KINGDOM OF CAMBODIA

Provincial and Rural Infrastructure Project (PRIP)

INDIGENOUS PEOPLES DEVELOPMENT FRAMEWORK

Ministry of Public Works and Transport and Ministry of Rural Development
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I. Introduction

1. The overall goals of the proposed Provincial and Rural Infrastructure Project (PRIP) are to reduce rural poverty and expand economic and social development, and to contribute to the national re-integration of the project provinces into the mainstream national development. The development objective of the project is to provide sustainable, year-round, and safe improvements in rural accessibility to markets and essential services in the four provinces of Siem Reap, Odtar Mean Chey, Kampong Thom, and Preah Vihear.

2. The PRIP will rehabilitate and maintain strategic secondary and tertiary roads in the four northwest provinces covered by the project. Since the project will rehabilitate existing roads, no significant acquisition of private assets and displacement of population are foreseen. Three of the project provinces are known to have some indigenous ethnic minorities. Preliminary information suggests that several indigenous minorities live in the forest areas, some distance away from the existing roads. Some indigenous minority communities live close to the provincial roads or villages and are likely to benefit from the project in terms of improved access to markets and new opportunities for income generation. No significant adverse impacts on indigenous minority groups are foreseen but in some cases their access to community resources may be affected. It is also possible that rehabilitation of some road sections and development of market areas may result in increased in-migration, creating pressure on the land. The Indigenous Peoples Development Framework, presented below, addresses the principles and procedures for sub-projects in areas where indigenous ethnic minorities reside.

II. PRIP and Operational Directive 4.20

3. As a prerequisite to World Bank support, PRIP must meet the requirements of Operational Directive 4.20 (Indigenous Peoples). This policy directive requires that special measures be established to protect the interests of ethnic minorities, i.e. social groups with a social and cultural identity distinct from the dominant society that makes them vulnerable to being disadvantaged in the development process. Indigenous peoples can be identified in particular geographical areas by the presence in varying degrees of the following characteristics:

   (a) a close attachment to ancestral territories and to the natural resources in these areas;
   (b) self-identification and identification by others as members of a distinct cultural group;
   (c) an indigenous language, often different from the national language;
   (d) presence of customary social and political institutions; and
   (e) primarily subsistence-oriented production.

4. The largest ethnic minority groups in Cambodia include people of Vietnamese and Chinese descent, Muslim Chams and ethnic Lao, all of whom, although (b), (c), and (d) above are present, are generally not considered to be indigenous to the area where they live in Cambodia, and therefore not covered under the OD 4.20. However, the Bank
has determined that OD 4.20 applies with reference to indigenous minorities, often referred to as “Highland Peoples”, because these groups are indigenous to the area where they reside, and maintain cultural and socioeconomic practices different than those practiced by the Khmer national majority. Though their numbers are relatively small in proportion to the national population, the Highland Peoples are estimated to represent a majority of the population in Ratanakiri and Mondolkiri provinces, both in the northeast. They represent much smaller proportions in other provinces. These groups, among them the Tampuan, Kuy, Jarai, Phnong, Kreung, Kavaet, Brou, Stieng, Lun and others, are estimated to total about 120,000 people, or about one percent of the national population.

5. It is estimated that indigenous communities are present in three of the four PRIP Provinces: Preah Vihear (Kuy), Kampong Thom (Pear and Kuy), and Siem Reap (Kuy). PRIP activities will not affect land tenure or otherwise cause any direct adverse impacts. However ‘Highland Peoples’ lifestyles and livelihoods are under pressure in some areas because of in-migration by others, forestry concession programs, and discouragement of shifting cultivation practices. PRIP-related improvements of roads and infrastructure could well induce future in-migration and pressure on access to resources. For these reasons, the Highland Peoples are considered potentially vulnerable to being disadvantaged in the development process, and this plan reviews actions taken, or to be taken, to safeguard their interests.

6. In the context of this project, it is important to note that the OD 4.20 refers to social groups and not to individual families. The identification of ethnic minorities in the project area will therefore be triggered by the identification of groups of ethnic minority families and individuals.

7. The primary objectives of OD 4.20 are:

- to ensure that such groups are afforded meaningful opportunities to participate in planning that affects them;
- to ensure that opportunities to provide such groups with culturally appropriate benefits are considered; and
- to ensure that any project impacts that adversely affect them are avoided or otherwise minimized and mitigated.

8. The following general principles and procedures will be applied during project preparation and implementation, if ethnic minorities are identified in any of the project areas. For the purpose of this Framework, the project areas are defined as the area influenced by the upgrading of the road (approximately within 3 km from the road). In the PRIP project the purpose of the Framework is to ensure culturally appropriate consultation with indigenous minorities (where present), an opportunity to participate in the project, and additional support needed for coping with the impact of improved access.
III. The Cambodian Legal Context

9. Under the Cambodian constitution, the Highland Peoples are afforded Cambodian citizenship. However, at present there is no comprehensive legislation or regulation relating specifically to protection of Highland Peoples rights or interests.

10. In 1997, a special Inter-ministerial Committee for Highland Peoples Development released a draft "General Policy for Highland Peoples Development." The draft, culminating from a long process of consultations among local groups, NGOs, international development agencies and government, has never been formally adopted by the government. The policy statement would provide a number of protections for Highland Peoples, many relating to land rights and access to resources. Of particular importance in the context of RILGP are these provisions in the general policy statement:

- the government “shall promote understanding and respect of cultural diversity and ensure that Highland Peoples can practice their own cultures” (para. 1);
- “Highland Peoples shall have the right to be fully informed about, determine the priorities for and to exercise control over their economic, social and cultural development” (para. 6);

and this provision in the policy guidelines section of the document:

- “Highland Peoples’ communities shall be given the opportunity to participate and take responsibility in all decisions regarding infrastructure projects that affect them. The affected community and persons must have agreed, after being fully informed in a language that they clearly understand, of the project and all its consequences for them and their natural environment, before any development project may proceed” (para. 7.2).

11. For the purposes of PRIP, the above policy provisions have guided project design and implementation arrangements. Specific measures to ensure adequate opportunities to participate in both village and commune decision-making processes are explained in the sections that follow.

IV. Framework for identifying and assisting indigenous minority communities under the project

12. After the overall prioritization of roads to be rehabilitated has been done in a participatory process of stakeholders at the provincial level, and the next year’s roads identified, the detailed planning starts. The road-by-road social assessment is one of the activities incorporated into the detailed planning of works to be carried out on individual roads. This will follow the Project Implementation Plan, which specifies the technical, environmental and social procedures and standards. With regard to social aspects, the major areas of activities are (i) Information dissemination and consultation, (ii) identification of the need for land acquisition, after minimization (alternatives) has been
considered, and (iii) the identification of indigenous minorities for whom special measures would have to be taken.

13. For each subproject with indigenous minorities, the project authorities will prepare a standalone Indigenous Peoples Development Plan, based on extensive consultations, and will be part of the annual work program to be approved by the project authorities and submitted to IDA for review.

14. A social impact assessment and consultations would be carried out in preparation of the Indigenous People Development Plan (IPDP). The impact assessment will include the following information:

(a) Household ownership of economic and productive assets;
(b) Annual income from primary and secondary opportunities;
(c) Economic information on the community (e.g., brief information on economic and natural resources, productive and livelihood systems, tenure systems);
(d) Social information on the community (brief description of kinship, value system, type of social organizations of formal and informal groups, farming groups, etc., especially those that can help the group in adjusting to the potential impacts of the project and including an assessment of the degree of inclusiveness and representativeness of those groups, particularly with regard to vulnerable, marginal, and poor groups);
(e) Potential impact on basic services (e.g., water supply, health center, and school); and
(f) Potential impact of the project on social and economic livelihood.

15. In order for meaningful consultation and participation to take place, specific steps will include: a) information dissemination conducted in the local language; b) an indigenous minority representative/leader and an independent assigned NGO representative or a social scientist knowledgeable in indigenous peoples history and tradition are present in all discussions with clusters of indigenous peoples; and c) all meetings are properly documented and shared with the concerned indigenous peoples.

*If the preliminary social assessment indicates that the potential impact of the proposed sub-project will be significantly adverse, the sub-project will not go forward.*

V. Indigenous People Development Plan (IPDP)

16. If the indigenous people conclude that the project will be beneficial, measures and assistance will be developed in consultation with tribal elders, community groups, and independent assigned NGOs, and the planned activities will be documented in an IPDP in addition to the information described above. The assistance should include institutional strengthening and capacity building of tribal elders and community groups working on activities (e.g. resettlement if any) within the project.

17. Where indigenous people are adversely affected by a sub-project, either by land acquisition or by other induced negative impacts, the IPDP, a standalone document,
would have to, in addition to support mentioned above, include measures to mitigate adverse impacts. Acquisition of land and other assets will be governed by the Resettlement Policy Framework.

18. The implementation of the IPDP will be carried out by the community, assisted by appropriate staff from MRD and Commune Council, facilitated by an NGO, where available and appropriate.

Costs and Budget

19. Necessary funds for planning and implementation of IPDP will be provided by the project authorities. The project authorities will also provide for all costs related to mitigating adverse social impacts based on budgetary requirements established in the Resettlement Plans. All of these costs are to be a part of the total sub-project cost.

Monitoring Arrangements

20. In PRIP, responsibility for project monitoring is divided among national, provincial, and commune authorities. For most activities, monitoring includes recording of attendance and minutes of proceedings. Opportunities are also provided for participatory monitoring at the village level during implementation. Each year, the Commune Council will disseminate a report on the status of program implementation. Each village may review this report for general accuracy. Additionally, each year the village chief will review project activities within its boundaries, to confirm whether construction, contracting arrangements, and other aspects have been implemented appropriately. The project authorities will regularly inspect and monitor the implementation of all IPDPs.

Conflict Resolution Procedures

21. In general, Highland Peoples resort to traditional leadership and institutional arrangements to resolve conflicts arising from within the village. PRIP views these arrangements as the most appropriate venue for initial airing of project-related conflicts. If mediation fails, disputes relating to sub-projects will be addressed by the Commune Council prior to sub-project approval. Disputes arising in the course of implementation of the IPDP will be addressed by the village chief/elders for submission to the project authorities and other relevant authorities.