations, it may have a negative overall effect on biodiversity.</p> <p>Reforestation or forest restoration may lead to a more homogenous landscape with reduced overall biodiversity. Low carbon forests and non-forest areas may provide important ecosystem services and provide unique habitats that are required by some species. If these areas are managed to become higher-density</p> | <p>Biodiversity assessment and site targeting are central to managing risks to biodiversity and habitats. This should include an initial assessment of biodiversity both at national-scale and at site-level in areas where REDD+ interventions will occur on the ground.</p> <p>At each site where a REDD+ intervention will take place, a biodiversity assessment should be completed that includes a general description of</p> |

| Risk Description | Comments | Management Measures |
|---|--|--|
| | <p>forests, habitat diversity may decline leading to some loss in biodiversity.</p> <p>Expanding community forestry may increase pressure on natural forests and may cause reductions in biodiversity. Expansion of harvest activities may have a negative effect on biodiversity by reducing some habitats and by increasing human presence in areas of natural forest.</p> | <p>the relevant ecosystems, key species that may be affected, and identification of ecosystem characteristics that are relevant to national priorities as identified by national-scale mapping.</p> <p>In all cases, forest restoration and reforestation efforts should use native species, both for the maintenance of local biodiversity and to avoid the risk of introducing invasive species. In addition, best practices for diverse-species restoration and reforestation should be used.</p> |
| <p>Risk 4: Interventions may involve support for employment or livelihoods that may fail to comply with national and international labour standards (i.e. principles and standards of ILO fundamental conventions).</p> | <p>Employment created by reforestation and restoration projects may fail to meet labour standards. Reforestation projects are labour-intensive and at large scale will require hiring large numbers of people to complete physically demanding work. The risk exists that international and national labour standards will not be met</p> | <p>Communication of relevant labour standards to all individuals employed under REDD+ efforts.</p> <p>Grievance redress mechanism should be established for grievances or disputes relating to employment conditions under REDD+ interventions.</p> |
| <p>Risk 5: Interventions could adversely impact sites, structures, or objects with historical, cultural, artistic, traditional or religious values or intangible forms of culture (e.g. knowledge, innovations, practices).</p> | <p>Knowledge, use of, and access to non-timber forest products such as medicines and foodstuffs, and maintenance of resin trees, constitute important components of cultural identity. If demarcation limits access to traditionally-used natural resources, there is a risk of a loss of cultural heritage.</p> | <p>Prior to REDD+ interventions being undertaken in any specific locations, an assessment of locally-specific historical, cultural, artistic, traditional, religious, or other intangible values should be undertaken. This assessment should be guided by a robust and meaningful stakeholder engagement process.</p> <p>Develop locally-specific management plans, guided by stakeholders, to mitigate impacts on sites and other stores of intangible value.</p> |

| Risk Description | Comments | Management Measures |
|--|--|---|
| <p>Risk 6: Interventions could induce temporary or permanent displacement and could result in economic displacement.</p> | <p>Establishment or expansion of protected areas may result in population displacement and/or loss of access to traditional resources by local communities.</p> <p>Improved marking and enforcement of PA boundaries could result in reduced access by some groups. Groups who lose access to resources as a result of this process would create a risk of economic displacement</p> | <p>Avoiding and mitigating physical and economic displacement can be achieved following a set of measures:</p> <ul style="list-style-type: none"> • Assessments, including surveys of potentially affected individuals and communities. • Public dissemination in accessible form. • Access to effective remedies and to timely and affordable expertise, including legal counsel, to provide an understanding of rights and options. • Effective and informed consultations with affected populations and good faith efforts to secure negotiated settlements. • Resettlement Action Plans or Livelihood Restoration Plans to be publicly disclosed at least 90 days prior to displacement activities. • Ex-post evaluation of livelihood levels to examine if objectives of this Standard were met. |
| <p>Risk 7: Interventions could lead to forced evictions</p> | <p>There is a risk that some populations may reside within PA borders and that those populations may be required to relocate</p> | <p>Prohibit forced eviction and allow evictions in extreme circumstances only: Lawful evictions are those meeting all of the following criteria: (i) authorized by national law; (ii) carried out in accordance with international human rights law (ii) undertaken solely for the purpose of promoting the general welfare; (iv) reasonable and proportional; and (v) follow due process standards and are regulated so as to ensure full and fair compensation and rehabilitation. The protection provided by these requirements applies to all affected persons and groups, irrespective of</p> |

| Risk Description | Comments | Management Measures |
|--|--|---|
| | | whether they hold title to home and property under domestic law. |
| <p>Risk 8: Interventions may affect land tenure arrangements and/or community based property rights/customary rights to land, territories and/or resources.</p> | <p>Modifying zoning designation within and surrounding protected areas risks affecting customary use rights of traditional resources, thus negatively impacting livelihoods and cultural heritage of Indigenous groups. Any actions that may reduce access to traditionally-harvested resources within PAs risk having negative impacts on the traditional livelihoods of indigenous groups.</p> <p>There exists a risk that the process of preparation of PA management plans will not sufficiently engage all stakeholders, particularly marginalized groups and Indigenous Peoples.</p> <p>Reforestation interventions may exclude some rights-holders, particularly if land tenure is unclear prior to the reforestation. If reforestation leads to the establishment of privately-managed forests, there exists the risk that individuals and communities who previously used or accessed resources on the same land will be excluded, with associated negative impacts on livelihoods.</p> | <p>Resource use and land use assessments should be undertaken prior to REDD+ interventions in order to identify individuals whose land use or resource use may be affected.</p> <p>Rights to Land, Resources and Territory, should be recognised, collectively, even in the absence of legal title as rights to own, use, and develop and control the lands, resources and territories that they have traditionally owned, occupied or otherwise used or acquired. Specifically, where a REDD+ intervention touches upon these, support must be given to activities aimed at delimiting, demarcating and titling such lands, resources, and territories with due respect to the customs, traditions and land tenure systems of the individuals and communities concerned.</p> |
| <p>Risk 9: Interventions could affect the human rights, lands, natural resources, territories, and traditional livelihoods of indigenous peoples (regardless of whether indigenous peoples</p> | <p>Access restrictions to lands, territories, and resources could affect traditional livelihoods, physical and cultural survival of indigenous peoples.</p> | <p>Full, effective and meaningful participation: mechanisms should be identified and implemented to guarantee the meaningful, effective and informed participation of indigenous peoples on all matters. Culturally appropriate consultation should</p> |

| Risk Description | Comments | Management Measures |
|--|--|--|
| <p>possess the legal titles to such areas or whether the interventions is located within or outside of the lands and territories inhabited by the affected peoples).</p> | <p>Restricting access to traditional resources within PAs can negatively impact livelihoods and cultural heritage of Indigenous groups.</p> <p>Reforestation that takes place in a context of overlapping or ambiguous land claims could result in a loss of access to territory and resources by Indigenous communities. Indigenous groups are particularly susceptible to the risk of losing access to land and resources because of the very low level of indigenous community land titling in Cambodia. Loss of access to traditionally-used resources can negatively impact livelihoods and cultural heritage, particularly of Indigenous groups.</p> <p>Community forestry and community fisheries may be more difficult to establish for Indigenous communities than for majority (Khmer) ones, leading to ethnic disparities. The process of registering community forests and community fisheries in Cambodia is difficult and time consuming, which to some extent limits the potential for CFs and CFis. This challenge may be exacerbated among Indigenous groups, among whom there is already a very low level of collective land titling (CLT).⁴³ This lack of CLT—as well as other structural barriers, particularly language—may create obstacles for the full participation of Indigenous communities in CF, CFi, and CPA.</p> | <p>be carried out with the objective of achieving agreement.</p> <p>FPIC should be ensured on any matters that may affect the rights and interests, lands, resources, territories (whether titled or untitled to the people in question) and traditional livelihoods of the indigenous peoples concerned.</p> <p>Prior social and environmental impact study: All Projects that may impact the rights, lands, resources and territories of indigenous peoples require prior review and/or assessment of potential impacts and benefits.</p> <p>Support for rights: Projects may include activities that support legal reform of domestic laws to strengthen compliance with the country’s duties and obligations under international law with respect to the rights of indigenous peoples.</p> |

⁴³ Cambodian Centre for Human Rights 2016. Access to Collective Land Titles for Indigenous Communities

| Risk Description | Comments | Management Measures |
|--|--|---|
| <p>Risk 10: Interventions may involve the application of pesticides that may have a negative effect on the environment or human health.</p> <p>Interventions may induce significant consumption of raw materials, energy, and/or water</p> | <p>Investment in agricultural technologies may lead to increased application of pesticides and associated declines in water quality and ecosystem and human health.</p> <p>Expanding NWFP commercialization may lead to unsustainable rates of harvest. Expanding NWFP commercialization can improve livelihoods and increase the incentive for communities to conserve forested areas. However, improving opportunities to monetize NWFPs can also encourage increased rates of extraction that may eventually reach unsustainable levels if not sufficiently monitored and managed.</p> <p>Ecotourism investments can lead to loss of biodiversity and other negative environmental impacts. Ecotourism has been shown to frequently increase deforestation rates when it is sited next to frontier forests. It can also lead to an increase in local water pollution.</p> | <p>Guidelines should be established specifying which agrochemicals may be used in REDD+ interventions, with particular focus on the avoidance of chemicals subject to international phase-outs.</p> <p>Efforts at improved NWFP commercialization could be coupled with resource assessments and sustainable harvest plans.</p> |

5.3. Summary of applicable legal and institutional framework to be used for ensuring consistency with the safeguards

It is now generally considered by most countries that identifying, assessing, and strengthening existing governance arrangements for safeguards (e.g. laws, institutional frameworks, information systems, etc.) provide a fundamental framework through which they can address and respect the UNFCCC REDD+ safeguards throughout the implementation of their REDD+ actions.

Given that the legal framework of the country generally protects and regulates many of the objectives enshrined in the UNFCCC REDD+ Safeguards, this analysis constitutes a key input to be able determine 'how' the country will ensure REDD+ activities are carried out in consistency with these safeguard goals. This report identifies and analyses relevant policies, laws and regulations (PLRs) that could be used to ensure consistency with the UNFCCC REDD+ safeguards throughout REDD+ implementation; including the assessment of 'respect' framework associated with revised PLR analysis, identifying issues of practical implementation and enforcement linked to the institutional framework.

This section draws on the legal and institutional analysis carried in 2018⁴⁴. The applicable legal and institutional framework is outlined in relation to three principles: Human Rights, Gender Equality and Woman Empowerment and Environmental Sustainability. We note this assessment has been carried in relation and with precise consideration of all seven UNFCCC REDD+ safeguards, but it is for ease of understanding and accessibility that the information presented here are categorized in relation to these three Principles⁴⁵, which cover UNDP SES.

Human Rights

This principle is underpinned by UNFCCC REDD+ safeguard A, B, C, and D, which recognise the centrality of human rights to sustainable development, poverty alleviation and ensuring the fair distribution of development opportunities and benefits. This includes principles of accountability and the rule of law, participation and inclusion, and equality and non-discrimination, in particular of vulnerable groups (e.g. indigenous populations).

Policies, Laws and Regulation in place

The assessment finds that in terms of PLRs, Cambodia has in place measures which address many of the principles encompassed by the relevant UNFCCC REDD+ safeguards, with the exception of access to information and FPIC (see gap section below).

The Royal Government of Cambodia has instituted several policies and laws which aim to create a coherent, **national forestry management program**, including a unified definition for a management framework. Cambodia is also a signatory to 39 relevant international treaties.

Specifically speaking, while Cambodia does not recognise a Right of Access to Information, several laws do exist which do mandate limited **passive and active distribution of information**. One such specific institution, the Department of Environmental Information and Dissemination has been recently created.

Cambodia does provide clear directives on dealing with **corruption** in general, and within the forest sector specifically. In addition, the Law on Audit provides for an independent audit unit to deal with public spending, with other, equivalent units created by other laws.

⁴⁴ Identification and Assessment of Cambodia's legal and institutional framework Relevant to Cancun Safeguards and UNDP SES (2018)

⁴⁵ United Nations Development Program, Social and Environmental Standards, 2014.
<http://www.undp.org/content/dam/undp/library/corporate/Social-and-Environmental-Policies-and-Procedures/UNDPs-Social-and-Environmental-Standards-ENGLISH.pdf>

Cambodian PLRs recognise rights of access, usage, ownership (**land tenure issues**) at all levels, with procedures for titling, transfer and expropriation protection and compensation in place. These rights are complemented by **benefit sharing** arrangements in place in both Community Forests (CF) and Community Protected Areas (CPA). Both of these are accompanied, in law, by mechanisms allowing for **alternative land dispute resolution**.

When dealing with **vulnerable, local and Indigenous peoples**, Cambodia has a clear definition of these groups in general and specifically in relation to forestry rights, with several laws mentioning the need to respect **Traditional Knowledge**. The treatment of IP is further addressed in PLRs through addressing, in general terms, **non-discrimination** as well as **self-determination**, through PLRs providing for communities to manage their own internal affairs and maintain **Cultural Customs** within their land.

These community rights include **community land tenure**, which is provided for in terms of rights, title and usage, as well as protection from expropriation and compensation where needed. This includes provisions of management of forest and protected areas for the benefit and by local communities, with several PLRs in place which refer to the need for **equitable benefit sharing** in different instruments and contexts.

Where engaging with these communities, Cambodian PLRs recognise the **right for public participation** within the forest sector, with administration and the MoE tasked with being transparent and often engaging in workshops and consultations, with lists created which aim to **include relevant stakeholders**. These consultations also require the **provision of information** where decision making is to take place, specifically in the context of EIAs, CPAs and CFs, with some avenues for the provision of this information set up.

Indeed, Cambodia PLRs recognise the significance of local community participation in specific forest and Protected Area decision making process, generally recognising community subsidiary authority, with **dispute resolution mechanisms** for environmental and protected areas recognised, including **traditional dispute resolution** at the community level. While Cambodia does not refer to **Free Prior Informed Consent** (FPIC) in its PLRs, it is a signatory to the UN Declaration on the Rights of Indigenous People (UNDRIP).

Gaps identified

As mentioned, the Cambodian PLRs do cover a significant part of the objectives encompassed by the UNFCCC REDD+ safeguards. However, there are three substantive legislative gaps elaborated below. A larger number of challenges stem not from legislative gaps themselves but rather from issues of operationalisation and implementation of laws, including the setting of specific guidelines, and the elaboration of procedures, the streamlining and access to those in place. A list of those issues is included following that of legislative gaps.

The three substantive legislative gaps identified are:

- Cambodia has no guaranteed **right of access to information**, with the several areas in which this is mentioned limited by undefined exceptions, as little defined obligations. There are very few standards regarding **access to information**, even where mandated, types of information, format and relevance have not been clearly outlined, nor the mandate of institutions with regard to **dissemination/presentation of information** been fully elaborated upon.
- A second point is that of **Free, Prior, Informed Consent** (FPIC) of stakeholders. While issues of participation are addressed, and Cambodia has signed UNDRIP, FPIC has not been domesticised, which means that this specific procedure may not be applied to indigenous peoples when relevant.

- The third point relates to **Benefit Sharing**, for which there is no comprehensive set of standards, or unified approach elaborating upon this as a right.

In terms of gaps on implementation/operationalisation:

- Several of Cambodia's **national forestry plans**, policies and strategies have not been operationalised at all, are outdated, or not adjusted to administrative shifts which have taken place.
- In addition, while some international treaties have been domesticised, relevant institutions are not always aware of the treaties or they may not have the capacity to implement them. The same is true of some bodies which, though created, have not been operationalised (such as the National Committee for Conflict Resolution on Protected Area Management).
- With regards to **land tenure rights**, the procedure for creating a community forest and the procedure for expropriation or compensation, are both challenging to navigate and in some cases may be inconsistently followed.
- The process of obtaining land title is complicated and cumbersome, as is that of proving ownership. In general, **collective land rights** are short lived, limited in scope and have no procedure other than a private contract with a government unit.
- **Conflict Resolution Mechanisms**, as well as **Access to justice** suffer from lack of resources and a lack of procedural guidelines, with few provisions to overcome cultural, linguistic and economic barriers.
- Procedures regarding **Participation** are also lacking, with no standards for format, type of decision, and modes of integration, culturally appropriate communication, provision of information or even mapping of stakeholders.
- The principles of operation for units dealing with **corruption** require further elaboration. Additionally, their mandate is not fully independent.

Gender Equality and Woman Empowerment

These objectives are underpinned by safeguard B.

Policies, Laws and Regulation in place

Cambodia has addressed issues of **gender equality** at all levels of administration and PLRs, from the constitution, to legislation, policy papers and a relative mandated body. This has also been done specifically in the forestry sector.

Gaps identified

While Cambodian PLRs promote gender equality, they do not specifically define gender equality in reference to **benefit sharing** and **land tenure**.

Environmental Sustainability

The promotion of environmental sustainability lies at the heart of REDD+ in general and the Cancun safeguards in particular, with safeguards E, F and G centred around ensuring the identification, protection and expansion of natural forests, biodiversity and natural ecosystems, while also encouraging alternative livelihoods and the development of other benefits. In addition, measures to assure that the mitigation goals of REDD+ are not temporary or merely displaced, are required.

Policies, Laws and Regulation in place

As in the two previous sections, Cambodia has addressed to a large extent many of the issues at the heart of these safeguards. In general, **integration of social, environmental and economic** considerations is mentioned throughout PLRs, with EIA and other monitoring and limiting regulations in place. In promoting **cross-sectoral coordination** on these topics, the National Committee on Sustainable Development was established with that precise mandate, in support of existing PLRs establishing it as a need.

Cambodia PLRs also **define many of the terms relating to natural forests and biodiversity**, including some of the distinctions required by REDD+. **Identification** through mapping of permanent forests, protected areas and biodiversity and ecosystems are also required by law, policy and regulation. This is further complemented by Protected area and forestry legislation setting some degree of **control over conversion** in both public and private forests through environmental impact assessments. Cambodia also has had a moratorium on issuing economic land concessions since 2012, which halts the conversion of forest lands to other land use due to economic land concessions and helps to maintain forest cover. Lastly, **implementation of measures for protection of natural forests and protected areas** is laced throughout PLRs and includes provisions requiring science-based policy making and the protection of natural forest areas, protection and conservation of biodiversity including dealing wildlife trade and invasive species. Much of the work and capacity on the ground is provided by NGOs.

PLRs require both **scientific research into biodiversity and education and awareness raising**. Here too, much of the work is undertaken by INGOs with government collaboration. This also ties in with **integration of biodiversity into cross-sectoral policies**, with legislation requiring assessment of impacts resulting from decisions, and assessment of specific activities. These are complemented by policy promoting consideration of biodiversity in development and planning processes. This is also part of the mandate of the new National Council for Sustainable Development.

PLRs seek to **enhance other benefits** in forests and protected areas, with the MoE creating a Community Development General Directorate dealing with these issues. Much of NGO work is centred around creation of **alternative livelihoods**, with Sustainable use and community zones in protected areas which are meant to support livelihoods of those living in/near protected areas.

Finally, PLRs provide for mapping of forest resources, with policies identifying the need for more thorough inventories, up-to-date information and regular land use assessments. PLRs also provide for law enforcement with a mandate, resources and expertise for routine monitoring, with regulations requiring PA and forest environmental planning, management and regular **monitoring and assessment**. In this same vein, when dealing with the **prevention of reversals and displacement** PLRs generally provide for the sustainable utilisation and conservation of relevant forest resources, including environmental planning and forest management. This includes EIAs, as well as law enforcement and clear penalties for non-compliance.

Gaps identified

As mentioned above, the Cambodian PLRs address to a large extent many of the issues at the heart of these safeguards. Two substantive gaps have been identified. Most gaps are not legislative ones, but issues of lacking definitions, weakened capacity to implement enforcement and incomplete mandated administrative action. These have been elaborated below.

In terms of substantive issues:

- Cambodia PLRs use definitions for forest land that frequently do not clearly distinguish 'natural forests' from planted ones. The most severe repercussion of this is that it hinders effective monitoring and prevention of conversion of pristine forests. However, there have been recent improvements in forest definitions: the country adopted a forest definition for

REDD+ purposes that excludes rubber plantations and oil palm plantations, although some other perennial wood crops—e.g. pine and other tree plantations—are still included as forest (FRL page 7 and annex 2, page 29)⁴⁶. Additionally, the term ‘ecosystem services’, though referenced, is not defined in the legislation.

- *Forest under the REDD+ programme refers to a unit of an ecosystem in the form of wetland and dry land covered by natural or planted vegetation with a height from 5 metres on an area of at least 0.5 hectares, and canopy crown cover of more than 10%.*
- In addition, **alternative livelihoods**, though dealt with both by the government and NGOs, are not defined as an alternative to the **conversion of forests**.

In terms of gaps on implementation/operationalisation:

- The **EIA procedure** and regulation are not fully expounded, with triggers, format, quality, timing and scope at variable levels of elaboration such as the inclusion of social impacts, biodiversity or ecosystem services impacts, nor the need to map biodiversity, and existing laws and regulations do not specifically provide guidance on how to assess trade-offs between development and biodiversity.
- Additionally, terms defining ‘Government interest’ which would allow for conversion of *any* land is not limited, nor defined. Procedures for **coordination** have not been created, though required by law. And the mandate of the National Committee on Sustainable Development requires elaboration and implementation.
- Additionally, while much work is undertaken by NGOs in the field, in order to build capacity, this work has not had a procedure for oversight set. Such capacity issues extend to **scientific research and awareness raising** as well as the enforcement of **monitoring and assessment** (which also does not include the requirement to monitor the whole supply chain, or address specific timing and quality of monitoring, nor the need to report) and the measures to prevent **reversal and displacement**.
- Current procedural requirements for re-zoning of Protected Areas are weak and Protected Area zoning is incomplete, meaning ‘core zones’ cannot be mapped, though PLRs require it, and enforcement is limited due to lacking regulations.

5.4. Screening procedure to be applied once the project activities are fully specified

We emphasise the importance of ensuring that project activities are screened for risks once they are fully defined and that appropriate assessment and management measures are adopted.

The six direct interventions outlined in the Draft National REDD+ Action Plan in section 5.1.1. above—for each of which general risks were identified—will require screening for further social and environmental impacts once they have been fully defined and their location specified.

Each of these projects will need to follow UNDP’s [Social and Environmental Screening Procedure](#) and prepare a ESIA report (see Annex 1 for a template) and a ESMP (see Annex 2 for a template).

5.5. Specific Management Plans to Address Social and Environmental Impacts

Based on the SESA analysis, general management plans have been prepared. As noted above, these will need to be elaborated after specific REDD+ project interventions have been fully defined and their location specified.

⁴⁶ https://redd.unfccc.int/files/cambodia_frl_rcvd17112016.pdf

Annexes 3, 4, and 5 provide indicative outlines for each.

5.5.1. General Management Plan for Biodiversity

Cambodia has a high level of forest cover and is rich in biodiversity. The National Biodiversity Status Report tallied 3036 species of animals and 3113 species of plants within the national borders.⁴⁷ Among these there are at least 224 animal species and 37 plant species that are globally threatened and at least eight species of animals that are found nowhere else in the world.⁴⁸ In recent years, biodiversity in Cambodia has been under great pressure, in particular from rapid deforestation⁴⁹ and from unsustainable exploitation of forest, freshwater, and marine resources.⁵⁰

Two of the actions described in the draft Action and Investment Plan of the NRS were identified as posing risks of moderate significance to biodiversity (Table 3). These were actions SO1.1.3 relating to forest restoration and reforestation and SO.2.1.1 relating to the expansion of community forest development. UNDP guidance on SES screening⁵¹ stipulates that areas of a project that have a risk significance of moderate or high be subject to an enhanced level of monitoring and management; as such, it is recommended that Biodiversity Management Plans (BMPs) be developed to guide project development and operation so as to mitigate harm to species and to habitats. Two more actions—namely 2.1.2 and 2.1.3, both of which relate to enhancing livelihoods and both of which include promotion of agricultural technologies for improving yields—are classed as low overall risk significance but nonetheless present non-negligible risks. These will also be discussed below.

List of REDD+ interventions which may pose risks to biodiversity

The risks that REDD+ poses to biodiversity are mostly associated with four processes:⁵²

- Shifting economic activity—generally agriculture or extraction of forest products—to landscapes (forest or non-forest) that have low carbon values but that are nonetheless highly significant for biodiversity.
- Encouraging intensive agricultural technologies that are harmful to biodiversity.
- Encouraging forest management practices that are harmful to biodiversity—this may include the promotion of high-yield tree species in monocultures or in near-monocultures.
- Establishing forests via reforestation or afforestation in non-forest landscapes that have high ecological significance in their non-forested state.

Biodiversity impacts of forest restoration, forest rehabilitation, and reforestation

Actions identified in Action and Investment Plan of the NRS that may pose risks include SO.1.1.3 that calls for the development and implementation of plans for forest restoration, forest rehabilitation, and reforestation. Without appropriate spatial targeting based on site-level biodiversity assessments, interventions under SO.1.1.3 could result in planted forests being established in locations where they have a net negative effect on biodiversity.

⁴⁷ National Council for Sustainable Development. February 2016. National Biodiversity Strategy and Action Plan (NBSAP).

⁴⁸ IUCN Red List 2018-1. Available at <http://www.iucnredlist.org>, accessed October 10, 2018.

⁴⁹ Hansen et al. 2013. High-Resolution Global Maps of 21st-Century Forest Cover Change.

⁵⁰ NBSAP.

⁵¹ UNDP 2015. Social and Environmental Screening Procedure. Version: March 2016.

⁵² Epple, C., Dunning, E., Dickson, B., Harvey, C. (2011): Making Biodiversity Safeguards for REDD+ Work in Practice. Developing Operational Guidelines and Identifying Capacity Requirements. Report. UNEP-WCMC, Cambridge, UK.

In the case of planted forests that are used for rotational harvest, rotation lengths that are optimized for maximizing the value of timber harvest and carbon sequestration may result in biodiversity outcomes that are lower than optimal. Harvest rotations that seek to maximize biodiversity often need to be longer than those that would be determined looking at only carbon and economic returns.⁵³

Reforestation—and to a lesser degree forest restoration or rehabilitation—also risks creating areas with relatively low species diversity (if the species planted are primarily from a small number of species) that can result in lower long-term diversity than if natural regeneration had been allowed to occur.

Even in cases where best practices are used at the site level for reforestation and restoration, resulting in a species rich forest area, there exists a broader risk to biodiversity when the entire program is examined at a national or regional scale. Best practices that lead to diverse forests at any given site, if they are replicated precisely from site to site, could have the unintended effect of increasing biotic homogenization at a national level. REDD+ interventions should be considered both at the site level as well as at national level. An approach where the same species and techniques are used for reforestation in all REDD+ interventions country-wide could lead to increased overall homogenization—and thus loss of regional biodiversity—even in cases where site-level species richness is maintained at each individual site.⁵⁴

Expansion of community forestry

Expanding community forestry and sustainable forest management—SO.2.1.1—can effectively link local livelihood development with biodiversity conservation and can improve local buy-in for biodiversity conservation measures as well as improve monitoring of biodiversity outcomes. However, expanding forestry activities in native forests—and to a lesser degree even in planted forests—can have negative effects on biodiversity by modifying habitats and by increasing levels of human disturbance in natural forests. Even in cases where community forestry has a positive overall impact on carbon sequestration across the landscape, it may nevertheless negatively affect biodiversity.

Expanding NWFP harvest

Efforts to enhance local livelihoods by improving and expanding the non-wood forest products (NWFP) sector—as SO.2.1.2 and SO.2.1.3 propose doing through investment in small business loans, market access, and other aspects of the institutional infrastructure of the sector—can create a strong incentive for local communities to conserve biodiversity. However, expanding harvest can also lead to unsustainable rates of extraction and an associated decline in biodiversity. An improved and expanded market for products harvested from community forest areas also risks creating an opportunity and an incentive for illicit harvest from forests at higher levels of protection.

Agricultural intensification

Technologies that promote agricultural intensification (SO.2.1.2 and SO.2.1.3) risk affecting both freshwater and terrestrial biodiversity. Freshwater biodiversity may be negatively affected if interventions result in increased use and run-off of pesticides and fertilizers into water courses. Terrestrial biodiversity may be negatively affected if intensification leads to the loss of small patch habitats—single trees, shrub lines—that are often valued by farmers but that may interfere with intensification.

⁵³ Nghiem 2014. Optimal rotation age for carbon sequestration and biodiversity conservation in Vietnam. *Forest Policy and Economics* 38: 56-64.

⁵⁴ There is a distinction that exists in ecology between *alpha* diversity (biodiversity at a given site), *beta* diversity (differences in biodiversity among sites), and *gamma* diversity (landscape- or regional-scale biodiversity). It is possible for interventions that lead to high *alpha* diversity at individual sites to nonetheless fail to achieve objectives for biodiversity at larger spatial scales if site-level interventions are too similar to each other.

Relevant Legal Framework

Identification of applicable domestic and international laws protecting biodiversity

In accordance with the risks identified in this assessment, the following elements of the Cambodian framework are identified here: Those relating to **Biodiversity**, prevention of **forest conversion** and the protection of **ecosystems and ecosystem services**. Cambodia has many of these in place, though several issues of definition and gaps in mandate and capacity have been identified and elaborated in the next section.

Cambodia legislation, regulation and policy plans require, in different places, that potential **environmental impacts are taken into consideration**. This is represented by requirements for EIAs in many different laws and across sectors.

Cambodia requires monitoring of the social and environmental impacts of the plans, programs and policies put in place. The plans and programs stipulate continual monitoring⁵⁵, with The Department of Monitoring and Environmental Impact Assessment being responsible to review, monitor, and take action on projects to ensure they are in **compliance with the environmental management plan**. Cambodia also require **decision-making based on scientific information** and require and promote management planning⁵⁶ through numerous laws and regulations, including forest and protected area.

Indeed, The Environmental Protection and Natural Resource Management Law (1996), while not specifically addressing biodiversity, does require the Ministry of Environment to **assess environmental impacts** on natural resources and provide recommendations to other ministries prior to decisions or activities related to preservation, development, or management of natural resources, as well as to install and use monitoring equipment, keep samples, and provide records for examination in relevant natural resource rich sites.

The cross-sectoral policy implementation required by the above is the mandate - not yet fully realized – of the newly established National Council for Sustainable Development.

It is important to have a distinction between types of forestry in order to **prevent conversion** and protect both ecosystems and biodiversity. In Cambodia, Forestry and protected area legislation provide for background considerations in relation to forest conversion⁵⁷, thus the term “natural forest” is used in relevant forestry and natural resource PLRs.⁵⁸ The Forestry Law additionally defines the relevant term “protection forest” as distinct from “production forest”⁵⁹ and relevant policies use

⁵⁵ from semi-annually, like National Environmental Strategy and Action Plan, to every five years, like the National Protected Areas Strategy Management Plan.

⁵⁶ Forestry Law (2002), Art. 7, 9, 11-14, 16, 18, 21, 23, Protected Area Law (2008), Art. 8, 13, 15, 18, 28, Environmental Protection and Natural Resource Management Law (1996), Art. 2 and 3, National Protected Area Strategic Management Plan (2017), Pg. 9, 10, 11. According to the Forestry Law (2002), the Forestry Administration is responsible for studying and collecting data on State forests regarding scientific, economic, social, and environmental factors in order to set a sustainable production level and preparing and implementing the “National Forest Management Plan” [National Forest Programme]. In addition, decision-making regarding the permanent forest estate should be consistent with the National Forest Management Plan concession plans and more.

⁵⁷ Forestry Law (2002), Art. 12, Protected Area Law (2008), Art. 11, 13, 36, 37 and 41, Annex. The Forestry Law (2002) states that the Royal Government may “declassify any forest from the permanent forest estate” to a “non-forest purpose” and may reclassify “a forest area to another category,” although such declassification or reclassification must “serve the public interest and be consistent with the National Forest Sector Policy, the National Forest Management Plan and technical, social, and economic data.”

⁵⁸ Forestry Law (2002), Art. 43, National Forest Programme (2010), National Protected Area Strategic Management Plan (2017), Pg. 1 and 9, National Environment Strategy and Action Plan (2016), Pg. 99, National Biodiversity Strategy and Action Plan (2016), Pg. XV, XXV, 95, 96, 166,170, 176, and 177.

⁵⁹ Forestry Law (2002), Annex. “Protection forest” is defined as “forest area having the primary function for protecting the forest ecosystem including the water resources regulation; conservation of biodiversity, land, water, watershed and catchments areas; wildlife habitat, fishes, prevention of floods, erosions, sea water intrusion; soil fertility and valuable for cultural heritage which serve the public interests.” “Production forest” is defined as “forest area having the primary function for sustainable production of timber and non-timber forest products. Production forest includes forest concession; forest permitted for harvesting, degraded forest, forest to be rehabilitated, reserved area for forest regeneration or forest plantation, reforested areas and forest areas under agreement between the Forestry Administration and the local community.” While defined as distinct from “production forest”. “Protection forest, “as defined in the Law, does not include plantations. “Protection forest” does not include the protected areas under the jurisdiction of Ministry of Environment

these terms⁶⁰. Indeed, protected area and forestry legislation do set some degree of control over conversion in both public and private forests through environmental impact assessments.

The National REDD+ Strategy acknowledges the distinction between the national definition of “forest” and the REDD+ definition, which excludes rubber and oil palm plantations.⁶¹ And The Protected Area Law includes protections for “natural environment” and “natural landscape”.⁶² Vitaly, ‘Biological Diversity’ is defined in accordance with the Convention on Biological Diversity⁶³, as is the term “ecosystems”, in the Protected Area Law and the term “ecosystem services”⁶⁴ is used in more recent protected area legal instruments, with protected areas including **zoning for core zone** and **conservation zone**, with the purpose of protecting natural areas. (The definitions in the Protected Area Law (2008) stipulate the purpose of “core zone” to be “conservation of rare, endangered, vulnerable and threatened animal and plant species and a delicate ecosystem” and of “conservation zone” to be an area “of conservation value for natural resources, ecosystem[s] ... and natural landscape.”)

This is further elaborated upon in the National Biodiversity Strategy and Action Plan (NBSAP; 2016) which identifies specific actions necessary to achieve **Cambodia’s biodiversity targets** outlined in the Plan, which include establishing widely available information system on biodiversity values, functions, status and trends, and threats, and the consequences of its loss. This further includes organization and wide accessibility of biodiversity data and information and biodiversity and ecosystem services values awareness raising. The NBSAP also includes key actions that promote research development and coordination, specifically, the integration of biodiversity into national education and research systems, establishing and strengthening research institutions, and enhancing mechanisms for targeted communication and exchange of scientific data and knowledge.

The National Protected Area Strategic Management Plan (2017-2031) (NPASMP) includes strategies for “supporting applied research... to develop species-specific conservation action plans for threatened species” and developing **standardized biodiversity assessment protocols** that can be shared and used to regularly monitor the status and trends of species at risk in protected areas.” The plan also encourages collaboration on biodiversity research.

Both of these policies and NRS and the Protected area law also stipulate **education and awareness raising** for the public related to biodiversity.⁶⁵ In addition, Sustainable use and community zones in

pursuant to the Environmental Protection and Natural Resources Management Law (1996). “Forest” is defined to include “natural or artificial forest ecosystem, in the form of wet, inundated or dry land, covered by mixed vegetation, either natural or planted, including wildlife and other natural resources located therein, which the main utilizations are the production of timber products and non-timber forest products, and other forest services.”

⁶⁰ National Forest Programme (2010)

⁶¹ National REDD+ Strategy (2017), Pg. 14

⁶² Protected Area Law (2008), Art. 11

⁶³ Protected Area Law (2008), Annex, Biosafety Law (2008), Annex, Sub-Decree on Forest Concessions Management (2000), Annex. In the Protected Area Law (2008), biodiversity or biological resources is defined. In the Biosafety Law (2008), biological diversity is defined. In the Sub-Decree on Forest Concessions Management (2000), biodiversity is defined.

⁶⁴ National Protected Area Strategic Management Framework 2014, Pg. 4, National Protected Area Strategic Management Plan (2017), Pg. 2 and 16, National Environment Strategy and Action Plan (2016), National Biodiversity Strategy and Action Plan (2016). The National Protected Area Strategic Management Framework 2014 refers to “biological, natural and cultural resources and ecosystem services” and to “optimizing the general environmental and socio-economic benefits that can be derived from the biodiversity within, and the attendant ecosystem [services] provided by, all types of protected areas and conservation areas”. The National Protected Area Strategic Management Plan (2017-2031) uses the term “ecosystem services” and references “payments for ecosystem services (e.g., water, carbon).” The National Environment Strategy and Action Plan (2016-2023) and the National Biodiversity Strategy and Action Plan (2016) both use the term extensively, but do not define it.

⁶⁵ Protected Area Law (2008), Art. 5, 30, and 34, Forestry Law (2002), Art. 64, National Biodiversity Strategy and Action Plan (2016), Pg. 6, 10, 13-14, 185, National Forest Programme (2010), Pg. 57. The Protected Area Law (2008) assigns the duties to [Ministry of Environment] to “promote education and dissemination to the public to participate in the conservation and protection of natural resources within the protected areas” as well as provision of financial support, also included in the forestry law.

protected areas are meant to **support livelihoods** of those living in/near protected areas as a means of avoiding impacts to and conversion of core and conservation zones of protected areas.

All of the above, however, depends upon **mapping practices**, and mapping of both permanent forest reserve areas and protected areas are required under current legislation⁶⁶ with more precise mapping related to land cover changes and forest inventorying addressed in more recent policies.⁶⁷

Current legislation also requires mapping of core zone and conservation zone, and, as mentioned, recent policies such as the NBSAP providing more specific **biodiversity and ecosystem mapping requirements**.⁶⁸

Once definitions and mapping exist, **protection measures** are awarded where relevant. These include provisions for the protection of natural forest areas. Recent policies, such as the NPASMP, mentioned above, provide additional mechanisms for the protection of natural forest areas, and the protection and conservation of biodiversity with The Protected Area Law seeks to protect biological, natural and cultural resources for environmental, social and economic benefits, and the Forestry Law seeks to protect social, economic, environmental, and cultural heritage benefits of the permanent forest estate.

While not specifically referencing the term “invasive species”, both the Protected Area Law and the Forestry Law regulate introduction of plants into protected areas and forest areas and the Forestry Law regulates diseases and harmful forest vegetation, as well as clear penalties for non-compliance. This is relevant as it can be associated with **intensive agriculture** associated with some of the strategic interventions above.

Main gaps in the Legal Framework

As mentioned above, the Cambodian legal framework addresses, to a large extent, many of the issues at the heart of the risks identified. Two substantive gaps have been identified: Most gaps are not legislative ones, but issues of lacking definitions, weakened capacity to implement enforcement and incomplete mandated administrative action. These have been elaborated below:

- Cambodia PLRs do not clearly **define ‘natural forests’ or of ‘ecosystem services’**, though referenced, the definition itself is missing in the legislation. The most severe repercussions to

⁶⁶ Forestry Law (2002), Art. 7, Sub-Decree on Procedure Establishment Classification and Registration of Permanent Forest Estate (2005), Art. 3 and 10, Protected Area Law (2008), Art. 8 and 14, Prakas on Guideline and Procedure on Community Protected Area Establishment (2017), Art. 32, Sub-Decree on Community Forestry Management (2003), Art. 25. The Forestry Law (2002) stipulates the duties of the Forestry Administration. The Sub-Decree on Procedure Establishment Classification and Registration of Permanent Forest Estate (2005) requires mapping of permanent forest reserve areas at the national level and requires that the Forestry Administration survey, assess, classify, and map forest reserves. The Protected Area Law (2008) requires mapping for the establishment or modification of protected areas and zoning. The Prakas on Guideline and Procedure on Community Protected Area Establishment (2017) requires mapping for the Agreement on Community Protected Area Management and the Sub-Decree on Community Forestry Management (2003) requires mapping for the Community Forest Agreement.

⁶⁷ National Forest Programme (2010-2029), pg. 30-42, 48, National REDD+ Strategy (2017-2026), pg. 24, National Protected Area Strategic Management Plan (2017), pg. 11. In addition to forest classification and mapping, as required under the Forestry Law 2002 and the Sub-Decree on Procedure Establishment Classification and Registration of Permanent Forest Estate (2005) and procedurally outlined in the National Forest Programme (2010-2029) Programme 1, the Programme in Programme 2 Sub-Programme 1 sets up the development of forest inventory data that will be used for reliable analyses and for the valid utilization of forest resource development. The National Forest Programme (2010-2029) in Programme 2 Sub-Programme 1 also establishes the process for implementation of the forest inventory and what will be inventoried. The National Protected Area Strategic Management Plan (2017-2031) Strategic Objective 2.2 identifies the need for “integrated ecosystem mapping” for protected areas, among other PLRs.

⁶⁸ Forestry Law (2002), Art. 1, 7 and 10, Sub-Decree on Procedure Establishment Classification and Registration of Permanent Forest Estate (2005), Art. 3 and 10, Protected Area Law (2008), Art. 8 and 14, National Protected Area Strategic Management Plan (2017-2031), pg. 10 and 11, National Biodiversity Strategy and Action Plan (2016), pg. 169 and 173. The Forestry Law (2002) stipulates that the duties of the Forestry Administration include to “assess boundaries, classify and demarcate forests in order to establish a land use map of the permanent forest.” While not explicitly requiring mapping of biodiversity, the objectives of the Law include conservation of biodiversity, and provides that “protection forests shall be maintained primarily for protection of the forest ecosystems and natural resources therein.”

this are a lack of effective protection and lack of prohibition on the conversion of pristine forests.

- In addition, **alternative livelihoods**, though dealt with both by the government and NGOs, are not defined as an alternative to the **conversion of forests**.
- The **EIA procedure** and regulation are not fully expounded, with triggers, format, quality, timing and scope at variable levels of elaboration such as the inclusion of social impacts, biodiversity or ecosystem services impacts, nor the need to map biodiversity, and existing laws and regulations do not specifically provide guidance on how to assess trade-offs between development and biodiversity.
- Additionally, terms defining 'Government interest' which would allow for conversion of *any* land is not limited, nor defined. Procedures for **coordination** have not been created, though required by law.
- Additionally, while much work is undertaken by NGOs in the field, in order to build capacity, this work has not had a procedure or oversight set. Such capacity issues extend to **scientific research and awareness raising** as well as the enforcement of **monitoring and assessment** (which also does not include the requirement to monitor the whole supply chain, or address specific timing and quality of monitoring, nor the need to report) and the measures to prevent **reversal and displacement**.
- Current procedural requirements for re-zoning of Protected Areas require improvement and Protected Area zoning is incomplete, meaning 'core zones' cannot be mapped, though PLRs require it, and enforcement is limited due to lacking regulations.

Lastly, the administrative shift which occurred in 2016 between the MoE and MoFF has not been fully captured in regulation, which creates gaps and overlaps over their relevant authority.

Potential Mitigation Measures

The most important factors determining the effect that REDD+ interventions will have on biodiversity are (a) geographic targeting and (b) the specific forest management interventions used.⁶⁹ The first step to inform geographic targeting is appropriate assessment of existing patterns of biodiversity.

Many, if not all of these measures, could naturally fall under the auspices of the **Ministry of the Environment**, specifically, in coordination between the **General Directorate of Administration for Nature Protection and Conservation** on the one hand, and **the National Council on Sustainable Development**. While it is possible that other ministries may be involved, it could be of special relevance to involve the **Forestry Administration** (under the **Ministry of Agriculture, Fisheries and Forests**).

Biodiversity assessment and site targeting

The core of a biodiversity management plan is an initial assessment of biodiversity both at national-scale and at site-level in areas where REDD+ interventions will occur on the ground. National-scale mapping will identify species and ecosystems that are particular priorities or are under-represented nationally; this mapping and assessment exercise has already been identified as a key priority in the National Biodiversity Strategy and Action Plan.⁷⁰ Pairing biodiversity monitoring with the existing national forest-monitoring infrastructure, for example the National Forest Monitoring System (NFMS), may be an effective way to leverage existing capacity and to save costs.

⁶⁹ Phelps et al. 2012. Win-win REDD+ approaches belie carbon-biodiversity trade-offs. *Biological Conservation* **154**: 53-60.

⁷⁰ National Council for Sustainable Development. February 2016.

Additionally, at each site where a REDD+ intervention will take place, a biodiversity assessment should be completed that includes a general description of the relevant ecosystems, key species that may be affected, and identification of ecosystem characteristics that are relevant to national priorities as identified by national-scale mapping. Biodiversity is context-specific and location-specific, and a restoration or reforestation effort that may provide benefits in one area (e.g. reforestation of degraded former agricultural land), may have negative effects in another (e.g. afforestation in grasslands or floodplains). Reforestation and forest restoration efforts should seek to return a stand to a state that is historically accurate for the site. Afforestation should be undertaken with care and consideration of the characteristics of the historical non-forest ecosystem that existed on the site and should generally only be employed in cases where that ecosystem is badly degraded prior to intervention and is not feasible to restore.

Use of native species and appropriate forest rehabilitation techniques

In all cases, forest restoration and reforestation efforts should use native species, both for the maintenance of local biodiversity and to avoid the risk of introducing invasive species. The use of native species is a necessary condition of biodiversity-appropriate forest restoration efforts; however, it is not a sufficient condition. Monoculture plantations generally have low levels biodiversity relative to native forests whether the species planted is native or exotic. It is clearly stated in Safeguard (e) of the Cancun Agreement⁷¹ that no REDD+ interventions support—directly or through indirect incentives—the conversion of natural forests to forest plantations or other uses. However, REDD+ interventions may in some cases plant forests in areas that were previously cleared of forest (or may engage in afforestation of non-forest areas). Although the carbon benefits of these efforts may be clear, the biodiversity benefits are likely to be small—and may even be negative—unless best practices for diverse-species restoration and reforestation are used. Reforestation and afforestation, done poorly, can harm biodiversity over long time frames, either by replacing an ecologically-significant non-forest ecosystem or by encouraging ‘lock-in’ of a landscape in monoculture with lower diversity than a naturally-regenerating forest in the same location would have had. Restoration best practices, guided by local knowledge of ecosystem characteristics, are required to achieve outcomes that are positive for biodiversity.

Stakeholder engagement

Engaging stakeholders is an essential part of national-level planning as well as site-level project design. Inclusive and informed consultations, in addition to their importance to ensuring positive social outcomes, can play an important role in improving the biodiversity assessment process, targeting sites effectively, and correctly identifying critical components of the ecosystems in questions.

Monitoring and reporting

Monitoring plans could include and define metrics that would be used to track the key elements of the status of biodiversity in areas affected by REDD+ interventions. Monitoring plans need to be specific in defining the location and timing of sampling and should include diverse metrics to capture a range of biodiversity impacts. Species used as indicators in monitoring plans should capture a range of taxonomic groups as different taxa will respond differently to interventions (for example, large mammals are more likely to be responsive to fragmentation of large tracts of native forest than birds and smaller mammals). Thresholds for change should be established beforehand that would signal the need for corrective action in project activities.

⁷¹ REDD+ safeguard (e) of the Cancun Agreement (2016) requires that actions undertaken under REDD+ “are consistent with the conservation of natural forests and biological diversity, ensuring that the actions referred to in paragraph 70 of this decision are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits.”

5.5.2 General Management Plan for Indigenous Peoples

REDD+ interventions which may pose risks to indigenous people's rights

Actions SO1.1.1 and SO1.1.2—respectively, demarcation of protected area boundaries and preparing PA management plan including zoning designations—both pose significant risks of a loss of access to traditional resources by Indigenous peoples, particularly if stakeholder engagement processes are not sufficient. Loss of access to traditional resources may result in displacement and a potential loss of cultural heritage if traditional harvest practices are curtailed.

Reforestation and forest rehabilitation / restoration efforts (SO1.1.3) will modify local ecosystems, and if designed or sited without sufficient engagement of local communities, may harm or eliminate ecosystem features that Indigenous communities and other local communities may value. Establishment of plantations, as may occur with reforestation, may result in long-term loss of biodiversity and a reduced extent of natural ecosystems, either of which risks harm to Indigenous livelihoods and cultural identity.

Expanding community forestry, community fisheries, and community protected areas (SO2.1.1) all have potential to provide significant benefits to Indigenous communities. However, benefits are dependent on inclusion, and Indigenous and other marginalized groups are often less likely or less able to complete administrative requirements for the establishment of community resource management institutions. As a result, an expanded presence of these institutions may result in increased inequality between Indigenous and non-Indigenous populations, and in some cases, may result in loss of resource access by Indigenous people if there are conflicting claims between Indigenous territories and areas claimed by non-Indigenous community resource institutions (CFs, CFis, CPAs).

Description of Indigenous Peoples

Cambodia's indigenous peoples are estimated to number approximately 200,000, or roughly 1.5 percent of the total population. Some 24 different ethnicities and 23 distinct languages have been documented to date. Most indigenous peoples reside in the northeast of the country, primarily in Mondulkiri and Ratanakiri provinces, although indigenous peoples have been identified in 15 of Cambodia's 24 provinces.

Cambodia's indigenous peoples are defined by their very close relationship to the land they inhabit and utilize. Most indigenous peoples' communities earn their livelihoods from rotational swidden agriculture, supplemented by hunting and the collection of non-timber forest products (NTFP) such as tree resin, honey and medicinal plants. Indigenous peoples' communities are typically organized in autonomous villages governed by a group of elders who apply customary law to maintain stability within the community.

In recent years, as the country's infrastructure has improved, the formerly remote areas where indigenous peoples reside have become more accessible. This has led, naturally, to certain challenges resulting in pressure on the traditional lifestyle and culture of the indigenous peoples.

The main threat is loss of traditional lands. Land grabbing is a global problem and has been identified as such in Cambodia for more than 20 years. It is exacerbated by the fact that Indigenous peoples live in some of the most fertile parts of the country, making their traditional lands attractive to outsiders seeking to create agro-business plantations.

An additional source of conflict, associated with land alienation, is economic land concessions (ELCs). The policy, now on hold, of granting large tract ELCs has encountered several issues. In some cases, communities have been forcibly alienated from their land without any prior knowledge of the concession.

Internal migration is also an increasing source of conflict. As the population grows, lowland residents increasingly migrate to the more sparsely upland areas inhabited by indigenous peoples. While indigenous peoples' swidden agriculture practices and small scale NTFP extraction relies on large amounts of land (including land tracts left fallow as part of rotation) newcomers see this land as unoccupied or underutilized and convert it to plantation.

The lower literacy capacity of the indigenous peoples exacerbates matters. Less aware of their rights and less proficient in interactions with administrative structures, they are at a distinct disadvantage when conflicts arise.

The collective land titling (CLT) program for indigenous communities established under the 2001 Land Law is intended to provide tenure security for indigenous peoples. Unfortunately, the procedures by which to obtain this title are expensive and complicated, involving approvals from three different ministries. Thus far, fewer than 20 communities have successfully received a CLT, with new encroachment on indigenous peoples' lands occurring after a community has received a CLT.

Relevant Legal Framework

Applicable domestic and international laws affirming and protecting the rights of indigenous peoples

Cambodia laws, including the 2001 Land Law and the 2008 Protected Areas Law, provide a definition of the term indigenous peoples that is generally consistent with the way in which the term is defined internationally.

The Constitution has a non-discrimination clause and recognizes that all Cambodian citizens, including indigenous people under the National Policy on the Development of Indigenous Peoples (2009), are equal before the law regardless of race, colour, national origin, etc. This policy also enables indigenous people to gain benefits under the Constitution, while simultaneously requiring relevant ministries and institutions to encourage indigenous peoples to participate in development planning for prevention of all forms of exploitation, violence, contempt, and discrimination of indigenous peoples.

Cambodia does to some extent allow indigenous communities to manage their affairs according to their traditional practices and recognizes the traditional decision-making and dispute resolution mechanism regarding indigenous peoples, within their own communities.

The Land Law (2001), Forestry Law (2002), Fisheries Law (2006), and Protected Area Law (2008) all recognize the rights to traditional access and customary user rights by local communities and indigenous peoples. In addition, The Land Law specifically recognizes the collective property rights of indigenous peoples' communities. It sets the standards and procedures that must be fulfilled in order for indigenous peoples' communities to receive a collective land title (CLT). The Sub-Decree on Procedures of Registration of Land of Indigenous Communities (2009) further establishes the guidelines and lays out the requirements needed for an indigenous peoples' community to claim land title and what land can be registered as a collective title of indigenous peoples.

Main gaps in the Legal Framework

Cambodian law does not clearly define traditional knowledge, which means that steps to preserve it in current practices are limited.

While the Constitution does, clearly, address the issue of discrimination, no other laws specifically address the matter of discrimination of indigenous peoples.

The right of indigenous peoples' communities to freely pursue their economic, cultural and social development also requires further anchoring in legislative instruments, this would include further shoring up of the protection and promotion of indigenous people's cultural norms or values.

The Collective Land Tenure (CLT) mechanism is an important means by which to preserve indigenous peoples' culture, the process for indigenous peoples' communities to obtain CLT is expensive, complex and time-consuming. The full procedure involves multiple steps involving three different ministries. First, an indigenous peoples' community must identify itself as indigenous and apply to the Ministry of Rural Development to be recognized as indigenous. Then, the community must register as a legal entity, which requires the approval of the Ministry of the Interior. Finally, the community must submit an application for collective land title to the Ministry of Land Management, Urban Construction and Planning. Considering this convoluted process and the expenses required in meeting the surveying and mapping requirements, fewer than 20 indigenous people's communities have received CLT in the 17 years since enactment of the 2001 Land Law.

Finally, Cambodia does not recognize FPIC, including in the National Policy on the Development of Indigenous Peoples. Cambodia has not signed ILO Convention 169, though it does ascribe to UNDRIP, however, this is not legally binding.

Potential Mitigation Measures

In order to meet UNDP's standards on **Indigenous Peoples**⁷², and to fully address the risks identified in this context, it is expected that REDD+ Interventions promote **the rights of indigenous peoples**, specifically concerning **Land ownership, Territory, Culture, Resources and Traditional Livelihoods**. Respect for traditional knowledge of Indigenous peoples is integral to an understanding of traditional livelihoods and of culture and is therefore an essential component of safeguarding these rights.

All recommendations here aim to address the gaps identified above, and conform to the primary issues elaborated by the 2015 UNDP SES⁷³, namely:

1. Respect for **international law and best standards**, including UNDRIP with regard to the substantive rights of Indigenous peoples.
2. A local, coherent **definition of 'indigenous peoples'**, and include various assurances for different defining aspects for these communities and their way of life, however defined.
3. **Rights to Land, Resources and Territory**, recognised collectively, as rights to own, use, and develop and control the lands, resources and territories that they have traditionally owned, occupied or otherwise used or acquired, including lands and territories for which they do not yet possess title. Specifically, where a REDD+ intervention touches upon these, support must be given to activities aimed at delimiting, demarcating and titling such lands, resources, and territories with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.
4. Indigenous peoples' right to **legal personality** is critical to the protection, respect and fulfilment of their human rights.
5. Issues of **forced relocation**. (Dealt with in depth below under General Management Plan for Resettlement). But all attempts must be made to avoid it and, where not possible, done with FPIC consultations.
6. **Full, effective and meaningful participation**: mechanisms will be identified and implemented to guarantee the meaningful, effective and informed participation of indigenous peoples on all matters. Culturally appropriate consultation will be carried out with the objective of achieving agreement and FPIC will be ensured on any matters that may affect the rights and

⁷² UNDP Social and Environmental Standards (SES), 2015 Pp. 36-41
<http://www.undp.org/content/undp/en/home/accountability/social-and-environmental-responsibility/social-and-environmental-standards.html>

⁷³ Ibid

interests, lands, resources, territories (whether titled or untitled to the people in question) and traditional livelihoods of the indigenous peoples concerned.

7. **Prior social and environmental impact study:** All Projects that may impact the rights, lands, resources and territories of indigenous peoples require prior review and/or assessment of potential impacts and benefits.
8. **Appropriate benefits:** Arrangements, evidenced in a documented outcome, are concluded with indigenous peoples for the **equitable sharing of benefits** to be derived by the Project in a manner that is culturally appropriate and inclusive and that does not impede land rights or equal access to basic services including health services, clean water, energy, education, safe and decent working conditions, and housing.
9. **Support for rights:** Projects will include activities that support legal reform of domestic laws to strengthen compliance with the country's duties and obligations under international law with respect to the rights of indigenous peoples.

The following recommendations should be led by the REDD+ task force which will use the platform of the **National Council on Sustainable Development** to coordinate between the **Ministry of Interior, Ministry of Environment** (specifically within it, **the General Directorate of Local Community**), the **Forestry Administration** within **MAFF, the Ministry of Rural Development**, and others, as appropriate and laid out below.

- a. When REDD+ interventions details and sites are confirmed, specific arrangements will need to be agreed to, through a collaboration between **The Ministry of Rural Development, Ministry of Land Management, Urban Planning, and Construction and the Ministry of the Interior**, with the indigenous peoples concerned regarding the **equitable sharing of benefits** (In accordance with UNDP principles requiring appropriate benefits) to be derived by the activities in a manner that is culturally appropriate and inclusive and that does not impede land rights or equal access to basic services including health services, clean water, energy, education, safe and decent working conditions, and housing (in accordance with UNDP principles regarding land resource and territory). Those arrangements should be evidenced in the written outcomes of the consultation and consent process undertaken. Indigenous peoples should be provided with full information of the scope of potential income streams, services and benefits that the activities may generate for all potential beneficiaries. In determining what constitutes fair and equitable benefit sharing – particularly where traditional knowledge, cultural heritage, lands, resources, and territories are involved – indigenous peoples should be treated not just as stakeholders, but appropriately as rights holders, as is required under UNDP principles elaborating on FPIC.
- b. The **Ministry of the Environment, Ministry for Agriculture, Forestry and Fisheries** and, where appropriate, **the ministry of the Interior** need to coordinate via the above process, to adopt guidelines for recognizing and **promoting** indigenous peoples, vulnerable groups, and ethnic minorities. These efforts should engage where possible with civil society organizations representing the interests of Indigenous peoples. Special procedures must be put in place to safeguard these groups in terms of: a) confirming their **identity**, b) recognizing and legitimizing their **customary lands and practices**, c) ensuring their ability to effectively receive and process relevant information and **effectively participate** in relevant decision-making processes, d) establish **penalties** for acts that violate indigenous peoples' culture, language and customary land rights; and e) promote and **preserve indigenous peoples' economic, social and cultural identity**.
- c. Guided by the REDD+ taskforce, the **Ministry of Rural Development** could adopt a standard, as part of its ambit regarding the policy for the development of indigenous peoples, with regards to the terms of traditional and indigenous knowledge, which can be incorporated into

the building of the capacity of its relevant departments (such as the **ministry of protected areas, and relevant department**), with a view of ensuring traditional knowledge is to be more rigorously applied.

- d. Following the administrative changed in 2016, the **Ministry of Environment**, in its role overseeing participation in environmental and natural resource decisions, should adopt a protocol, along with the **MoAFF**, for carrying out FPIC and clarify when FPIC is applicable. The FPIC procedure should consider international guidelines, outlined in UN-REDD guidelines on Free Prior and Informed Consent⁷⁴ and defined in this context by the UNDP SES principles⁷⁵ and which include: **'Free'** referring to no coercion, intimidation, or manipulation; **'Prior'** refers to consent has been sought sufficiently in advance of any authorisation; commencement of activities and respect time requirements of indigenous consultation/ consensus processes; **'Informed'** refers to information provided covers (at minimum) the nature, size, pace, reversibility and scope of any proposed project or activity; The reason or purpose of the project and/or activity; The duration of the project or activity; The locality of areas that will be affected; A preliminary assessment of the likely economic, social, cultural and environmental impact, including potential risks and fair and equitable benefit sharing in a context that respects the precautionary principle; Personnel likely to be involved in the execution of the proposed project (including indigenous peoples, private sector staff, research institutions, government employees and others); Procedures that the project may entail. **'Consent'** requires making sure the parties should establish a dialogue allowing them to find appropriate solutions in an atmosphere of mutual respect and in good faith, and full and equitable participation, and that there is a reflection of this dialogue in decisions taken, including potential cancellation of projects where consent is not given. Indigenous peoples should be able to participate through their own freely chosen representatives and customary or other institutions. The inclusion of a gender perspective and the participation of indigenous women are essential, as well as participation of children and youth as appropriate. This process may include the option of withholding consent.

These measures should be taken up in a consultative manner, engaging indigenous peoples' communities and their networks in the development of appropriate protections and incentives.

⁷⁴ 'Guidelines on Free Prior, Informed Consent' UN-REDD, UNDP, FAO 2013: <https://unredd.net/documents/un-redd-partner-countries-181/templates-forms-and-guidance-89/un-redd-fpic-guidelines-2648/8717-un-redd-fpic-guidelines-working-final-8717.html>

⁷⁵ UNDP Social and Environmental Standards (SES), 2015 Pp. 36-41
<http://www.undp.org/content/undp/en/home/accountability/social-and-environmental-responsibility/social-and-environmental-standards.html>

5.5.3. General Management Plan for Resettlement

REDD+ interventions which may pose risks of displacement or resettlement

The two proposed actions relating to protected area demarcation (SO1.1.1) and management planning including zoning designation (SO1.1.2) both carry with them some risk of inducing displacement and resettlement. Communities that engage in resource extraction from within the boundaries of protected areas may find their access to those resources constrained by SO1.1.1 or SO1.1.2. Zoning designation under 1.1.2 may decrease the kind of allowed resource harvest in certain areas, while increased enforcement of existing PA boundaries may limit existing resource harvest. Loss of access to resources may result in economic displacement. In a situation where people reside within PAs, the act of demarcation and the identification of those populations may lead to a situation where PA authorities encourage or force the removal of those people from within PA borders.

Relevant Legal Framework

This plan aims to cancel out or at least mitigate the risks resulting in resettlement that emerge from the implementation of SO1.1.1-3. These risks deal mostly with expropriation, resettlement and any other form of land alienation (such as restricted access) as well as the issue of Free Prior and Informed Consent regarding relevant policy and project decisions. It is important to note that related issues, of access and land tenure, are dealt with within the Indigenous People Management Plan (see section 5.5.2). Therefore, the focus here is narrower.

Cambodian PLRs recognise rights of access, usage, ownership at all levels, for both individuals and communities, with procedures for titling, transfer and expropriation protection and compensation in place.

Specifically, regarding expropriation, beginning with the Constitution, the PLRs in Cambodia do state limitations on expropriation - with the Expropriation Law 2010 providing procedures for expropriation due to public physical infrastructure only. Public physical infrastructure projects are limited to those listed in the law. This extends to indigenous and community lands in both the Land Law and the Protected Areas Law. Even where allowed, such relocation is limited to extreme circumstance and precise procedure.

Indeed, where expropriation does occur, the Cambodian Constitution provides that any expropriation must be accompanied by fair and just compensation, reiterated by the 2001 Land Law. The Expropriation Law goes on to set a standard of market rate for such compensation. There is also specific prohibition in the National Policy on the Development of Indigenous Peoples (2009), stating that indigenous peoples' communities may not be changed or forced to leave the lands they have been occupying and using as collective ownership. There is an exception to this law by stating should there be any compulsory relocation that is an exceptional measure for the nation for the sake of the national interest or immediate national requirements, this relocation can be carried out in compliance with the standard on resettlement, which is subject to prior, appropriate, and fair compensation.

Within the institution of Economic Land Concessions, the Sub-Decree on Economic Land Concessions provides that land can only be used for an ELC if it has solutions for resettlement issues and that there will be no involuntary resettlement by lawful land owners.

A number of project-specific resettlement policy frameworks have been developed for projects funded by the World Bank, Asian Development Bank, etc.

In addition to the overarching precepts regarding expropriation, Cambodia has also settled legislation regarding participation in environmental decision making which could lead to such occurrences.

The right for public participation in forest related decision-making processes and projects is clearly recognised, with the Forestry Administration being tasked with performing its duties in a manner consistent with transparency. This includes public participation.

The ministries are required to encourage the participation of indigenous peoples in the establishment of policies, including land use planning. And, as a practical matter, the MoE frequently holds workshops regarding new legislation, new policies and guidelines.

Several laws define relevant stakeholders for public consultation processes for a certain set of procedures and circumstances. These definitions include relevant ministries, local authorities, relevant departments, company owners, consultative firms, representatives of communities who are affected, and representative of NGOs.

To this end, The Environmental and Natural Resources Protection Law (1996) states that the procedure for the participation of the public will be determined by a Sub-decree following a proposal from the Ministry of Environment.

Finally, Cambodia has voted in favour of UNDRIP, though it is not legally binding.

Gaps in the Legal Framework

While Cambodia does have experience with project-based resettlement policy frameworks, there is no uniform set of detailed procedures to cover all projects in Cambodia that may include resettlement issues. These procedures are vital as some of the prohibitions and compensation conditions are laid out in policy (such as the National Policy on the Development of Indigenous Peoples (2009)) or in unelaborated legislation, which cannot take effect without implementing sub-decrees. The framework that does exist at present, while comprehensive, does have certain unelaborated areas. The Expropriation Law sets a standard of market rate; however, there are no procedures by which market rate is to be determined. In addition, while it is clearly stated that expropriation can only be exercised for the public interest and/or benefit, these terms are not fully defined. Where compensation is awarded, it does not encompass lost livelihoods.

Similarly, while the legal framework does clearly state that fair and just compensation is required for any expropriation of land, in order to claim such compensation, the affected party must prove full legal ownership. This is an obstacle for those living according to customary arrangements without title, such as indigenous communities, as well as those living in informal settlements whose land status is unclear. These communities are often unaware of the recent classification of land on which they have resided for many decades. Where registration is possible, for communities it is an incredibly convoluted one, as has been elaborated in the IP management framework. Finally, even where communities would be aware, and were capable of undergoing the process, not all community forests are mapped and thus possible to title.

Where the citizen or communities have to prove ownership in order to both participate in the decision and receive the compensation, communities can learn for the first time that they are living on state public land and are not entitled to participate in resettlement or compensation benefits.

With regard to participation in decision making which effects tenure and, potentially resettlement, it is dealt with in full elsewhere, several points bear highlighting: While the laws recognize and require public participation, these requirements are not fully elaborated upon in terms of format or clear processes for public authorities carrying out consultations. While the framework does set out duties and responsibilities, it does not set out procedural guidelines, time frames or institutional responsibilities, and no guidelines or procedures exist on the steps, timing or other elements required for public participation processes.

Last, Institutions are not required to disclose the reasoning behind their decision making in the current laws. While the laws state they require public participation in some decision-making processes, how that input was reflected in the final decision is not required.

Specifically, UNDRIP has not yet been incorporated into domestic law. And current PLRs do not provide for strengthening of specific technical or other capacities of local communities and IPs to participate in environmental decision making, though certain events allow them to do so.

Potential Mitigation Measures

The following measures based upon the UNDP SES⁷⁶, represent the principles underlying the resettlement management program:

- to recognize and respect the **prohibition on forced evictions**
- To anticipate and avoid, or, when avoidance is not possible, **minimize adverse social and economic impacts from land or resource acquisition** or restrictions on land or resource use
- To enhance or at least restore **the livelihoods** of all displaced persons and to improve the standards of living of the displaced poor and other displaced groups and to support efforts to progressively **realize the rights to adequate housing and adequate standards of living** for displaced populations

In following these principles, UNDP SES elaborates on certain requirements that must be met when undertaking REDD+ interventions. The implementation of these measures requires a clear and detailed legal instrument that could be developed by the **National Council on sustainable development**, in coordinating the following ministries: The **Ministry of Interior**, The **Ministry of Economics and Finance**, which is charged with the expropriation law, the **Department of Forestry**, whose duties include any resettlement as a result of ELCs, **The Ministry of Rural Affairs**, under whose ambit the Indigenous Peoples Development plan falls, which includes several specific references to cases of resettlement and **the Ministry of the Environment** (specifically the **General Directorates of Administration for Nature Protection and Conservation** and **The General Directorate for Local Communities**) which is charged with the Protected Areas Law, which is now relevant to most forest areas and has direct links to the expropriation law and resettlement.

1. **Prohibit forced eviction and allowing evictions in extreme circumstances only:** Lawful evictions are those meeting all of the following criteria: (i) authorized by national law; (ii) carried out in accordance with international human rights law (ii) undertaken solely for the purpose of promoting the general welfare; (iv) reasonable and proportional; and (v) follow due process standards and are regulated so as to ensure full and fair compensation and rehabilitation. The protection provided by these requirements applies to all affected persons and groups, irrespective of whether they hold title to home and property under domestic law.
2. **Avoid and mitigate physical and economic displacement:** This includes following a set of measures:
 - Assessments, which will include a survey of potentially affected individuals and communities and an evaluation of their relationship and rights to lands and resources used and occupied.
 - Public dissemination in accessible form and language of a written justification for the displacement activity and at least 90 days' notice to affected persons prior to the date of displacement.
 - Access to effective remedies and to timely and affordable expertise, including legal counsel, to provide an understanding of rights and options.

⁷⁶ UNDP Social and Environmental Standards (SES), 2015 Pp. 30-35
<http://www.undp.org/content/undp/en/home/accountability/social-and-environmental-responsibility/social-and-environmental-standards.html>

- Effective and informed consultations with affected populations and good faith efforts to secure negotiated settlements, even when expropriation options are available
 - A Resettlement Action Plan or Livelihood Restoration Plan to be publicly disclosed at least 90 days prior to displacement activities.
 - Ex-post evaluation of livelihood levels to examine if objectives of this Standard were met.
3. **Where displacement is unavoidable develop plans in advance:** (i) identify the persons who will be displaced by the Project, determine who will be eligible for compensation and assistance, and discourage ineligible persons from claiming benefits; (ii) identify how the needs and priorities of potentially affected individuals and communities will be met; (iii) ensure that fair and just compensation is provided, prior to displacement, for any losses of personal, real or other property or goods, including rights or interests in property recognized by Applicable Law; (iv) establish an adequate budget and timeframe for displacement activities; (v) establish the entitlements of all categories of affected persons (including host communities); (vi) ensure that support is provided for communities to return to pre-displacement locations or status when possible; (vii) provide particular attention to the needs of the poor and marginalized and avoid discriminatory activities, including against vulnerable and marginalized groups and individuals; (viii) provide to displaced individuals and communities secure access to necessary services, shelter, food, water, energy, and sanitation; and (ix) clarify tenure rights and provide secure tenure consistent with Applicable Law; (x) allow for independent monitoring of displacement and resettlement activities; and (xi) support, as appropriate, efforts to progressively realize rights.
4. **Where exceptions to the prohibition on resettlement and expropriation exist, they must be clearly defined, and the processes and procedures governing them must be clear, accessible, and done in Free, Prior and Informed Consent (FPIC) with the parties in question.** The FPIC procedure should consider international guidelines, outlined in UN-REDD guidelines on Free Prior and Informed Consent⁷⁷ and defined in this context by the UNDP SES principles⁷⁸ and which include: **‘Free’** referring to no coercion, intimidation, or manipulation; **‘Prior’** refers to consent has been sought sufficiently in advance of any authorisation; commencement of activities and respect time requirements of indigenous consultation/ consensus processes; **‘Informed’** refers to information provided covers (at minimum) the nature, size, pace, reversibility and scope of any proposed project or activity; The reason or purpose of the project and/or activity; The duration of the project or activity; The locality of areas that will be affected; A preliminary assessment of the likely economic, social, cultural and environmental impact, including potential risks and fair and equitable benefit sharing in a context that respects the precautionary principle; Personnel likely to be involved in the execution of the proposed project (including indigenous peoples, private sector staff, research institutions, government employees and others); Procedures that the project may entail. **‘Consent’** requires making sure the parties should establish a dialogue allowing them to find appropriate solutions in an atmosphere of mutual respect and in good

⁷⁷ ‘Guidelines on Free Prior, Informed Consent’ UN-REDD, UNDP, FAO 2013: <https://unredd.net/documents/un-redd-partner-countries-181/templates-forms-and-guidance-89/un-redd-fpic-guidelines-2648/8717-un-redd-fpic-guidelines-working-final-8717.html>

⁷⁸ UNDP Social and Environmental Standards (SES), 2015 Pp. 30-35
<http://www.undp.org/content/undp/en/home/accountability/social-and-environmental-responsibility/social-and-environmental-standards.html>

faith, and full and equitable participation, and that there is a reflection of this dialogue in decisions taken, including potential cancellation of projects where consent is not given.

Below is an outline of steps that should be undertaken when seeking FPIC in a community or territory.

a. In collaboration with relevant rights-holders, and taking into account the duties and obligations under international law, will undertake an FPIC Scoping Review, including the following components:

- A description of the proposed policy or activity;
- A description of the rights-holders, their governance structures and how they wish to be engaged, including the institutions and individuals that are empowered to represent them;
- A description of the legal status of the land, territory and resources concerned, including a description of the geographical area under formal, informal and/or customary use by the rights-holders (including whether women have access to formal, informal and/or customary use of lands and resources), including maps and methodology used to establish the maps;
- An assessment of the social, environmental, and cultural impacts of the proposed policy/activity on the rights-holders, including the specific impacts that have required the partner country to seek FPIC and how these impacts will be mitigated;
- An assessment of the substantive rights of the peoples concerned, as affirmed in domestic and international law, that may be affected by the proposed policy/activity; and
- Resources allocated for seeking FPIC.

Special attention should be paid to supporting community efforts to describe many of these items in their own terms, including traditional uses of their lands, territories and natural resources and community-based property rights.

Consultations on the FPIC Scoping Review should be undertaken until it has been mutually agreed upon.

b. Once the FPIC Scoping Review has been mutually agreed upon, in consultation with the rights-holders, should develop an FPIC Proposal that outlines the proposed process to seek FPIC, including the following components:

- Capacity and information need of the National Implementing Partner and/or rightsholders that need to be addressed before the FPIC process can take place;
- A designation of whether the process will require a facilitator and, if so, who it should be;
- Where and how the consultations will take place;
- A timeline for the proposed consultation process to seek FPIC;
- The appropriate language and media for information sharing and distribution;
- How decisions will be taken by the community in accordance with their traditions and customs, and whether special measures have to be adopted to ensure the participation of women and other vulnerable groups within the community;
- The geographical territory and communities that the decision will cover;

- How FPIC will be given, recognized and recorded;
- The role of others in the process (if any), including local government officials, UN agencies, institutions, donors, independent observers (strongly recommended) and other stakeholders;
- Methods of verifying the process including, where relevant, participatory monitoring arrangements;
- Terms and frequency of review of the agreement(s) to ensure that conditions are being upheld; and
- Process for voicing complaints and seeking recourse on the FPIC process and proposed policy or activity.

Mechanisms for ongoing dialogue, participation, decision-making and consent throughout the various phases of the activity or project should be established and identified clearly between the State and affected peoples and communities, including how those processes will be maintained throughout, for example, the development, assessment, planning, implementation, oversight, monitoring, dispute resolution, and closure stages of the project. Such processes can avoid misunderstandings in the future.

As long as the rights-holders in question maintain their interest in negotiating (as there is no legal requirement that they negotiate), the consultations on the FPIC Proposal should be undertaken until it has been mutually agreed upon. The FPIC Scoping Review and FPIC Proposal should be combined into one document and signed (or agreed upon in a culturally appropriate manner) by all relevant parties. Once this document has been signed/agreed upon, the FPIC process can proceed as outlined in the Proposal.

c. An independent evaluation should be undertaken by an institution, to be mutually agreed by all relevant rights-holders, to verify that the process was aligned with the definition of each of the terms of the FPIC Process outlined in section above.

5.5.4. General Management Plan for Gender

List of REDD+ interventions which may pose risks to gender equality

The risks identified in this assessment have highlighted SO1.1.1-2 and SO2.1.1 as those with a moderately significant risk of exacerbating gender inequality. Specifically, these include issues of reduced participation, change access to resources and the burden this would lay at the feet of women in particular. To the extent that access to natural resources may be reduced by actions 1.1.1 and 1.1.2, those changes in access—because of the gendered division of labour within many households—may disproportionately affect women and thus exacerbate inequality. Community resource management institutions, as are promoted under SO2.1.1, have generally had very low participation by women. Expanding CFs, CFIs, and CPAs therefore risks creating institutions where women’s ability to influence their communities’ resources is limited.

Actions 2.1.2 and 2.1.3 on expanding livelihood opportunities may also create more limited risks of increased gender inequality to the extent that they provide benefits to individuals who have access to livelihood extension programs. If access to these programs is more limited to women than it is to men, then there is a risk of the livelihood interventions to increase inequality.

Relevant Legal Framework

The framework presented here describes the policies, laws and regulation in place in Cambodia to deal with these issues in gender specific, and general instruments. Issues dealing with access to resources (a risk identified here as well) and benefit sharing have been described in general, more fully in the management plan for mitigating risks to the rights of Indigenous People.

The Cambodian Constitution **clearly prohibits any discrimination against women**, stating its recognition for and respect of the UN Charter on the Universal Declaration of Human Rights⁷⁹. Cambodia is a signatory of the Convention on the elimination of all forms of discrimination against women (CEDAW) (1992).

The National Policy on the development of Indigenous Peoples⁸⁰, **recognizes the unique role** that women have and within the law there are stipulations, in Sub-Decree on Community Forestry Management (2003)⁸¹ regarding **actively encouraging women to participate**. This is further repeated in the National Forest Programme (2010), which states that in order to improve institutional structures at the Forestry Administration it will need to **promote women’s participation in management**.⁸²

The National Biodiversity Strategy and Action Plan and the Cambodia Climate Change Strategic Plan⁸³ both mandate **equal access to benefits** specifically on a gender basis, and **consideration of gender issues with regard to any response measure**.

One goal of the Cambodia Millennium Development Goals is to **promote gender equality and to empower women**. Objectives within this goal include increasing the literacy rate in both girls and

⁷⁹ Article 31.

⁸⁰ Chapter 2.2.4 recognizes that women are especially in need of vocational training in occupation skills beyond growing and plantation Works.

⁸¹ Article 18 requires the Community Forestry Management Committee to encourage the participation of women in the Committee.

⁸² National Forest Programme (2010), Sub Programme 1

⁸³ **National Biodiversity Strategy and Action Plan (2016) Strategic** does embody the National Green Growth Roadmap that was adopted by Cambodia in 2009. This Roadmap stipulates that one of the goals is to ensure *equal access to resources for both women and men*. The strategic goals and actions for the updated NBSAP also state that *the full and effective participation of indigenous peoples and local communities, in particular women, is of primary importance for the successful development and implementation of policies and programs. One of the principles under the Cambodia Climate Change Strategic Plan 2013 is to address gender equality, gender-sensitive performance in climate change responses, and gender mainstreaming in climate change responses. The Ministry of Women’s Affairs is the organization that is tasked with increasing women’s participation and establishing the budget, projects, and lessons regarding gender and climate change*

adult women. They also included increasing the **ratio of women holding government seats**, increasing wage employment, and decreasing violence against women.⁸⁴ The CMDG also outlined lines of action to address the gender equality issues and plans to improve equality and awareness.⁸⁵

In fact, the Cambodian governmental structure **contains institutions explicitly mandated to promote women's rights in the country**. The Ministry of Women's Affairs is the agency that is tasked with achieving gender equality, women's empowerment, and the realization of women's rights in Cambodia. The Programme also stipulates that the **community forest institutions should be transparent, inclusive, and well-governed, with women's involvement**.⁸⁶

Gaps in the Legal Framework

This section identifies some gaps within the legal framework as it relates to issues of gender which may arise or pose a risk with regard to ensuring **Gender Equality and Women's Empowerment** is respected in the implementation of REDD+ interventions.

In many cases, issues of gender are a result of unequal access to information as well as low capacity (technology, knowledge, and skillsets) that hinders the full and meaningful participation of women. Existing legislation does not precisely address the issue of culturally appropriate manners in which to distribute information, this is especially problematic for women, as in many of these communities their role means they are even more limited in accessing information. Indeed, while the requirement for the distribution is in the law, the practical application of dissemination is missing. The policies do not expand further on how to implement making information widely accessible, or what that would entail.

Where information is available, often technical or other capacities are not taught to women, and PLRs do not provide for strengthening of specific technical or other capacities of local communities and IPs to participate in environmental decision making, though certain events allow them to do so⁸⁷. Additionally, cultural mindsets of both women and men often suggest that forestry activities, especially patrolling, are men's work; this serves to further reduce women's participation.

Cambodia generally does not define clear procedures for public authorities to carry out consultations. While it may set out duties and responsibilities, it does not set out procedural guidelines or particular institutional responsibilities in order to ensure female participation. There are few if any gender working guidelines, plans, or resources—especially at sub-national levels—to ensure improved participation of women.

While certain laws contain elements that address some aspects of benefit sharing of forest resources, Cambodia does not have fully elaborated benefit sharing arrangements beyond present agreed usage rights. While various laws establish some degree of regulation of the commercial extraction of forest products, none of these amount to a comprehensive regulatory framework. Additionally, definitions of vulnerable and marginalized groups are absent from legal frameworks, despite the consideration of these groups being central to equitable benefit sharing.

Potential Mitigation Measures

In order to meet UNDP's principle on **Gender Equality and Women's Empowerment**, and to fully address the risks identified in the context of gender, it is expected that REDD+ interventions promote and enhance **gender equality and women's empowerment**, especially with regards to **benefit sharing** and **stakeholder engagement**.

⁸⁴ Cambodia Millennium Development Goals, Goal 3, Table 2.3.2: Indicators

⁸⁵ CMDG 2.3.5

⁸⁶ National Forest Programme (2010), Sub-Programme 4.7

⁸⁷ Sub-Decree on Community Forestry Management (2003), Chapter 8, Article 31: seek direct financial resources to *support the development process of CF from charity people, national and international organizations*; Prakas on Guidelines for Procedure and Process of CPA Establishment (2016), Chapter 7, Article 27: states where the budget for the CPA Management Plan should come from.

The following measures should be led by REDD+ taskforce, working closely with the Ministry of Women's Affairs, MAFF, MoE, and local authorities to ensure REDD+ interventions promote **Gender Equality and Women's Empowerment at national and sub-national levels**:

a) With regards to stakeholder engagement

REDD+ interventions will be conducted **in a gender-responsive**, culturally sensitive, non-discriminatory and inclusive manner, ensuring that potentially affected vulnerable and marginalized groups are identified and provided opportunities to participate. Gender equality and the empowerment of women are intrinsic to a human rights-based approach, which includes advocating for women's and girls' human rights, combating discriminatory practices, and challenging the roles and stereotypes that create inequalities and exclusion.

Please refer to chapter 8 of this document to examine all details of the **stakeholder engagement process**. Below are the specific requirements with regards to ensuring **Gender Equality and Women's Empowerment in the context of stakeholder engagement**.

Meaningful, effective and informed consultation processes will possess the following characteristics:

- Free of external manipulation, interference, coercion, and intimidation.
- **Inclusive of and responsive to all genders, age groups, and vulnerable and marginalized groups.**
- **Culturally appropriate and tailored to the language preferences and decision-making processes of each identified stakeholder group**, including disadvantaged or marginalized groups.
- Based on prior and timely disclosure of accessible, understandable, relevant and adequate information, including draft documents and plans.
- Initiated early in the design process, continued iteratively throughout the life cycle, and adjusted as risks and impacts arise.
- Addresses social and environmental risks and adverse impacts, in a gender-sensitive manner, while pursuing collaborative development of measures and actions to address these risks. **REDD+ interventions will seek to identify and integrate the different needs, constraints, contributions and priorities of women, men, girls and boys into its design and implementation.**
- **Seeks to empower stakeholders, particularly vulnerable and marginalized groups**, and enable the incorporation of all relevant views of affected people and other stakeholders into decision-making processes, such as goals and design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.
- **Documented and reported in accessible form to all participants**, in particular the measures taken to avoid or minimize risks to and adverse impacts on the Project stakeholders.
- **Consistent with the States' duties and obligations under international law**. Which includes the legislation outlined in the section above.

b) With regards to benefit sharing

Building long term support for REDD+ is often tied to its ability to demonstrate benefits for the rural poor. Seeing that women typically rely more on forests than men⁸⁸, and that rural women engage in multiple economic activities that are critical to the survival of poor households, considering gender in benefit sharing is a critical entry point with a strong political rationale for action.

REDD+ interventions will ensure that both women and men are able to participate meaningfully and equitably, have equitable access to resources, and receive comparable social and economic benefits.

In this regard it will be important to consider the importance of gathering and disseminating information on how women and men use forests as well as formal and informal use rights. Much of this information can be gathered through a gender analysis. In addition, it will be important to:

- Assess how a benefit sharing mechanism can impact gender roles and responsibilities
- Consider both formal and informal land tenure, forest use and access to resources when defining beneficiaries
- Strengthen and organize women and women's groups in benefit sharing discussions to participate in decision-making processes.
- Ensure that the benefit sharing mechanisms utilizes sex-disaggregated data

At the community level, the capacity of both men and women should be developed to address gender issues and to ensure the participation of women in decision-making. At the institutional level, it is important to build capacity of local authorities and of communities to help include women in decision-making roles and to improve capacity for gender analysis, particularly at sub-national levels. **To operationalize these requirements, we recommend the REDD+ taskforce, with support of the Ministry of Women's Affairs and other ministries, adopt the following instruments:**

- a. Guidelines for mainstreaming **Gender Equality and Women's Empowerment in the design of benefit sharing arrangements**. These guidelines should take into account the requirements set out above, and the State's duties and obligations under international law. We recommend considering using the following resource: UN-REDD guidance note on gender sensitive REDD+, available at https://redd.unfccc.int/uploads/2234_15_guidance_note_gender_sensitive_redd_english_final.pdf
- b. **Guidelines for mainstreaming Gender Equality and Women's Empowerment on stakeholder engagement**. As noted above, chapter 8 of this document outlines the stakeholder engagement procedures that must be followed when designing and implementing REDD+ interventions. These guidelines should be considered to inform and complement stakeholder engagement procedures with a gendered element of consideration. We recommend considering using the following resource: UN-REDD guidance note on gender sensitive REDD+, available at https://redd.unfccc.int/uploads/2234_15_guidance_note_gender_sensitive_redd_english_final.pdf

⁸⁸ UNDP, 2011, Human Development Report, http://www.undp.org/content/dam/undp/library/corporate/HDR/2011%20Global%20HDR/English/HDR_2011_EN_Complete.pdf

6. General Management Structure and Responsibilities

The general management and responsibility for the implementation of the ESMF is intrinsically linked to the management structure over the implementation of the National REDD+ Strategy.

In this section we outline the key responsibilities for addressing the ESMF in alignment with the management structure of the National REDD+ Strategy. However, these sections must be adapted once the National REDD+ Strategy Action and Investment Plan is adopted, and the responsibility for each REDD+ intervention are defined and a clear allocation of responsibilities for their implementation is set out.

Cambodia recognises that the successful implementation of its National REDD+ Strategy (NRS) will depend on effective collaboration and participation from the Government, private sector, national and international non-governmental organizations, development partners, indigenous peoples and local communities. The stated mission of the REDD+ Strategy is to strengthen the capacity of national and sub national institutions for effective implementation of policies, laws and regulations that will contribute to improved management of natural resources, forest lands, and biodiversity conservation.

6.1. The REDD+ Taskforce

The RTF is accountable to UNDP for managing the project, including the monitoring and evaluation of project interventions, achieving project outcomes, and for the effective use of UNDP resources.

The RTF reviews and appraises the detailed project plan, including the ESMF, and provides overall guidance and direction to the project, including guidance to the REDD+ Taskforce Secretariat on possible management actions to address specific risks.

6.2. REDD+ Taskforce Secretariat

The REDD+ Taskforce Secretariat will run the project on a day-to-day basis on behalf of the RTF. The REDD+ Taskforce Secretariat function will end when the final project terminal evaluation report and other documentation required by UNDP has been completed and submitted to UNDP.

The REDD+ Taskforce Secretariat is responsible for day-to-day management and decision-making for the project. The REDD+ Taskforce Secretariat' prime responsibility is to ensure that the project produces the results specified in the Project Document to the required standard of quality and within the specified constraints of time and cost.

The REDD+ Taskforce Secretariat is responsible for overseeing implementation of the ESMF and required environmental and social risk management actions. Within its team it will have a dedicated Safeguards/SIS officer and a GRM officer.

REDD+ Technical Teams will take responsibility for guiding and implementing REDD+ technical activities and developing technical recommendations.

6.3. Project Assurance

The 'project assurance' function of UNDP is to support the Project Board by carrying out objective and independent project oversight and monitoring functions. This role ensures appropriate project management milestones are managed and completed. Project assurance has to be independent of the REDD+ Taskforce Secretariat; therefore, the RTF cannot delegate any of its assurance responsibilities to the REDD+ Taskforce Secretariat. Furthermore, as the Senior Supplier, UNDP provides quality assurance for the project; ensures adherence to the NIM guidelines and compliance

with UNDP policies and procedures, including its Social and Environmental Standards and implementation of the requirements of this ESMF.

A UNDP Programme Officer, or M&E Officer, typically holds the Project Assurance role on behalf of UNDP.

6.4. Capacity building

To fulfil the role and responsibilities of the RTF and REDD+ Taskforce Secretariat, awareness raising, and capacity building activities must be considered.

A comprehensive awareness raising plan for all stakeholder groups is recommended, identifying the best means of outreach for each group.

Building on the initial outreach and awareness raising phase, more detailed capacity building to a wide range of stakeholders is an essential precursor to effective implementation. A number of different approaches, implemented in a coordinated manner, will be needed to achieve a genuine increase in capacity among all those different stakeholders with roles, responsibilities and interests in the new framework.

Without doubt, a significant amount of formal training will be required for all specific stakeholder groups, particularly including indigenous peoples' representatives and government officials at various levels. Trainings should also be developed for the legal and judicial sectors and civil society. Large workshops can bring together various stakeholder groups at the same time, while smaller trainings can target individual groups with more specialized information. Small, easy to understand implementation guides and booklets may also be effective for particular issues and target groups.

Pilot implementation projects, combined with technical assistance, can build off of the trainings referenced above. Pilot implementation can demonstrate the correct procedures and approaches for a wider audience and can identify important challenges to be remedied in order for wider implementation to succeed. These pilot implementation efforts would focus on key aspects of the new framework, such as implementation of FPIC, or revisions to CLT procedures.

According to circumstances, service providers can support the efforts of key stakeholders to implement aspects of the new framework, particularly when challenges arise. For example, this can be most relevant regarding matters such as the proper form for FPIC consultations or the ways in which new CLT procedures are to be implemented. Focused interventions with issue-specific target groups can also support this effort, first informing them of these new rights and procedures, and then working with them to access these rights in the context of ongoing real time issues, and providing focussed capacity building (small scale trainings, how-to booklets, etc).

7. Grievance Redress Mechanism

Access to justice is a human rights principle, and Grievance Redress Mechanisms (GRM) are a mechanism through which the right of access to justice can be achieved. A grievance mechanism⁸⁹ is a process for receiving, evaluating, and addressing project-related grievances from affected communities or stakeholders at the level of the community or project, region, or country. The grievance redress process usually includes six steps – grievance uptake; grievance sorting and processing; acknowledgement and follow-up; grievance verification, investigation and action; grievance monitoring and evaluation; and feedback/communication. The development of FGRM to provide established channels to identify and address conflicts arising from negative impacts of REDD+ activities is an important accountability tool for REDD+.

The objectives of introducing a grievance mechanism for REDD+ activities are to: 1) build on existing local dispute resolution processes where they exist, or could be revised, to include REDD+-related grievances, to seek local resolution whenever possible; and 2) provide recourse to an alternate or higher-level grievance mechanism for grievances not resolved through existing local dispute resolution mechanisms.

This section:

1. Outline the available conflict resolution mechanisms in the country, which stakeholders may utilize.
2. Provides recommendations for a dedicated REDD+ GRM that must be available throughout the implementation of the REDD+ interventions.

Existing and relevant conflict resolution mechanisms

This section outlines the relevant GRMs which may be utilised to help resolve conflicts associated with the implementation of the REDD+ interventions. It is important to note that these mechanisms are **outside the normal court system**. Intrinsic to their value is the immediacy, accessibility and the specificity and awareness of them. It is these traits which help them mitigate the effects of policy and economic changes on vulnerable groups.

A comprehensive grievance system for the large number of forest and natural resource disputes occurring within the and related to the Protected Areas system under MoE jurisdiction other than the formal justice system is awaiting a full elaboration. Due to challenges of independence and technical capacity, this creates limitations on access to justice in the context of REDD+. In addition, both formal and informal grievance mechanisms currently in place suffer from limited technical capacity, independence, and lack of consistent procedures.

Specifically, The National Committee for Conflict Resolution on Protected Area Management under the Ministry of Environment is not operationalized. In addition, the decree and relevant sub-decree⁹⁰ establishing the National Authority for Land Dispute Resolution have not been repealed but this institution is non-functioning in Cambodia.

⁸⁹ “Grievance mechanism”, as per the FCPF Readiness Fund Common Approach, means the mechanism(s) established by the Country or by the Delivery Partners (DPs) to address grievances of people alleging an adverse effect related to the implementation of the readiness grant. “Accountability mechanism” means the independent mechanism established by the DP to address eligible claims that the DP’s alleged failure to comply with its policies and procedures or the Common Approach has been or is likely to be the direct cause of harm to the claimant(s).

⁹⁰ Sub-Decree on the Composition of the National Authority for Land Dispute Resolution, No. 168 (2006)

Access to other low-cost mechanisms for resolving disputes such as legal aid services are limited in their reach, not enshrined in law or associated with government legally mandated national, regional or sectoral support. Where they do exist, they are as a courtesy of the Cambodian Bar Association, or as part of a donor or NGO program, and reach only a fraction of those in need of legal services.

Cambodia has in place, in its Policies, Laws and Regulation (PLRs), several Grievance Redress and Alternative Dispute Resolution Mechanisms, though they have not yet been fully implemented and require increased capacity and more elaborated procedure, with additional provisions to overcome cultural, linguistic and economic barriers. Indeed, several dispute mechanisms exist in relation to forest governance and are relevant to Land, Forest Administration, and Indigenous Communities:

- Forestry offenses specifically are submitted to the Forestry Administration. Judicial police officers at the Forestry Administration have jurisdiction to investigate such offenses and file documents and cases with the court, which then rules on the issue.⁹¹
- The **Protected Area Law (2008)** establishes a National Committee for Conflict Resolution on Protected Area Management to assist in the discussion, consultation, and conflict resolution on protected areas. The Committee is chaired by the Minister of the Environment and includes representation of relevant ministries and institutions.⁹² This is particularly important as an administrative shift in 2016 meant that most of the forests in Cambodia have come under the jurisdiction of the MoE which governs protected areas.
- The **Land Law (2002)** addresses disputes over immovable property between possessors (i.e. those possessing land without formal titles). Such disputes are resolved by the Cadastral Commission, created by the Ministry of Land Management, Urban Planning, and Construction.
- The **Forestry Law (2002)** also identifies an appeal process where persons can appeal to the Head of Forestry Administration and, if a decision is still not agreeable, they can then appeal to the court.⁹³
- Indigenous peoples are also protected and granted the right to access dispute mechanisms under the **National Policy on the Development of Indigenous Peoples (2009)** establishes the community committees as a mechanism for dispute resolution of any land dispute that has occurred within the community⁹⁴, and that it *shall be resolved by the community committee and the community decision-making mechanism*. If another community is involved in the dispute, then the legal procedures are stipulated in the sub-decree on the land registry committee.⁹⁵
- If a dispute cannot be reconciled by the community committee⁹⁶, it is required to forward it to another dispute resolution mechanism or to the court.⁹⁷ The policy also provides that the relevant institution provides translation services if a dispute is submitted to them from the community committee and the party cannot speak Khmer.⁹⁸ However, in general, for disputes arising within IP communities, the parties to the dispute generally are able to seek full resolution within the traditional village leadership and dispute resolution mechanisms.

⁹¹ Forestry Law (2002), Chapter 14: Procedures to Resolve Forestry Offenses

⁹² Protected Area Law (2008), Chapter V, Article 20

⁹³ Forestry Law (2002), Chapter 14, Article 89

⁹⁴ National Policy on the Development of Indigenous Peoples (2009), Chapter 2, Section 8.2

⁹⁵ National Policy on the Development of Indigenous Peoples (2009), Chapter 2, Section 5.5

⁹⁶ The policy, in chapter 2, section 5.5, further provides the protection of the RGC against any violation of the tradition or taking advantage of unawareness.

⁹⁷ National Policy on the Development of Indigenous Peoples (2009), Chapter 2, Section 8.2

⁹⁸ National Policy on the Development of Indigenous Peoples (2009), Chapter 2, Section 5.6

- Forestry offenses are often referred to Forest Administration cantonment officials for resolution, who then resolve the matter informally.
- Finally, provincial and national Cadastral Commissions hear land-related complaints on un-registered land, while the courts hear land matters on registered land.

Recommendations regarding set up of a dedicated REDD+ Grievance Redress Mechanism

A country should strive to have available a single feedback and grievance mechanism to handle REDD+ concerns at any given local or national level. According to relevant guidance and requirements⁹⁹, to set up a dedicated REDD+ GRM, the country should :

a) Conduct rapid assessment of existing formal & informal feedback and grievance redress mechanisms

An assessment was carried out in 2013¹⁰⁰. The aim of that assessment was to review patterns of forest sector disputes, assess the mechanisms in place and propose options for strengthening them. The 2013 assessment identified 6 main patterns of disputes:

- Disputes **within REDD+ pilot sites**, where members of local communities are extracting resources or converting lands in unsustainable ways.
- Disputes over **local logging and commercial agriculture**
- **Migrants and land development** have both exerted pressure on these areas which created conflict within these areas.
- **Economic Land Concessions** were not always clear of other concessions. It is important to note that this has been resolved by a moratorium and other measures elaborated in the PLR analysis of this (CLP 2018) assessment.
- **Military personal and families**
- **Road and infrastructure development.**

It is worth noting that the RGC has already dealt with some of these issues, following the report.

The analysis provided in the 2013 report for the existing mechanisms is in keeping with the one provided both here and within the Legal report, with three main exceptions:

- The FA is no longer charged with most of the relevant lands, but rather the MoE, since 2016. This has created problems of administrative transfer which have been elaborated. The authority of the GDANCP, for example, is now shared with other bodies.
- The 2013 assessment was able to penetrate into many of the subnational levels which were not the purview of the current report. Two main points have emerged which bear repetition:
 - The local communities are pinpointed as having the capacity and the will to deal with many of the disputes, as the current report mentions through community councils, though they lack the ordered structure to do so.
 - Provincial government often intervenes effectively but lacks also the structure and the capacity to do so.

⁹⁹ The Office of the Compliance Advisor/Ombudsman, IFC. 'A Guide to Designing and Implementing Grievance Mechanisms for Development Projects', Joint FCPF/UN-REDD Program Guidance note for REDD+ countries: Establishing and Strengthening Grievance Redress Mechanisms, June 2015. <https://www.unredd.net/documents/global-programme-191/grievance-and-compliance-1455/national-grievance-mechanisms-3390/14201-joint-fcpfun-redd-guidance-note-for-redd-countries-establishing-and-strengthening-grievance-redress-mechanisms-1.html?path=global-programme-191/grievance-and-compliance-1455/national-grievance-mechanisms-3390>

¹⁰⁰ *Assessment of Cambodia Forest Sector/REDD+ Dispute Resolution Mechanisms With Options for Institutional Strengthening'* Consensus Building Institute, 2013, Cambridge, USA.

- The FA had delegated authority successfully to local communities, a feat which could and should be replicated to the actions of the MoE.

Finally, in terms of potential next steps, the 2013 report provides steps similar to those included in the current report, with two exceptions, reproduced here, which have been adjusted to the new situation and are an elaboration of the recommendations given in this report at the sub national level:

At the level of **local forest governance**, options for strengthening dispute resolution include:

- clarifying the roles and responsibilities of CFMCs/CPACs and Commune Councils for dispute resolution.
- establishing joint CFMC/CPAC commune council dispute resolution committees. The committees would link the two governance bodies for dispute resolution. They would have responsibility for regular communication and discussion about new and ongoing disputes, for communicating with community members where appropriate, for documenting disputes and their resolution, and for requesting assistance from higher levels of governance when necessary.

At the **provincial level** of forest governance (including Provincial government, MoE Division and other bodies), it may be useful to :

- develop an inter- agency team to receive requests for dispute resolution, and to respond to those requests with well-coordinated use of government authority and resources. Such a provincial inter-agency team or body could have the following design elements:
 - mandate to resolve disputes involving CFs/CPAs and external actors when requested by local governance bodies, MoE, MAFF, or senior provincial leadership
 - established under the auspices of the provincial governor, with explicit terms of reference for participation of national Ministry counterparts (charged with REDD+ possible the MoE), and representation from Community Forest Network and supporting NGOs/CSOs where they are present authority to use a variety of means of resolution, including regulatory action by government agencies, direct dialogue, education and negotiation, and use of independent mediation where available and appropriate.

However, it would be beneficial to update and strengthen this assessment, as has been done below.

The aim of this assessment is to highlight the options that already exist at the local or national level and could be modified to put in place an accessible, transparent, fair, affordable and effective grievance redress mechanism for issues arising under REDD+. It should also consider the appropriate level to build on to provide redress, such as building on local level existing systems in proposed REDD+ pilot project areas, or at the regional level where clusters of activities would occur, or building on an existing national grievance mechanism.

Thus, drawing on the 2013 and our own desk-based assessment, the following is recommended:

- Operationalisation of the National Committee for Conflict Resolution on Protected Area Management under the Ministry of Environment. In addition, or as part of this operationalization, a new grievance mechanism with sweeping scope, with broad standing provisions, allowing citizens to bring suits related to a wide variety of environmental matters, including governmental action or inaction, will be required.

- In accordance with the findings of a 2013 consultancy on the subject¹⁰¹, other than the option of resolving issues in advance, which is more part of the SOs or interventions, the report considers:
 - specifying the roles and responsibilities of CFMCs/CPACs and Commune Councils for dispute resolution more clearly, both for the benefit of the local governance bodies, and for community residents: with CFMCs/CPACs as the first line of response for internal CF/CPA disputes; and Commune Councils are the first line of response for CF/CPA-community member disputes.
 - establishing joint CFMC/CPAC-Commune Council dispute resolution committees.
 - creating joint local committees for dispute resolution, which would include several Community Council members, linking some of the local governance bodies for dispute resolution.
 - it may be useful to develop an inter-agency team at the provincial level to receive requests for dispute resolution, and to respond to those requests with well-coordinated use of government authority and resources. Such a provincial inter-agency team or body could have the following design elements:
 - mandate to resolve disputes involving CFs/CPAs and external actors when requested by local governance bodies, MoE, GDANCP, or senior provincial leadership
 - established under the auspices of the provincial governor, with explicit terms of reference for participation of national Ministry counterparts and representation from Community Forest/PA Networks and supporting NGOs/CSOs where they are present
 - authority to use a variety of means of resolution, including regulatory action by government agencies, direct dialogue, education and negotiation, and use of independent mediation where available and appropriate
 - The above should be part of a clear chain leading from the communal to the national. While it is worth noting that, since the report, several such institutions have been put in law, they have not yet been operationalized. As such, the following recommendations still apply:
 - The Joint CFMC/CPAC-Commune Council committees must include clear, transparent procedures for local dispute resolution, with clearly established procedures for requesting help from the provincial level to resolve disputes that cannot be resolved at the local level.
 - Inter-agency provincial teams with responsibility for responding to requests from local joint committees, using clear and transparent procedures (possibly including independent mediation); and with clearly established procedures for requesting help from the national level to resolve disputes that cannot be resolved at the provincial level.
 - The national forum for REDD+/forest sector dispute resolution (be it the existing one under MoE, MoI or any of the others mentioned above), with responsibility for responding to requests from the provincial level, using clear and transparent procedures, and authority to make final decisions jointly to resolve disputes where necessary.

¹⁰¹ 'Assessment of Cambodia Forest Sector/REDD+ Dispute Resolution Mechanisms With Options for Institutional Strengthening' Consensus Building Institute, 2013, Cambridge, USA.

When capacity, resource, or political capital considerations make it unfeasible to draw and build upon existing GRMs – such as when the existing GRM is not perceived to be effective, impartial, or fair - Cambodia should consider creating a stand-alone and dedicated GRM (see next section).

The structure that the GRM takes will depend on the operating environment, which includes the capacity of civil society and other nongovernmental organizations to play watchdog roles, technological constraints, and cultural attitudes toward lodging complaints.

b) Develop a framework for the dedicated REDD+ feedback and grievance redress mechanism:

The development of the framework should consider the following:

b.1. Estimate users and assess available resources for GRM

At the outset it must:

- Estimate the number of citizens that are likely to use the GRM
- Assess the resources (human, financial, and technological) available and required for the GRM to function effectively.
- Should the GRM serve a large number of beneficiaries, teams should conduct a needs assessment to determine the GRM's scope and scale and identify resource gaps.

b.2. Develop standard operating procedures

Staff in charge should develop operating procedures, guidelines, and flowcharts detailing how the grievance redress process will unfold within the project's operating structures and how it will be monitored and reported on.

Grievance redress processes should be outlined in the project's operational manual or compiled as a stand-alone publication to be distributed to project staff and GRM users.

b.3. Develop and publicise GR policies

A grievance redress policy should be published that clearly states management embraces grievance reports and views them as opportunities for improvement. The policy should:

- Identify guiding principles;
- Define the scope and types of grievances to be addressed;
- Set out a user-friendly procedure for lodging grievances;
- Outline a grievance redress structure;
- Describe performance standards;
- Spell out internal and external grievance review mechanisms.

In terms of principles, we note GRM must be designed to¹⁰²:

¹⁰² Joint FCPF/UN-REDD Program Guidance note for REDD+ countries: Establishing and Strengthening Grievance Redress Mechanisms, June 2015. <https://www.unredd.net/documents/global-programme-191/grievance-and-compliance-1455/national-grievance-mechanisms-3390/14201-joint-fcpfun-redd-guidance-note-for-redd-countries-establishing-and-strengthening-grievance-redress-mechanisms-1.html?path=global-programme-191/grievance-and-compliance-1455/national-grievance-mechanisms-3390>

- a. be a legitimate process that allows for trust to be built between stakeholder groups and be accountable for the fair conduct of the grievance process, assuring stakeholders that their concerns will be assessed in a fair and transparent manner;
- b. Be Accessible, allowing streamlined access to the Grievance Redress Mechanism for all stakeholders and provide adequate assistance for those that may have faced barriers in the past to be able to raise their concerns;
- c. Be Predictable, providing clear and known procedures for each stage of the Grievance Redress Mechanism process, and provides clarity on the types of outcomes available to individuals and groups;
- d. Ensure equitable treatment to all concerned and aggrieved individuals and groups through a consistent, formal approach that, is fair, provides information, advice and expertise necessary to engage in a fair, informed and respectful process with regards to, complaints and/or grievances;
- e. Transparent, by keeping any aggrieved individual/group informed of the progress of their complaint, the information that was used when assessing their complaint and information about the mechanisms that will be used to address it,
- f. Be Rights Compatible, even where grievances are not framed in those terms (as is often the case) it is vital that all parties agree that outcomes are consistent with applicable national and internationally recognized rights. And;
- g. enable continuous learning and improvements to the Grievance Redress Mechanism. Through continued assessment, the learnings may reduce potential complaints and grievances, thus;
- h. be based on engagement and dialogue: consulting the stakeholder groups for whose use they are intended on their design and performance, and focusing on dialogue as the means to address and resolve grievances.

b.4. Assign GR tasks and train staff

Staff in charge of grievance redress should be skilled and professional at all levels. A training program to teach staff – and stakeholders in local and community GRMs, if applicable - how to handle grievances and why the GRM is important to the REDD’s success should be implemented and should include:

- Information about interacting with beneficiaries about grievances
- The organization’s customer service standards, and internal policies and procedures in relation to grievance redress.

b.5. Stimulate external demand for GRM

Staff in charge should employ a robust communications strategy to publicise the existence of the GRM, its procedures, the levels/officers to which/whom different types of grievances should be addressed, operating service standards, and any other relevant information. The communications strategy should also reach out to poor and marginalized groups and be translated into local languages.

Messages that need to be conveyed and reinforced are that:

- There is no financial charge for making a complaint;

- Grievances are welcome because they help improve project policies, systems, and service delivery;
- Grievances will be treated confidentially;
- Complainants will not be punished for complaining.

Essential details about the GRM that should be communicated are:

- The types of grievances that can be submitted;
- How to submit a complaint and where to access the grievances form;
- The project's standards and timeframes for complaint resolution;
- The options available to a complainant if s/he is dissatisfied with the GR process or outcome;
- The project welcomes not only grievances, but also suggestions, recommendations, compliments, and inquiries.

In summary, although the majority of this information refers to the process of setting up a new, stand-alone GRM, it is emphasised that this new mechanism must be tailored to and fit into the country context and operating environment and integrate into government programs and processes throughout the implementation of REDD+.

8. Stakeholder Consultation and Information Disclosure

The stakeholder engagement arrangements concerning the design and implementation of the REDD+ interventions outlined in the National REDD+ Action and Investment Plan need to be consistent with requirements of the UNDP SES. In accordance with [UNDP Guidance Note: Stakeholder Engagement](#), stakeholder consultation should be carried out in the following manner:

- a) Stakeholder analysis and engagement will be conducted in a gender-responsive, culturally sensitive, non-discriminatory and inclusive manner, ensuring that potentially affected vulnerable and marginalized groups are identified and provided opportunities to participate.
- b) Meaningful, effective and informed stakeholder engagement and participation will be undertaken to build and maintain over time a constructive relationship with stakeholders, with the purpose of avoiding or mitigating any potential risks in a timely manner. The scale and frequency of the engagement will reflect the nature of the activity, the magnitude of potential risks and adverse impacts, and concerns raised by affected communities. Measures will be undertaken to ensure that effective stakeholder engagement occurs where conditions for inclusive participation are unfavourable.
- c) The stakeholder engagement and participation process will seek to identify priorities of stakeholders and will provide them with opportunities to express their views at all points in the decision-making process on matters that affect them and allows implementers to consider and respond to them. Topics the stakeholders will be able to express their views on will include, but are not limited to: goals and strategies; social and environmental risks and impacts; proposed mitigation measures; sharing of development benefits and opportunities; and implementation issues.
- d) Meaningful, effective and informed consultation processes will possess the following characteristics:
 - Free of external manipulation, interference, coercion, and intimidation.
 - Gender and age-inclusive and responsive.
 - Culturally appropriate and tailored to the language preferences and decision-making processes of each identified stakeholder group, including disadvantaged or marginalized groups.
 - Based on prior and timely disclosure of accessible, understandable, relevant and adequate information, including draft documents and plans.
 - Initiated early in the design process, continued iteratively throughout the REDD+ intervention life cycle, and adjusted as risks and impacts arise.
 - Documented and reported in accessible form to participants, in particular the measures taken to avoid or minimize risks to and adverse impacts.
 - Consistent with the States' duties and obligations under international law.
- e) For Projects that may affect the rights and interests, lands, resources, territories and traditional livelihoods of indigenous peoples, free, prior and informed consent (FPIC) will be ensured (see Indigenous Peoples Management Plans).

Information is to be disclosed in a timely manner, in an accessible place, and in a form and language understandable to affected persons and other stakeholders. These elements of effective disclosure are briefly elaborated below:

- Timely disclosure: information on potential project-related social and environmental impacts and mitigation/management measures will be provided in advance of decision-making whenever possible. In all cases, draft and final screenings, assessments and management plans must be disclosed and consulted on prior to implementation of activities that may give rise to potential adverse social and environmental impacts.
- Accessible information: Appropriate means of dissemination will need to be considered in consultation with stakeholders. This could include posting on websites, public meetings, local councils or organizations, newsprint, television and radio reporting, flyers, local displays, direct mail.
- Appropriate form and language: Information needs to be in a form and language that is readily understandable and tailored to the target stakeholder group.

9. Monitoring and Evaluation of ESMF Implementation

This section defines the monitoring and evaluation arrangements in order to monitor the implementation of the ESMF and specific social and environmental management plans/measures, including the parameters to be measured and arrangements for stakeholder participation in such monitoring. See table x

We note the Safeguard Information System (SIS) will be expected to collect information concerning the implementation of the Cancun safeguards, Mitigation measures and the Management Plans of the ESMF.

Table 5: Summary of ESMF Monitoring Activities

| Monitoring Activity | Purpose | Frequency | Expected Action | Roles and Responsibilities |
|--|---|--|--|--|
| <p>Development of Environmental and Social Impact Assessment (ESIA)</p> | <p>Carried out and drafted in a participatory and gender responsive manner, in-depth analysis of potential social and environmental impacts, as well as identification / validation of mitigation measures linked to projects activities.</p> | <p>Quarters one and two after REDD+ interventions have been specified, including their site of implementation.</p> | <p>Risks and potential impacts are assessed according the site of implementation and the modality, with support of external consultants and participation of project team and stakeholders; management actions are identified and incorporated into project implementation strategies.</p> | <p>REDD+ Taskforce Secretariat with the support of UNDP will launch the ESIA process. A group of consultants will lead the process and gather the inputs needed. Stakeholders will review the terms of reference and validate the findings. The Consultants and the team will ensure that relevant changes and updates are made to the ESMF and again validated by stakeholders.</p> |
| <p>Development of Specific Management plans to address social and environmental impacts</p> | <p>Based on the ESIA analysis, specific management plans will need to be adopted, drawing on general management plans and guidance provided in ESMF.</p> | <p>Immediately after ESIA is completed.</p> | <p>Specific management measures and plans are adopted.</p> | <p>REDD+ Taskforce Secretariat with the support of UNDP will launch the process. A group of consultants will lead the process and garner the inputs needed. Stakeholders will review the terms of reference and validate the findings. The Consultants and the team will ensure that relevant changes and</p> |

| | | | | |
|--|---|---|--|--|
| | | | | updates are made to the ESMF and again validated by stakeholders. |
| Track progress of ESMF implementation | Application of mitigation measures, as well as any required changes to ESMF, including site-specific plans as required by applicable SES, will be monitored through a participatory process, and with results reported to RTF on bi-annual basis. | Quarterly, or in the frequency required for each measure. | N/A | Collection of data will be linked to SIS functioning and reporting. The REDD+ Taskforce Secretariat with a safeguards officer, will prepare a progress report. |
| Bi-Annual Project Quality Assurance | The quality of the project will be assessed against UNDP's quality standards to identify project strengths and weaknesses and to inform management decision making to improve the project. | Bi-Annually | Areas of strength and weakness will be reviewed by project management and used to inform decisions to improve project performance. | UNDP with the RTF. |
| Project Review | The project's governance mechanism (i.e. RTF) will hold regular project reviews during which an updated analysis of risks and recommended risk mitigation measures will be discussed. | At least annually | Any risks and/ or impacts that are not adequately addressed by national mechanisms or project team will be discussed and recommendations will be made. | RTF |

| | | | | |
|---|---|---|--|--|
| Safeguards Information System (SIS) | Systematize information on how REDD+ safeguards are addressed and respected during project implementation, in order to comply with the requirement of the Warsaw framework on REDD. Systematize information on the ESMF implementation. | Continuously | The information on how REDD+ safeguards are addressed and respected and ESMF is implemented during project implementation will be available online, once the SIS web-platform is up and running. | REDD+ Taskforce Secretariat with the support of UNDP |
| Summary of Information to the UNFCCC on how safeguards are addressed and respected | Summarize for the UNFCCC, how the REDD+ safeguards have been and are being addressed and respected during project implementation, prior to seeking REDD+ RBP. | Summary of information (Sol) as part of the National Communication every 4 years; encouraged to submit the Sol more frequently (every 2 years) directly to the UNFCCC REDD+ platform. | Elaboration of the summary of information, once every 4 years, in the National Communication. Direct submission of the Summary of Information to the UNFCCC REDD+ platform on more frequent basis (every 2 years) is encouraged. | REDD+ Taskforce Secretariat with the support of UNDP |

Appendix 1: UNDP Social and Environmental Screening Checklist Questions

Principle 1: Human Rights

- 1.1. Could the Project lead to adverse impacts on enjoyment of the human rights (civil, political, economic, social or cultural) of the affected population and particularly of marginalized groups?
- 1.2. Is there a likelihood that the Project would have inequitable or discriminatory adverse impacts on affected populations, particularly people living in poverty or marginalized or excluded individuals or groups?²¹
- 1.3. Could the Project potentially restrict availability, quality of and access to resources or basic services, in particular to marginalized individuals or groups?
- 1.4. Is there a likelihood that the Project would exclude any potentially affected stakeholders, in particular marginalized groups, from fully participating in decisions that may affect them?
- 1.5. Is there a risk that duty-bearers do not have the capacity to meet their obligations in the Project?
- 1.6. Is there a risk that rights-holders do not have the capacity to claim their rights?
- 1.7. Have local communities or individuals raised human rights concerns regarding the Project during the stakeholder engagement process?
- 1.8. Is there a risk that the Project would exacerbate conflicts among and/or the risk of violence to project-affected communities and individuals?

Principle 2: Gender Equality and Women's Empowerment

- 2.1. Is there a likelihood that the proposed Project would have adverse impacts on gender equality and/or the situation of women and girls?
- 2.2. Would the Project potentially reproduce discriminations against women based on gender, especially regarding participation in design and implementation or access to opportunities and benefits?
- 2.3. Have women's groups/leaders raised gender equality concerns regarding the Project during the stakeholder engagement?
- 2.4. Would the Project potentially limit women's ability to use, develop and protect natural resources, taking into account different roles and positions of women and men in accessing environmental goods and services? For example, activities that could lead to natural resources degradation or depletion in communities who depend on these resources for their livelihoods and well being

Principle 3: Environmental Sustainability: Screening questions regarding environmental risks are encompassed by the specific Standard-related questions below.

Standard 3.1: Biodiversity Conservation and Sustainable Natural Resource Management

3.1.1 Would the Project potentially cause adverse impacts to habitats (e.g. modified, natural, and critical habitats) and/or ecosystems and ecosystem services?

3.1.2 Are any Project activities proposed within or adjacent to critical habitats and/or environmentally sensitive areas, including legally protected areas (e.g. nature reserve, national park), areas proposed for protection, or recognized as such by authoritative sources and/or indigenous peoples or local communities?

3.1.3 Does the Project involve changes to the use of lands and resources that may have adverse impacts on habitats, ecosystems, and/or livelihoods? (Note: if restrictions and/or limitations of access to lands would apply, refer to Standard 5)

3.1.4 Would Project activities pose risks to endangered species?

3.1.5 Would the Project pose a risk of introducing invasive alien species?

3.1.6 Does the Project involve the transfer, handling or use of genetically modified organisms/living modified organisms that result from modern biotechnology and that may have an adverse effect on biodiversity?

3.1.7 Does the Project involve agricultural production or harvesting of natural forests, plantation development, or reforestation?

3.1.8 Does the Project involve the production and/or harvesting of livestock or aquatic species?

3.1.9 Does the Project involve significant extraction, diversion or containment of surface or ground water? For example, construction of dams, reservoirs, river basin developments, groundwater extraction.

3.1.10 Does the Project involve utilization of genetic resources? (e.g. Collection and/or harvesting, commercial development)

3.1.11 Would the Project generate potential adverse transboundary or global environmental concerns?

Standard 3.2: Climate Change Mitigation and Adaptation

3.2.1 Will the proposed Project result in significant greenhouse gas emissions or may it exacerbate climate change?

3.2.2 Would the potential outcomes of the Project be sensitive or vulnerable to potential impacts of climate change?

3.2.3 Is the proposed Project likely to directly or indirectly increase social and environmental vulnerability to climate change now or in the future (also known as maladaptive practices)? For example, changes to land use planning may encourage further development of floodplains, potentially increasing the population's vulnerability to climate change, specifically flooding

Standard 3.3: Community Health, Safety and Working Conditions

3.3.1 Would elements of Project construction, operation, or decommissioning pose potential safety risks to local communities?

3.3.2 Would the Project pose potential risks to community health and safety due to the transport, storage, and use and/or disposal of hazardous or dangerous materials (e.g. explosives, fuel and other chemicals during construction and operation)?

3.3.3 Does the Project involve large-scale infrastructure development (e.g. dams, roads, buildings)?

3.3.4 Would failure of structural elements of the Project pose risks to communities? (e.g. collapse of buildings or infrastructure)

3.3.5 Would the proposed Project be susceptible to or lead to increased vulnerability to earthquakes, subsidence, landslides, erosion, flooding or extreme climatic conditions?

3.3.6 Would the Project result in potential increased health risks (e.g. from water-borne or other vector-borne diseases or communicable infections such as HIV/AIDS)?

3.3.7 Does the Project pose potential risks and vulnerabilities related to occupational health and safety due to physical, chemical, biological, and radiological hazards during Project construction, operation, or decommissioning?

3.3.8 Does the Project involve support for employment or livelihoods that may fail to comply with national and international labour standards (i.e. principles and standards of ILO fundamental conventions)?

3.3.9 Does the Project engage security personnel that may pose a potential risk to health and safety of communities and/or individuals (e.g. due to a lack of adequate training or accountability)?

Standard 3.4: Cultural Heritage

3.4.1 Will the proposed Project result in interventions that would potentially adversely impact sites, structures, or objects with historical, cultural, artistic, traditional or religious values or intangible forms of culture (e.g. knowledge, innovations, practices)? (Note: Projects intended to protect, and conserve Cultural Heritage may also have inadvertent adverse impacts)

3.4.2 Does the Project propose utilizing tangible and/or intangible forms of cultural heritage for commercial or other purposes?

Standard 3.5: Displacement and Resettlement

3.5.1 Would the Project potentially involve temporary or permanent and full or partial physical displacement?

3.5.2 Would the Project possibly result in economic displacement (e.g. loss of assets or access to resources due to land acquisition or access restrictions – even in the absence of physical relocation)?

3.5.3 Is there a risk that the Project would lead to forced evictions?²⁰

3.5.4 Would the proposed Project possibly affect land tenure arrangements and/or community-based property rights/customary rights to land, territories and/or resources?

Standard 3.6: Indigenous Peoples

3.6.1 Are indigenous peoples present in the Project area (including Project area of influence)?

3.6.2 Is it likely that the Project or portions of the Project will be located on lands and territories claimed by indigenous peoples?

3.6.3 Would the proposed Project potentially affect the human rights, lands, natural resources, territories, and traditional livelihoods of indigenous peoples (regardless of whether indigenous peoples possess the legal titles to such areas, whether the Project is located within or outside of the lands and territories inhabited by the affected peoples, or whether the indigenous peoples are recognized as indigenous peoples by the country in question)? If the answer to screening question 3.6.3 is “yes”, the potential risk impacts are considered potentially severe and/or critical and the Project would be categorized as either Moderate or High Risk

3.6.4 Has there been an absence of culturally appropriate consultations carried out with the objective of achieving FPIC on matters that may affect the rights and interests, lands, resources, territories and traditional livelihoods of the indigenous peoples concerned?

3.6.5 Does the proposed Project involve the utilization and/or commercial development of natural resources on lands and territories claimed by indigenous peoples?

3.6.6 Is there a potential for forced eviction or the whole or partial physical or economic displacement of indigenous peoples, including through access restrictions to lands, territories, and resources?

3.6.7 Would the Project adversely affect the development priorities of indigenous peoples as defined by them?

3.6.8 Would the Project potentially affect the traditional livelihoods, physical and cultural survival of indigenous peoples?

3.6.9 Would the Project potentially affect the Cultural Heritage of indigenous peoples, including through the commercialization or use of their traditional knowledge and practices?

Standard 3.7: Pollution Prevention and Resource Efficiency

3.7.1 Would the Project potentially result in the release of pollutants to the environment due to routine or non-routine circumstances with the potential for adverse local, regional, and/or transboundary impacts?

3.7.2 Would the proposed Project potentially result in the generation of waste (both hazardous and non-hazardous)?

3.7.3 Will the proposed Project potentially involve the manufacture, trade, release, and/ or use of hazardous chemicals and/or materials? Does the Project propose use of chemicals or materials subject to international bans or phase-outs? For example, DDT, PCBs and other chemicals listed in international conventions such as the Stockholm Conventions on Persistent Organic Pollutants or the Montreal Protocol

3.7.4 Will the proposed Project involve the application of pesticides that may have a negative effect on the environment or human health?

3.7.5 Does the Project include activities that require significant consumption of raw materials, energy, and/or water?

Appendix 2: Screening standards for categorizing risk

Source: UNDP 2015. Social and Environmental Screening Procedure. Version: March 2016.

| Assessing potential impact of risk | | |
|------------------------------------|------------|---|
| Score | Rating | Social and environmental impacts |
| 5 | Critical | Significant adverse impacts on human populations and/or environment. Adverse impacts high in magnitude and/or spatial extent (e.g. large geographic area, large number of people, transboundary impacts, cumulative impacts) and duration (e.g. long-term, permanent and/or irreversible); areas impacted include areas of high value and sensitivity (e.g. valuable ecosystems, critical habitats); adverse impacts to rights, lands, resources and territories of indigenous peoples; involve significant displacement or resettlement; generates significant quantities of greenhouse gas emissions; impacts may give rise to significant social conflict. |
| 4 | Severe | Adverse impacts on people and/or environment of medium to large magnitude, spatial extent and duration more limited than critical (e.g. predictable, mostly temporary, reversible). The potential risk impacts of projects that may affect the human rights, lands, natural resources, territories, and traditional livelihoods of indigenous peoples are to be considered at a minimum potentially severe. |
| 3 | Moderate | Impacts of low magnitude, limited in scale (site-specific) and duration (temporary), can be avoided, managed and/or mitigated with relatively uncomplicated accepted measures |
| 2 | Minor | Very limited impacts in terms of magnitude (e.g. small affected area, very low number of people affected) and duration (short), may be easily avoided, managed, mitigated |
| 1 | Negligible | Negligible or no adverse impacts on communities, individuals, and/or environment |

| Assessing probability of risk | |
|-------------------------------|-------------------|
| Score | Rating |
| 5 | Expected |
| 4 | Highly Likely |
| 3 | Moderately likely |
| 2 | Not likely |
| 1 | Slight |

Combining probability and potential impact into an indicator of the overall significance of risk¹⁰³

| | | | | | | |
|--------|---|--------------------|--------|--------|--------|--------|
| Impact | 5 | Red | Red | Red | Red | Red |
| | 4 | Yellow | Yellow | Red | Red | Red |
| | 3 | Green | Yellow | Yellow | Yellow | Yellow |
| | 2 | Green | Green | Yellow | Yellow | Yellow |
| | 1 | Green | Green | Green | Green | Green |
| | | 1 | 2 | 3 | 4 | 5 |
| | | Probability | | | | |

Green = Low; Yellow = Moderate; Red = High

¹⁰³ Adapted from UNDP 2015. Social and Environmental Screening Procedure. Version: March 2016.

Appendix 3. Indicative Outline for ESIA Report

Please refer to the [UNDP SES Guidance Note on Assessment and Management](#) for additional information.

An ESIA report should include the following major elements (not necessarily in the following order):

- (1) Executive summary:** Concisely discusses significant findings and recommended actions.
- (2) Legal and institutional framework:** Summarizes the analysis of the legal and institutional framework for the project, within which the social and environmental assessment is carried out, including (a) the country's applicable policy framework, national laws and regulations, and institutional capabilities (including implementation) relating to social and environmental issues; obligations of the country directly applicable to the project under relevant international treaties and agreements; (b) applicable requirements under UNDP's SES; and (c) and other relevant social and environmental standards and/or requirements, including those of any other donors and development partners. Compares the existing social and environmental framework and applicable requirements of UNDP's SES (and those of other donors/development partners) and identifies any potential gaps that will need to be addressed.
- (3) Project description:** Concisely describes the proposed project and its geographic, social, environmental, and temporal context, including any offsite activities that may be required (e.g., dedicated pipelines, access roads, power supply, water supply, housing, and raw material and product storage facilities), as well as the project's primary supply chain. Includes a map of sufficient detail, showing the project site and the area that may be affected by the project's direct, indirect, and cumulative impacts. (i.e. area of influence).
- (4) Baseline data:** Summarizes the baseline data that is relevant to decisions about project location, design, operation, or mitigation measures; identifies and estimates the extent and quality of available data, key data gaps, and uncertainties associated with predictions; assesses the scope of the area to be studied and describes relevant physical, biological, and socioeconomic conditions, including any changes anticipated before the project commences; and takes into account current and proposed development activities within the project area but not directly connected to the project.
- (5) Social and environmental risks and impacts:** Predicts and takes into account all relevant social and environmental risks and impacts of the project, including those related to UNDP's SES (Overarching Policy and Principles and Project-level Standards). These will include, but are not limited to, the following:
 - (a) Environmental risks and impacts*, including: any material threat to the protection, conservation, maintenance and rehabilitation of natural habitats, biodiversity, and ecosystems; those related to climate change and other transboundary or global impacts; those related to community health and safety; those related to pollution and discharges of waste; those related to the use of living natural resources, such as fisheries and forests; and those related to other applicable standards.¹⁰⁴
 - (b) Social risks and impacts*, including: any project-related threats to human rights of affected communities and individuals; threats to human security through the escalation of personal, communal or inter-state conflict, crime or violence; risks of gender discrimination; risks that adverse project impacts fall disproportionately on disadvantaged or marginalized groups; any prejudice or

¹⁰⁴ For example, the Environmental, Health, and Safety Guidelines (EHSGs), which are technical reference documents with general and industry-specific statements of Good International Industry Practice. The EHSGs contain information on industry-specific risks and impacts and the performance levels and measures that are generally considered to be achievable in new facilities by existing technology at reasonable cost. Available at www.ifc.org/ehsguidelines.

discrimination toward individuals or groups in providing access to development resources and project benefits, particularly in the case of disadvantaged or marginalized groups; negative economic and social impacts relating to physical displacement (i.e. relocation or loss of shelter) or economic displacement (i.e. loss of assets or access to assets that leads to loss of income sources or means of livelihood) as a result of project-related land or resource acquisition or restrictions on land use or access to resources; impacts on the health, safety and well-being of workers and project-affected communities; and risks to cultural heritage.

(6) Analysis of alternatives: systematically compares feasible alternatives to the proposed project site, technology, design, and operation – including the "without project" situation – in terms of their potential social and environmental impacts; assesses the alternatives' feasibility of mitigating the adverse social and environmental impacts; the capital and recurrent costs of alternative mitigation measures, and their suitability under local conditions; the institutional, training, and monitoring requirements for the alternative mitigation measures; for each of the alternatives, quantifies the social and environmental impacts to the extent possible, and attaches economic values where feasible. Sets out the basis for selecting the particular project design.

(7) Mitigation Measures: Inclusion or summary of (with attachment of full) Environmental and Social Management Plan (ESMP) (see indicative outline of ESMP below.) The ESMP identifies mitigation measures required to address identified social and environmental risks and impacts, as well as measures related to monitoring, capacity development, stakeholder engagement, and implementation action plan.

(8) Conclusions and Recommendations: Succinctly describes conclusion drawn from the assessment and provides recommendations.

(9) Appendices: (i) List of the individuals or organisations that prepared or contributed to the social and environmental assessment; (ii) References – setting out the written materials both published and unpublished, that have been used; (iii) Record of meetings, consultations and surveys with stakeholders, including those with affected people and local NGOs. The record specifies the means of such stakeholder engagement that were used to obtain the views of affected groups and local NGOs, summarizes key concerns and how these concerns addressed in project design and mitigation measures; (iv) Tables presenting the relevant data referred to or summarized in the main text; (v) Attachment of any other mitigation plans; (vi) List of associated reports or plans.

Appendix 4: Indicative Outline for ESMP

Below is an indicative outline for the development of an ESMP once project activities have been fully specified and assessed. A number of elements of the SMF feed directly into the ESMP. Please refer to the [UNDP SES Guidance Note on Assessment and Management](#) for additional information. The following Appendix on Key Environmental and Social Indicators and Management Measures is an integral part of the ESMP but is provided separately for ease of use.

An ESMP may be prepared as part of the Environmental and Social Impact Assessment (ESIA) or as a stand-alone document.¹⁰⁵ The content of the ESMP should address the following sections:

(1) Mitigation: Identifies measures and actions in accordance with the mitigation hierarchy that avoid, or if avoidance not possible, reduce potentially significant adverse social and environmental impacts to acceptable levels. Specifically, the ESMP: (a) identifies and summarizes all anticipated significant adverse social and environmental impacts; (b) describes – with technical details – each mitigation measure, including the type of impact to which it relates and the conditions under which it is required (e.g., continuously or in the event of contingencies), together with designs, equipment descriptions, and operating procedures, as appropriate; (c) estimates any potential social and environmental impacts of these measures and any residual impacts following mitigation; and (d) takes into account, and is consistent with, other required mitigation plans (e.g. for displacement, indigenous peoples).

(2) Monitoring: Identifies monitoring objectives and specifies the type of monitoring, with linkages to the impacts assessed in the environmental and social assessment and the mitigation measures described in the ESMP. Specifically, the monitoring section of the ESMP provides (a) a specific description, and technical details, of monitoring measures, including the parameters to be measured, methods to be used, sampling locations, frequency of measurements, detection limits (where appropriate), and definition of thresholds that will signal the need for corrective actions; and (b) monitoring and reporting procedures to (i) ensure early detection of conditions that necessitate particular mitigation measures, and (ii) furnish information on the progress and results of mitigation.

(3) Capacity development and training: To support timely and effective implementation of social and environmental project components and mitigation measures, the ESMP draws on the environmental and social assessment of the existence, role, and capability of responsible parties on site or at the agency and ministry level. Specifically, the ESMP provides a description of institutional arrangements, identifying which party is responsible for carrying out the mitigation and monitoring measures (e.g. for operation, supervision, enforcement, monitoring of implementation, remedial action, financing, reporting, and staff training). Where support for strengthening social and environmental management capability is identified, ESMP recommends the establishment or expansion of the parties responsible, the training of staff and any additional measures that may be necessary to support implementation of mitigation measures and any other recommendations of the environmental and social assessment.

(4) Stakeholder Engagement: Outlines plan to engage in meaningful, effective and informed consultations with affected stakeholders. Includes information on (a) means used to inform and involve affected people in the assessment process; (b) summary of stakeholder engagement plan for meaningful, effective consultations during project implementation, including identification of milestones for consultations, information disclosure, and periodic reporting on progress on project implementation; and (c) description of effective processes for receiving and addressing stakeholder concerns and grievances regarding the project's social and environmental performance.

(5) Implementation action plan (schedule and cost estimates): For all four above aspects (mitigation, monitoring, capacity development, and stakeholder engagement), ESMP provides (a) an

¹⁰⁵ This may be particularly relevant where contractors are being engaged to carry out the project, or parts thereof, and the ESMP sets out the requirements to be followed by contractors. In this case the ESMP should be incorporated as part of the contract with the contractor, together with appropriate monitoring and enforcement provisions. Incorporate the following Annexure Key Environmental and Social Indicators and Management Measures.

implementation schedule for measures that must be carried out as part of the project, showing phasing and coordination with overall project implementation plans; and (b) the capital and recurrent cost estimates and sources of funds for implementing the ESMP. These figures are also integrated into the total project cost tables. Each of the measures and actions to be implemented will be clearly specified and the costs of so doing will be integrated into the project's overall planning, design, budget, and implementation.

Appendix 5. Indicative Outline for Biodiversity Action Plan

Elements of Biodiversity Action Plan

Please refer to the [UNDP SES Guidance Note: Standard 1: Biodiversity Conservation and Sustainable Natural Recourse Management](#) for additional information.

Where biodiversity values of importance to conservation are associated with a project or its area of influence, the preparation of a Biodiversity Action Plan (BAP) or Biodiversity Management Plan (BMP) provides a useful means to focus a project's mitigation and management strategy. For project activities in critical habitats and protected areas, Standard 1 notes that a BAP needs to be in place. For projects solely designed to strengthen biodiversity and maintain or restore ecosystems in areas of critical habitat, the project document itself would constitute such a plan. Biodiversity plans are highly encouraged when also operating in natural habitats (or in modified habitats with biodiversity values of importance to conservation).

Targeted biodiversity-related mitigation and management measures may be integrated into more general Environmental and Social Management Plans (ESMPs) or related plans. However, a BAP or BMP provides focused attention to actions in ecologically critical areas. A BAP/BMP may be included as part of a broader ESMP.

As noted in the Section 2.1 of this guidance note, National Biodiversity Strategies and Action Plans (NBSAP) are the primary instruments for implementing the Convention on Biological Diversity at the national level. A BAP/BMP is a more targeted instrument for enhancing and conserving biodiversity and ecosystem services in particular habitats, demonstrated on an appropriate geographic scale. A BAP/BMP should seek to achieve net gains to the biodiversity values for which the critical habitat was designated. A BAP/BMP is highly context specific.

There is no one widely recognized, cross-sectoral framework for the development of a BAP/BMP. Typically, a BAP will be undertaken to address significant gaps in information for undertaking biodiversity-related actions (such as insufficient baseline data or understanding of key biodiversity values) whereas a BMP would be developed where adequate information is available for developing appropriate actions.

General elements of a BAP/BMP include the following:

(1) Description of biodiversity context: Identifies national and/or regional biodiversity context; location of projects site/s; relevant physiography; general description of relevant ecosystems, habitats, flora, fauna; priority biodiversity features and components of elevated significance.

(2) Objectives and targets biodiversity actions and mitigation: Identifies measures and actions to enhance and conserve biodiversity and/or in accordance with the mitigation hierarchy avoid, minimize, mitigate, potentially significant adverse social and environmental impacts to acceptable levels. Describes – with technical details – each biodiversity-related action/mitigation measure, including the type of issue/impact to which it relates and the conditions under which it is required (e.g., continuously or in the event of contingencies), together with designs, implementation descriptions and operating procedures, as appropriate; takes into account, and is consistent with, other relevant mitigation plans (e.g. indigenous peoples, economic displacement).

(3) Implementation action plan (schedule and cost estimates): Outlines an implementation schedule for measures that must be carried out as part of the project, showing phasing and coordination with

overall project implementation plans; and the capital and recurrent cost estimates and sources of funds for implementing the BAP/BMP. Describes institutional arrangements, identifying which party is responsible for carrying out the actions/mitigation and monitoring measures.

(4) Stakeholder Engagement: Outlines plan to engage in meaningful, effective and informed consultations with relevant stakeholders, including locally affected groups. Includes information on (a) means used to inform and involve affected people and description of effective processes for receiving and addressing stakeholder concerns and grievances regarding the project's social and environmental performance.

(5) Monitoring and reporting: Identifies monitoring objectives and specifies the type of monitoring, with linkages to the biodiversity actions and mitigation measures. Describes parameters to be measured, methods to be used, sampling locations, frequency of measurements, detection limits (where appropriate), and definition of thresholds that will signal the need for corrective actions. Establishes reporting schedule and format

Appendix 6. Indicative Outline for Indigenous Peoples Plan

Please refer to the [UNDP SES Guidance Note: Standard 6: Indigenous Peoples](#) for additional information.

If the proposed Project may affect the rights, lands, resources or territories of indigenous peoples, an "Indigenous Peoples Plan" (*IPP*) needs to be elaborated and included in the Project documentation. The *IPP* is to be elaborated and implemented in a manner consistent with the UNDP Social and Environmental Standards and have a level of detail proportional to the complexity of the nature and scale of the proposed Project and its potential impacts on indigenous peoples and their lands, resources and territories. With the effective and meaningful participation of the affected peoples, the *IPP* shall be elaborated and contain provisions addressing, at a minimum, the substantive aspects of the following outline:

- A. Executive Summary of the Indigenous Peoples Plan: Concisely describes the critical facts, significant findings, and recommended actions
- B. Description of the Project: General description of the project, the project area, and components/activities that may lead to impacts on indigenous peoples
- C. Description of Indigenous Peoples: A description of affected indigenous people(s) and their locations, including:
 - i. description of the community or communities constituting the affected peoples (e.g. names, ethnicities, dialects, estimated numbers, etc.);
 - ii. description of the resources, lands and territories to be affected and the affected peoples' connections/ relationship with those resources, lands, and territories; and
 - iii. an identification of any vulnerable groups within the affected peoples (e.g. uncontacted and voluntary isolated peoples, women and girls, the disabled and elderly, others).
- D. Summary of Substantive Rights and Legal Framework: A description of the substantive rights of indigenous peoples and the applicable legal framework, including:
 - i. An analysis of applicable domestic and international laws affirming and protecting the rights of indigenous peoples (include general assessment of government implementation of the same).
 - ii. Analysis as to whether the Project involves activities that are contingent on establishing legally recognized rights to lands, resources, or territories that indigenous peoples have traditionally owned, occupied or otherwise used or acquired. Where such contingency exists (see Standard 6 Guidance Note, sections 6 & 7), include:
 - a. identification of the steps and associated timetable for achieving legal recognition of such ownership, occupation, or usage with the support of the relevant authority, including the manner in which delimitation, demarcation, and titling shall respect the customs, traditions, norms, values, land tenure systems and effective and meaningful participation of the affected peoples, with legal recognition granted to titles with the full, free prior and informed consent of the affected peoples; and
 - b. list of the activities that are prohibited until the delimitation, demarcation and titling is completed.

- ii. Description of measures to support social, legal, technical capabilities of indigenous peoples' organizations in the project area to enable them to better represent the affected indigenous peoples more effectively
 - iii. Where appropriate and requested, description of steps to support technical and legal capabilities of relevant government institutions to strengthen compliance with the country's duties and obligations under international law with respect to the rights of indigenous peoples.
- I. Grievance Redress: A description of the procedures available to address grievances brought by the affected indigenous peoples arising from Project implementation, including the remedies available, how the grievance mechanisms take into account indigenous peoples' customary laws and dispute resolution processes, as well as the effective capacity of indigenous peoples under national laws to denounce violations and secure remedies for the same in domestic courts and administrative processes.
- J. Monitoring, Reporting, Evaluation
 - i. Mechanisms and benchmarks appropriate to the Project for transparent, participatory joint monitoring, evaluating, and reporting, including a description of how the affected indigenous peoples are involved.
 - ii. Define the mechanisms put in place to allow for periodic review and revision of the *IPP* in the event that new Project circumstances warrant modifications developed through consultation and consent processes with the affected indigenous peoples.
- K. Institutional Arrangements: Describes institutional arrangement responsibilities and mechanisms for carrying out the measures contained in the *IPP*, including participatory mechanisms of affected indigenous peoples. Describes role of independent, impartial entities to audit, conduct social and environmental assessments as required, and/or to conduct oversight of the project.
- L. Budget and Financing: An appropriately costed plan, with itemized budget sufficient to satisfactorily undertake the activities described.

Note: The *IPP* will be implemented as part of Project implementation. However, in no case shall Project activities that may adversely affect indigenous peoples – including the existence, value, use or enjoyment of their lands, resources or territories – take place before the corresponding activities in the *IPP* are implemented. The relationship between the implementation of specific *IPP* measures and the permitted commencement of distinct Project activities shall be detailed within the *IPP* to allow for transparent benchmarks and accountability.

Where other Project documents already develop, and address issues listed in the above sections, citation to the relevant document(s) shall suffice.

Appendix 7. Indicative Outline for Resettlement Action Plan

Please refer to the [UNDP SES Guidance Note: Standard 5: Displacement and Resettlement](#) for additional information.

A Resettlement Action Plan (RAP) details the **procedures** to be followed and the **actions** to be taken in order to properly resettle and compensate affected people and communities. This plan must be developed after it has been determined, following the process outlined in Standard 5, that displacement and resettlement are unavoidable. The RAP reflects the commitment made by the Implementing Partner and UNDP to affected people and communities to meet obligations arising from resettlement.

1. Introduction
 - Briefly describe the project and associated facilities (if any)
 - Describe project components requiring land acquisition and resettlement; give overall estimates of land acquisition and resettlement
 - Provide explanation of how displacement is necessary to achieve the project objectives, how the project is in the 'public interest' and how displacement is proportional to project outcomes
2. Minimizing Resettlement
 - Describe the justification for the resettlement
 - Describe efforts and measures to minimize displacement, and expected outcomes of these efforts and measures
3. Census and Socioeconomic Surveys
 - Provide results of the census, assets inventories, natural resource assessments, and socioeconomic surveys and briefly describe how these were performed, i.e., techniques used, individuals interviewed, etc.
 - Identify all people and communities potentially affected by displacement activities and potential impacts to each
4. Legal Framework
 - Describe all relevant international, national, local, and community laws and customs that apply to displacement and resettlement activities, with particular attention to laws and customs relating to tenure rights
 - Describe how free, prior, informed consent was obtained for resettlement of indigenous peoples and tribal communities, if applicable
 - Describe project-specific mechanisms to address conflicts
 - Describe entitlement/compensation policies for each type of impact
 - Describe method of valuation used for affected structures, land, trees, and other assets
 - Prepare entitlement matrix, which includes budget and timeframe for payment of entitlements
5. Resettlement Sites and Housing

- If the project requires relocation, describe how affected people have been involved in a participatory process to identify sites, assess advantages and disadvantages of each site, and select preferred sites. Site selection to be risk-informed (e.g. ensure not subject to higher levels of risks from floods, landslides, earthquakes). Describe the options
- If housing must be replaced, describe how affected people have been involved in developing an acceptable strategy for housing replacement and how alternative housing meets adequate housing criteria (including legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location; cultural adequacy). Describe the specific process of involving affected populations in identifying potential housing sites, assessing advantages and disadvantages, and selecting sites
- If the project involves allocation of agricultural land or pasture/rangeland, describe how individual households that will be allocated lands have been involved in identifying potential new sites, and how they have explicitly accepted the selected sites
- Describe the feasibility studies conducted to determine the suitability of the proposed relocation sites and housing, including where relevant natural resource assessments (soils and land use capability, vegetation and livestock carrying capacity, water resource surveys) and environmental and social impact assessments of the sites. Include a description of potential access of affected people to necessary services, shelter, food, water, energy, and sanitation
- Demonstrate where relevant that the land quality and area are adequate for allocation to all of the people eligible for allocation of agricultural land. Provide data on land quality and capability, productive potential, and quantity
- Give calculations relating to site requirements and availability
- Describe mechanisms for: 1) procuring, 2) developing and 3) allotting resettlement sites and housing, including the awarding of title or use rights to allotted lands. Indicate to whom titles and use rights will be allocated, including by gender
- Provide detailed description of the arrangements where relevant for site development for agriculture, including funding of development costs

6. Income Restoration

- Are compensation entitlements sufficient to restore and/or improve livelihoods and income streams for each category of impact? Attach independent review of opportunities to restore and improve incomes/livelihoods. What additional economic rehabilitation measures are necessary?
- Briefly spell out the restoration strategies for each category of impact and describe their institutional, financial, and technical aspects
- Describe the process of consultation with affected populations and their participation in finalizing strategies for income restoration
- How do these strategies vary with the area of impact?
- Does income restoration require change in livelihoods, development of alternative farmlands or some other activities that require a substantial amount of training, time for preparation, and implementation?
- How are the risks of impoverishment to be addressed?
- What are the main institutional and other risks for the smooth implementation of the resettlement programs?
- Describe the process for monitoring the effectiveness of the income restoration measures

- Describe any social or community development programs currently operating in or around the project area. If programs exist, do they meet the development priorities of their target communities? Are there opportunities to support new programs or expand existing programs to meet the development priorities of communities in the project area?
7. Institutional Arrangements
- Describe the institution(s) responsible for delivery of each item/activity in the entitlement policy; implementation of income restoration programs; and coordination of the activities associated with and described in the resettlement action plan
 - State how coordination issues will be addressed where resettlement is spread over a number of jurisdictions or where resettlement will be implemented in stages over a long period of time
 - Identify the agency that will coordinate all implementing agencies. Does it have the necessary mandate and resources?
 - Describe the external (nonproject) institutions involved in the process of income restoration (land development, land allocation, credit, training) and the mechanisms to ensure adequate performance of these institutions
 - Discuss institutional capacity for and commitment to resettlement
 - Describe mechanisms for ensuring independent monitoring, evaluation, and financial audit of the RAP and for ensuring that corrective measures are carried out in a timely fashion
8. Implementation Schedule
- List the chronological steps in implementation of the RAP, including identification of agencies responsible for each activity and with a brief explanation of each activity
 - Prepare a month-by-month implementation schedule of activities to be undertaken as part of resettlement implementation
 - Describe the linkage between resettlement implementation and initiation of civil works for each of the project components
9. Participation and Consultation
- Describe the various stakeholders
 - Describe the process of promoting consultation/participation of affected populations and stakeholders in resettlement preparation and planning
 - Describe the process of involving affected populations and other stakeholders in implementation and monitoring
 - Describe the plan for disseminating RAP information to affected populations and stakeholders, including information about compensation for lost assets, eligibility for compensation, resettlement assistance, and grievance redress
10. Grievance Redress
- Describe the step-by-step process for registering and addressing grievances and provide specific details regarding a cost-free process for registering complaints, response time, and communication modes
 - Describe the mechanism for appeal
 - Describe the provisions for approaching civil courts if other options fail

11. Monitoring and Evaluation

- Describe the internal/performance monitoring process. Ensure monitoring program seeks to measure whether displaced enjoy at least a standard of living and access to livelihoods equal to what they enjoyed before displacement
- Define key monitoring indicators derived from baseline survey. Provide a list of monitoring indicators that will be used for internal monitoring, including number and location of displaced/resettled persons
- Describe institutional (including financial) arrangements
- Describe frequency of reporting and content for internal monitoring
- Describe process for integrating feedback from internal monitoring into implementation
- Define methodology for external monitoring
- Define key indicators for external monitoring
- Describe frequency of reporting and content for external monitoring. Ensure monitoring program is regular and ongoing following project completion until durable solutions are reached
- Describe process for integrating feedback from external monitoring into implementation
- Describe arrangements for final external evaluation
- Describe need for updates to census, assets inventories, resource assessments, and socioeconomic surveys, if necessary, as part of RAP monitoring and evaluation

12. Costs and Budgets

- Provide a clear statement of financial responsibility and authority
- List the sources of funds for resettlement and describe the flow of funds
- Ensure that the budget for resettlement is sufficient and included in the overall project budget. Include provisions for non-anticipated adverse impacts.
- Identify resettlement costs, if any, to be funded by the government and the mechanisms that will be established to ensure coordination of disbursements with the RAP and the project schedule. Prepare estimated budget, by cost and by item, for all resettlement costs including planning and implementation, management and administration, monitoring and evaluation, and contingencies
- Describe the specific mechanisms to adjust cost estimates and compensation payments for inflation and currency fluctuations
- Describe the provisions to account for physical and price contingencies
- Describe the financial arrangements for external monitoring and evaluation including the process for awarding and maintenance of contracts for the entire duration of resettlement

Annexes

- Copies of census and survey instruments, interview formats, and any other research tools
- Information on all public consultation including announcements and schedules of public meetings, meeting minutes, and lists of attendees
- Examples of formats to be used in monitoring and reporting on RAP implementation
- Entitlement matrix

- Evidence of prior informed consent for indigenous peoples and tribal communities

10. Appendix 8: Baseline social and environmental conditions in Cambodia

Socio-economic status and historical context

Cambodia is a Least Developed Country (LDC) currently undergoing rapid economic development following decades of war, extreme loss of human life and capital and widespread destruction of state institutions due to a history of French colonisation, widespread corruption and Vietnamese invasion.

Peace and political stability were re-established in the country following the 1991 Paris Peace Agreements and the 1993 Constitution, which provides for liberal democratic development and a market economy. Further, governance has also been strengthened through the adoption of the Anti-corruption law in 2010 and the establishment of an anti-corruption unit.¹⁰⁶

In recent years, Cambodia has obtained lower-middle income status due to a period of resounding economic growth. This has been driven by stable growth in garment manufacture, tourism, paddy and milled rice and construction. Whilst growth is expected to continue, the economy remains vulnerable to external shocks and natural disasters, and vulnerable communities remain at risk of falling back into poverty.¹⁰⁷

Poverty and economic growth

According to ADB's latest statistics on Cambodia, 14% of the country's population was below the national poverty line in 2014¹⁰⁸. Further, the Multidimensional Poverty Index (MPI) suggests that approximately 33% of the population remains multidimensionally poor, with an additional 21.6% remaining vulnerable to economic shocks. Overall, close to 4.5 million (28 percent of the population) remain near poor and are vulnerable to falling back into poverty.¹⁰⁹

However, official figures show that poverty in Cambodia has fallen dramatically, from 47.8% in 2007 to 18.9% in 2012, meaning that Cambodia was able to achieve the Millennium Development Goal (MDG) of halving poverty in 2009. Despite this, it is still important to note that the vast majority of families who escaped poverty did so by a small margin and still remain vulnerable.¹¹⁰

Following more than two decades of strong economic growth, Cambodia has attained lower middle-income status, with gross national income (GNI) per capita reaching US\$1,230 in 2017. Driven by garment exports and tourism, Cambodia has sustained an average growth rate of 7.7% between 1995-2017, the sixth fastest-growing economy in the world. As global demand peaks in 2018, economic growth is expected to reach 7%, compared to 6.9% in 2017. Growth is expected to remain robust over the medium term.⁵

According to a recent World Bank report, economic growth in 2017 has been brought about through a rebound in textile and apparel exports as well as tourism and agriculture. Tourist arrivals accelerated

¹⁰⁶ ADB: Cambodia Country Partnership Strategy (2014-2018)

¹⁰⁷ ADB general country info

¹⁰⁸ ADB Cambodia statistics

¹⁰⁹ UNESCO Country Strategy for Cambodia (2019-2023)

¹¹⁰ World Bank Country Overview

to 11.8% in 2017, compared with 5% in 2016, due to the authorities' efforts to establish more regional flights. The agriculture sector also rebounded, with expansion of rice and rubber plantations and the gradual recovery of agricultural commodity prices.¹¹¹

However, despite these achievements, Cambodia still faces a number of development challenges, primarily: (i) the need for good quality public services; (ii) improved business environment; (iii) better land administration and natural resources management; (iv) environmental sustainability; and (v) good governance. Going forward, the success of addressing these challenges will rest not only on maintaining macroeconomic stability and increasing economic diversification and export competitiveness, but also on improving the quality of public service delivery through more effective public spending that is more responsive to citizens' needs.¹¹²

The Cambodia Country Diagnostic Study (CDS) also identifies five critical constraints to more inclusive growth: (i) human capital: poorly educated population and inadequately skilled workforce; (ii) electricity supply: restricted availability, expensive and unreliable, especially in rural areas; (iii) transport network: poor rural roads, and inadequate ports and inland waterways; (iv) corruption and low levels of governance; and (v) low access to health services and water and sanitation, especially outside Phnom Penh.¹¹³

Overall, despite achievements in reducing poverty and maintaining economic growth, Cambodia still faces a number of developmental challenges that act as risks to vulnerable populations.

Demographic trends

Cambodia has a total population of 15.44 million (2017), with an average annual population growth rate of 1.3%.¹¹⁴ A majority of the population (around 80%) lives in rural areas.¹¹⁵

The country has a high school enrolment rate of 79%, with similar figures for both boys and girls.¹¹⁶ However, health and education remain both important challenges and development priorities for Cambodia, where 32% of children under five are stunted. While net enrolment in primary education increased from 82% in 1997 to 97% in 2016, lower secondary completion rates at 57 % in 2017 are significantly below the average for lower middle-income countries. As of 2015, 70% of Cambodia's population do not have access to piped water, and 58% do not have access to improved sanitation.⁷

Cambodia also has a very low unemployment rate compared to other low-middle income countries of 0.2% in 2016.⁹ Whilst a majority of the population was historically employed within the agriculture sector, this has now fallen from 80% in 1990 to 27% in 2016, with 46% now employed in services.¹¹⁷

Ethnic minorities and indigenous peoples

¹¹¹ World Bank (2018): Cambodia Economic Update

¹¹² World Bank Country Overview

¹¹³ ADB: Cambodia Country Partnership Strategy (2014-2018)

¹¹⁴ ADB Cambodia Statistics

¹¹⁵ FAO

¹¹⁶ Cambodia Socio-Economic Survey 2016

¹¹⁷ World Bank Jobs Data

90% of the Cambodian population consists of Khmer people, followed by Vietnamese (5%), with the balance being Chinese, Cham (mostly a Muslim people) and indigenous ethnic groups sometimes called Khmer Loeu. The 1998 Cambodian population census identified 17 different indigenous peoples, but the consensus today is that there are 24 groups spread across 15 provinces, with the highest populations by far in Ratanakiri, Mondulakiri and Kratie. They are estimated to make up around 1.2% of the population. 19 indigenous languages also exist in Cambodia, broadly falling into two linguistic families: Austronesian, which includes the Jarai people, and Mon-Khmer, which includes the Brao, Kreung, Tumpoun, Bunong and Kui.¹¹⁸

There is no official definition of ‘indigenous people’ in Cambodia. Laws and policies use different terms such as ‘indigenous communities’, ‘indigenous ethnic minorities’ and ‘highland peoples’, but these effectively describe the same peoples. They include Broa, Chhong, Jarai, Kachak, Kavet, Kel, Koang, Kouy, Kreung, Krol, Phnnong, La’Eun, Lun, Mil, Por, Radei, Sam Rei, Souy, Spong, Stieng, Thmoun and Tumpoun.¹³

Indigenous communities in Cambodia have traditionally managed nearly 4 million hectares of remote evergreen and dry deciduous forests, and their long-term wellbeing is inherently tied to their land use systems and access to forest resources. The NGO Forum on Cambodia has reported that economic land concessions, mining concessions and hydropower dams, land grabbing, deforestation and illegal logging have severely impacted on the livelihoods of indigenous groups.¹³

Despite this, a number of laws and policies do exist to protect the rights of indigenous peoples in Cambodia, including: (i) the 2009 National Policy on the Development of Indigenous Peoples, which aims to promote the livelihoods of indigenous peoples and improve their quality of life; and (ii) the 2001 Land Law, which makes crucial provision for communal land titles and recognises the role of traditional authorities, mechanisms and customs in decision-making and exercising ownership rights.¹³

Cultural heritage

During the Khmer Rouge regime, Cambodia’s invaluable cultural heritage was severely damaged through nearly thirty years of fighting. Monuments and archaeological sites suffered from neglect, degradation and pillage. Cambodia’s intangible heritage, including its performing arts, was close to disappearance and only a few masters and artists survived the genocide of the Khmer Rouge.¹¹⁹

Cambodia has since been rebuilding both its tangible and intangible heritage, including its creative industries and performing arts. The numbers of national and international visitors to Cambodia’s heritage sites are growing annually. In 2017, more than 5 million visitors visited the Angkor World Heritage site. The Royal Government, through the implementation of the Tourism Management Plan (TMP), promotes that visitors act responsibly and do not cause any harm to the unique World Heritage site.¹⁴

Legal system

The Cambodian legal system is based largely on the French civil system, and is statute based. The Constitution is the Supreme Law. The legal system has evolved from unwritten customary law, prevalent during Angkorian times, to statutory law, under the French colonisation from 1863 to 1953

¹¹⁸ Open Development Cambodia (2016)

¹¹⁹ UNESCO Country Strategy for Cambodia (2019-2023)

and up until 1975. Under the Khmer Rouge, from 1975 to 1979, the entire Cambodian legal system was destroyed.¹²⁰

After the invasion of Cambodia by Vietnam in 1979, the Cambodian legal framework was influenced by the Vietnamese system - in particular, contract law. During the presence of the United Nations Transitional Authority in Cambodia (UNTAC) from 1991 to 1993, a number of laws were enacted - including criminal law, judicial law, and press law. As a result of foreign legal assistance to legal and judicial reform in the country, the Cambodian system also absorbed some common law features. The current legal system is thus a hybrid system of all these influences.¹⁵

Country strategies and partnerships

Cambodia has been in the process of implementing a number of country strategies and plans to address the development challenges outlined above.

For instance, the Country Operations Business Plan (2018-2020) focuses on: (i) improvement of livelihoods and employment in rural areas; (ii) investments in national, provincial and rural roads; (iii) climate-resilient infrastructure in provincial and border towns; (iv) improved access, quality and management of upper secondary education and addressing skills gaps; and (v) implementation of the government's public financial management and decentralisation reform programs.¹²¹

In addition, the Cambodia Country Partnership Strategy (2014-2018) is being implemented in collaboration with the Asian Development Bank and consists of: (i) inclusive economic growth; (ii) environmentally sustainable growth; and (iii) regional cooperation and integration. Public-private partnerships will be a key activity, as will strategies to enhance partnerships with co-financiers and implement knowledge activities. It will focus on six sectors: agriculture, natural resources, and rural development; education; finance; public sector management; transport; and water and other urban infrastructure and services.¹²²

Another example is Cambodia's partnership with UNESCO, which is directly supporting 11 out of Cambodia's 18 Sustainable Development Goals (SDGs), enabling the Royal Government of Cambodia's capacities by providing demand-driven, evidence-based normative, and policy advice, as well as capacity-building measures in areas of UNESCO mandate and comparative advantage.¹²³

Environmental conditions

Landscape

Cambodia is situated in the southwest of the Indochinese peninsula. It shares borders with Thailand to the west and northwest, Laos to the northeast, Vietnam to the east, and Gulf of Thailand to the southwest. The country's surface area is 18.1 million hectares, of which 2.7 million hectares are cultivated land and 1 million are taken up by urban areas, towns, infrastructure and waterways. Agricultural concessions cover 800 000 hectares, landmine-contaminated areas sum 100 000 hectares,

¹²⁰ University of Melbourne: Legal System of Cambodia

¹²¹ ADB

¹²² ADB: Cambodia Country Partnership Strategy (2014-2018)

¹²³ UNESCO Country Strategy for Cambodia (2019-2023)

and protected forestland 1.5 million.¹²⁴ Landscape is composed of mainly low plains, with mountains to the southwest and north. Its natural resources are varied: oil and gas, timber, gemstones, iron ore, manganese, phosphates, and with hydropower potential.¹²⁵

Cambodia is one of the most biodiverse countries in Southeast Asia, with as many as 8,260 plant species (10% of which may be endemic) along with more than 250 species of amphibian and reptile, 874 fish species and over 500 bird species.¹²⁶ Much of Cambodia's biodiversity is still being discovered - between 1998 and 2011 the number of identified mammal species grew from 100 to 162, birds from 410 to 577, reptiles from 82 to 176, amphibians from 28 to 66, and fish from around 215 to 571 species. Seven new species were described fully for the first time in 2016 alone – a freshwater fish and six species of plant.¹²⁷ It is therefore highly likely that a large number of plant species still remain undiscovered.

Biodiversity and forests

On February 1995, Cambodia signed the Convention on Biological Diversity. In 1997, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) was ratified, followed the same year by the development of the National Biodiversity Strategy and Action Plan.¹²⁸ These conventions and strategies opened the way for the National Environment Action Plan 1998–2002, which addressed four key issues: threats to biodiversity in Cambodia; gaps in the existing protected areas; legal and institutional arrangements for managing protected areas; and strategies for biodiversity conservation. In June 2009, the Royal Government of Cambodia signed an agreement with Terra Global Capital, a technical support/ecosystem services brokering company, with the hope that the agreement would reduce deforestation, thus reducing carbon dioxide emissions by 8.5 million tons in the course of 30 years. Resulting from this agreement, there are now 13 community forest tracts in Oddar Meanchey and one in Monduliri Province that are being managed as pilot REDD+ carbon-offset projects. Steps are also being taken to make environmental policy more comprehensive; for example, the 2008 Law on Protected Areas provided more specific guidelines to replace the previous 1993 law.

Some areas of important biodiversity have legal protection, such as Monduliri's Seima Biodiversity Conservation Area and the Central Cardamom Mountains Protected Forest. Apart from the legal structures of protected areas, a common protection means is an agreement signed between the Royal Government of Cambodia and NGOs to implement specific projects for nature protection.¹²⁹ A natural protected area is a defined space given extra protection to support long-term conservation of wildlife, nature, ecosystems and cultures. The 1993 Royal Decree on the Protection of Natural Areas recognized 23 protected areas,¹³⁰ with classification of the natural protected areas into four categories depending on the character of each area and the objectives of its protection and preservation. At the time, these areas covered over 18 percent of Cambodia's land area.¹³¹ While some existing areas have

¹²⁴ OECD (2014): Structural Policy Country Notes Cambodia

¹²⁵ United Nations in Cambodia, "About Cambodia"

¹²⁶ Fauna & Flora International: Cambodia

¹²⁷ Alessandro Marazzi Sassoon, "Seven new species discovered in Cambodia last year" The Phnom Penh Post, 19 December 2017

¹²⁸ Open Development Cambodia: Biodiversity

¹²⁹ Open Development Cambodia: Biodiversity

¹³⁰ Royal Decree on the Protection of Natural Areas 1993, Articles 1 and 2

¹³¹ Socheat Leakhena San, 'Indicating Success: Evaluation of Community Protected Areas in Cambodia', in Sango Mahanty, Jefferson Fox, Michael Nurse, Peter Stephen, and Leslie McLees (eds.), *Hanging in the Balance: Equity in Community-Based*

been resized, additional natural protected areas under a new category, 'Ramsar' sites, were established in 1999 after Cambodia became a member to the Convention on Wetlands of International Importance, the so-called Ramsar Convention.¹³² Under this international legal framework, Cambodia's Ramsar sites have the highest protection at the international level.¹³³

The eight categories of natural protected areas in Cambodia are: national park; wildlife sanctuary (wildlife preservation and protection); protected landscape (protected scenic view areas to be maintained as scenic spots for leisure and tourism); multi-purpose-use management area (accessible areas for economic development and leisure activities with the assurance of natural stability of water, forestry, wildlife and fishery resources); biosphere reserve (an area of biodiversity conservation and support of sustainable development and activities – specifically the Tonle Sap reserve); natural heritage site (natural or semi-natural sites unique in ecosystem, beauty or cultural value); marine park (coastal areas with plants, wildlife and fish, with historical or cultural value); and Ramsar site (areas recognized for the importance of their wetlands and surrounding environment, including wildlife, habitats and ecosystems). By late 2017, Cambodia had almost 50 protected areas. These covered more than 7.5 million hectares – the equivalent of 41 percent of the country's total land.¹³⁴ In October 2017 it was reported that the environment ministry was preparing to recommend a further six areas for protection.¹³⁵

The natural protected areas are split into management zones: core zones, conservation zones, sustainable use zones, and community zones. No clearance or building is allowed in the core or conservation zones, and development within the sustainable use or community zones requires government approval. Any development in these areas or in adjacent areas is subject to an environmental and social impact assessment.¹³⁶ Since the Protected Areas Law was passed in 2008, numerous sub-decrees have been passed classifying areas as sustainable use zones. After consulting with relevant ministries and institutions, local authorities, and local communities the government may permit development and investment activities in these zones. These activities can include infrastructure development, including irrigation and hydroelectricity projects, mining and resin exploitation.¹³⁷ Anyone breaching the law faces penalties ranging from a warning and payment of restorative damages, up to fines of 250 million riel (approx. US\$62,700) and 10 years in jail.¹³⁸ Despite this, data from the Ministry of Environment shows that forest cover in protected areas fell from 36.6 percent in 2006 to 34.1 percent in 2014 and 33.5 percent in 2016.¹³⁹

In early 2017 the government announced a new sub-decree that protects almost 1.5 million hectares as "Biodiversity Conservation Corridors".¹⁴⁰ The new corridors connect existing protected areas, allowing species migration. They are found in Keo Seima and Snuol districts, the Phnom Proek forest, along the Phnom Kravanh mountains in Pursat and Koh Kong province, and in the Prey Lang and Kulen Prum Tep forests. The Ministry of Environment spokesperson said that including the new corridors,

Natural Resource Management in Asia, RECOFTC (Regional Community Forestry Training Center for Asia and the Pacific), East-West Center, Honolulu, 2006.

¹³² The Ramsar Convention Secretariat. "Country profiles: Cambodia."

¹³³ The Ramsar Convention Secretariat. "The Ramsar Convention: What's it all about."

¹³⁴ Pech Sotheary, "Six sanctuaries proposed", Khmer Times, 25 October 2017. /

¹³⁵ Pech Sotheary, "Six sanctuaries proposed", Khmer Times, 25 October 2017. /

¹³⁶ Protected Areas Law 2008, Articles 36 & 44

¹³⁷ Protected Areas Law 2008, Article 11, annex.

¹³⁸ Areas Law 2008, Article 56

¹³⁹ Pech Sotheary 2017. "Forest destruction rate plunges", Khmer Times, 24 November 2017. /

¹⁴⁰ Touch Sokha, 2017. "Newly protected areas to span 1.5 m hectares", Phnom Penh Post, 30 January 2017.

the protected areas in Cambodia total more than 7 million hectares.¹⁴¹ This means that around 40 percent of the country's land area falls under the responsibility of the Ministry of Environment.

The Environment Ministry's annual report released in December 2016 recorded 592 forest crimes in protected areas, 452 wildlife crimes, 152 fishing crimes and 57 land crimes. Authorities seized 235.21 cubic meters of luxury wood and also numerous vehicles, 323 chainsaws and 24 guns. Fourteen sawmills and 134 charcoal kilns were shut down. In January 2016 Prime Minister Hun Sen ordered the creation of a commission to combat illegal logging, with a pilot scheme in six provinces.¹⁴² Leading conservation groups have welcomed the action and pledged their support.¹⁴³ A 2018 report by the Environmental Investigation Agency says that illegal logging is continuing, with the timber going to Vietnam:¹⁴⁴ "EIA identified three main areas within Cambodia where substantial illegal logging operations were under way: Virachey National Park in Rattanakiri province, the forests surrounding the Lower Sesan 2 dam in Stung Treng province, and Phnom Prich Wildlife Sanctuary in Mondulkiri province. EIA tracked timber from these sites to where it entered Vietnam."

Forest loss and emissions

From 2001 to 2017, Cambodia lost 2.06Mha of tree cover, equivalent to a 23% decrease since 2000 and 209Mt of CO₂ emissions.¹⁴⁵ From 2001 to 2015, 93% of tree cover loss occurred in areas where the dominant drivers of loss resulted in permanent deforestation.¹⁴⁶ Deforestation drivers have been identified as: commodity-driven deforestation (long-term, permanent conversion of forest and shrubland to a non-forest land use such as agriculture [including oil palm], mining, or energy infrastructure); shifting agriculture (small to medium-scale forest and shrubland conversion for agriculture that is later abandoned and followed by subsequent forest regrowth); forestry (large-scale forestry operations occurring within managed forests and tree plantations); wildfire (large-scale forest loss resulting from the burning of forest vegetation with no visible human conversion or agricultural activity afterward); and urbanization (forest and shrubland conversion for the expansion and intensification of existing urban centres). Emissions levels were 0.438 metric tonnes per capita in 2014, up steeply by 0.065 from the previous year's 0.373 which was the greatest increase since 1989-1990 (+0.089). Between 1990 and 2000 annual changes were between -0.011 and +0.032, seeing an increase from 0.141 to 0.163 (+0.022). Between 2001 and 2014 annual changes were between +0.002 and +0.065, an increase from 0.182 to 0.438 (+0.256). There has been no annual reduction since 1997.¹⁴⁷

Agriculture

About 80% of the country's population resides in rural areas, and their daily lives and well-being are tied to the forest. Rural communities collect firewood for cooking, use a limited amount of timber for basic house construction, and collect mushrooms, honey, and medicinal plants for their own use and

¹⁴¹ Touch Sokha, 2017. "Newly protected areas to span 1.5 m hectares", Phnom Penh Post, 30 January 2017.

¹⁴² Pech Sotheary 2016. 'NGO backs crackdown on logging, wants more', The Phnom Penh Post, March 3 2016.

¹⁴³ Mech Dara and Charles Rollet 2016. 'NGOs, military police join forces in logging crackdown', The Phnom Penh Post, February 19 2016.

¹⁴⁴ Environmental Investigation Agency 2018. Serial Offender Vietnam's continued imports of illegal Cambodian

¹⁴⁵ Global Forest Watch. "Tree cover loss in Cambodia".

¹⁴⁶ Global Forest Watch. "Annual tree cover loss by dominant driver in Cambodia".

¹⁴⁷ World Bank, "Cambodia: Country Data"

to sell in markets. A majority of these rural populations practice rain-fed agriculture. If there is not enough rain, the forests act as a safety net. Rural communities earn income by making items from forest products. Forest products fall into two categories: products such as resin, foods and animal fodder, beeswax and construction material collected on a small scale by individuals, families and communities, and larger scale commercial production.¹⁴⁸

The economy relies heavily on agriculture, and Cambodia has put effort into diversifying its agricultural sector. In addition to rice production, which reached almost 9 million tonnes in 2012 and therefore makes a major contribution to output growth, it is also farming rubber, corn, cashew nuts and cassava. Rubber is the second largest commodity crop after rice in Cambodia and the production of rubber latex is expected to reach 300 000 tonnes by 2020. Corn production rose to 770 860 tonnes, cashew nuts to 60 000, and cassava to 6.86 million in 2012. Overall, production of these commodity crops increased 4.9%, while rice field fisheries grew 6.7%. Rice exports increased by around 28% to reach USD 136 million.¹⁴⁹ Large-scale plantation forestry income accounted for \$390 million in 2011,¹⁵⁰ or 3.2% of GDP. Rubber and palm oil, the key tree products in Cambodia, were the first and second biggest export products by value in 2011.¹⁵¹ The Ministry of Agriculture, Forestry and Fisheries claimed that the country had more than 325,900 hectares of rubber plantation in 2013.¹⁵² By mid-2017, this had grown to 433,827 hectares.¹⁵³

The majority of Cambodia's poor and food insecure depend on agriculture, but only 16 percent of the poorest Cambodians own land.¹⁵⁴ The vast majority of land and housing sales are not formally documented at the provincial level. Most sales are documented informally, or at village or communal levels. Without documentation at the provincial level, land ownership can be easily disputed by provincial and national officials, leaving Cambodians vulnerable to land-grabbing and forced eviction.¹⁵⁵ Under both the Cambodian Constitution and Land Law of 2001, the state has the responsibility to protect the right to private ownership. An individual may only be deprived of ownership if it is in the public interest, and only after the payment of fair and just compensation.¹⁵⁶ The only indisputable proof of ownership is a land title certificate, yet many Cambodian landholders do not have formal title and instead depend on "soft" possessory rights. Under the framework of the 2001 Land Law, soft title does not confer a right to legal ownership. Rather, soft title is recognition of the right to possess property.¹⁵⁷ Holding hard title is the only means by which a landholder can obtain ownership rights over property. Land with hard title has been registered at the centralized national level through one of three registration mechanisms.¹⁵⁸

¹⁴⁸ Open Development Cambodia, "Cambodia: Forests and Forestry"

¹⁴⁹ OECD, "Structural Policy Country Notes: Cambodia"

¹⁵⁰ Food and Agriculture Organization of the UN

¹⁵¹ Food and Agriculture Organization of the UN

¹⁵² 'Cambodia's rubber export increases in the first 7 months of 2014', Agence Kampuchea Presse, September 3 2014.

¹⁵³ GRM Global Rubber Markets 2017. "Cambodia: natural rubber exports double", 19 July 2017.

¹⁵⁴ Centre for Economic and Social Rights, "Fact Sheet 7: Cambodia"

¹⁵⁵ Centre for Economic and Social Rights, "Fact Sheet 7: Cambodia"

¹⁵⁶ Constitution of the Kingdom of Cambodia 1993, Article 44.

¹⁵⁷ CBRE Cambodia (2012). "Understanding land ownership in Cambodia." The Phnom Penh Post. August 9. a

¹⁵⁸ Open Development Cambodia, "Cambodia: Land Tenure and Titling"