

# The Kingdom of Cambodia

## Nation Religion King

### First Summary of Information on Safeguards



October 2019

## First Summary of Information on Safeguards

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# PREFACE

As a signatory to the United Nations Framework Convention on Climate Change (UNFCCC), Cambodia has actively involved in responding to the climate crisis through both climate change adaptation and mitigation strategies. The Royal Government of Cambodia (RGC) considers reducing greenhouse gases emissions from deforestation and forest degradation, sustainable management of forests, and enhancement and management of carbon stocks (REDD+) as an effective mechanism to contribute to mitigating causes of climate change. Currently, the RGC, with the Ministry of Environment as focal point to the UNFCCC, strives to achieve key technical developments and policy documents in line with the UNFCCC requirements for REDD+ Results-based Payments as defined in the Warsaw framework for REDD+. This includes a National REDD+ Strategy (NRS), a Forest Reference Level (FRL), a National Forest Monitoring System (NFMS) and a Safeguards Information System (SIS). In particular, the SIS is a prerequisite to ensure that REDD+ implementation will not harm people nor environment.

At this stage, I'm pleased to announce that the SIS and the first Summary of Information (Sol) on Safeguards have been successfully developed.

All phases of REDD+ must adhere to the principles laid down by the Seven Cancun Safeguards to avoid, mitigate or minimize potential risks and negative impacts that REDD+ implementation may have on women, indigenous peoples, local communities and biodiversity. With such environmental and social management framework and the operation of the SIS, Cambodia will prepare a series of Sol to ensure transparency in reporting on how Cancun Safeguards have been addressed and respected throughout the implementation of REDD+ policies and measures.

The first Sol presents how Cambodia will address and respect Cancun Safeguards during REDD+ implementation and identifies key modalities and practical arrangements that will be promoted and are in line with national policies, laws and regulations and relevant international treaties and conventions. This Sol analyses the potential social and environmental risks that may be linked to REDD+ implementation and suggests appropriate remedial measures to mitigate those risks. The Sol also provides key indicators for gathering relevant information on how REDD+ safeguards will be addressed and respected throughout the implementation of REDD+ policies and measures.

The first Sol not only shows the public, civil society and other national and international organizations how REDD+ safeguards will be addressed and respected, but also lays out the foundation and provide a roadmap for REDD+ implementing partners at national, subnational and local levels to minimize potential negative impacts on society and environment in a transparent and effective manner. This can only be achieved with full participation and support of all stakeholders, including government institutions at all levels, development partners, civil society and local communities. In addition, ensuring social and environmental safeguards must be taken into consideration not only when implementing REDD+ projects or programmes, but when implementing any kind of activity related to forest management. In that regard, continued support is needed to contribute to sustainable forest management throughout the country.

Finally, I would like to express my sincere thanks to relevant national government ministries and agencies, Development Partners, Civil Society Organizations, local communities and indigenous peoples for their significant contributions to the successful development of the first Sol. I would like to send special thanks to the REDD+ Taskforce, REDD+ Taskforce Secretariat and Safeguard Technical Team for having coordinated the preparation of the first Sol in accordance with the socio-economic and environmental conditions of Cambodia. I sincerely hope that all stakeholders will continue to promote and support successful implementation of REDD+ in the future.

Phnom Penh, 08 October 2019

**SAY SAMAL**

**Minister of Environment**

**Chair of the National Council for Sustainable Development**

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## LIST OF ABBREVIATIONS

<b>AFOLU</b>	Agriculture, Forestry and Other Land Use
<b>AIP-NRS</b>	Action and Investment Plan for Cambodia's National REDD+ Strategy
<b>AIP</b>	Action and Investment Plan
<b>BCCs</b>	Biodiversity Conservation Corridors
<b>BUR</b>	Biennial Update Reports
<b>CDB</b>	Commune Database
<b>CCWC</b>	Commune Committee for Women and Children
<b>CFs</b>	Community Forests
<b>CFis</b>	Community Fisheries
<b>CPAs</b>	Community Protected Areas
<b>COP</b>	Conference of the Parties to the UNFCCC
<b>DDD</b>	Drivers of Deforestation and Forest Degradation.
<b>ELCs</b>	Economic Land Concessions
<b>ESMS</b>	Environmental and Social Management Systems
<b>ESMF</b>	Environmental and Social Management Framework
<b>ERPD</b>	Emissions Reduction Program Document
<b>ER</b>	Emission Reductions
<b>EIA</b>	Environmental Impact Assessments
<b>FCPF</b>	Forest Carbon Partnership Facility
<b>FPIC</b>	Free, prior and informed consent
<b>FGRM</b>	Feedback and Grievance Redress Mechanism
<b>FRL</b>	Forest Reference Level
<b>IP</b>	Indigenous Peoples
<b>IUCN</b>	International Union for the Conservation of Nature
<b>GCF</b>	Green Climate Fund
<b>GCF ESS</b>	Green Climate Fund Environmental and Social Safeguards
<b>GHG</b>	Greenhouse Gas
<b>LULUCF</b>	Land-Use, Land-Use Change and Forestry
<b>MAFF</b>	Ministry of Agriculture, Forestry and Fisheries
<b>MOE</b>	Ministry of the Environment
<b>MRV</b>	Measurement, Reporting and Verification
<b>NCSDD</b>	National Council for Sustainable Development
<b>NCSDD</b>	National Committee for Sub-national Democratic Development
<b>NPDIP</b>	National Policy on the Development of Indigenous Peoples
<b>NFMS</b>	National Forest Monitoring System
<b>NFP</b>	National Forest Programme
<b>NPASMP</b>	National Protected Areas Strategic Management Plan
<b>NRS</b>	National REDD+ Strategy
<b>NTFP</b>	Non Timber Forest Product
<b>OPs</b>	Operational Policies
<b>PAs</b>	Protected Areas
<b>PaMs</b>	Policies and Measures
<b>PAWG</b>	Provincial Accountability Working Group
<b>PID</b>	Project Implementation Database
<b>PLRs</b>	Policies, Laws and Regulations

<b>RBF</b>	Results Based Finance
<b>RGC</b>	Royal Government of Cambodia
<b>REDD+</b>	Reducing Emissions from Deforestation and forest Degradation and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries
<b>R-PP</b>	Readiness Preparation Proposal
<b>SLCs</b>	Social Land Concessions
<b>SESA</b>	Strategic Environment and Social Assessment
<b>SIS</b>	Safeguard Information System
<b>SPFF</b>	Strategic Planning Framework for Fisheries
<b>SFM</b>	Sustainable Forest Management
<b>SOI</b>	Summary of Information
<b>SPD</b>	Sub-National Project Database
<b>UNDP</b>	United Nations Development Programme
<b>UNDRIP</b>	UN Declaration on the Rights of Indigenous People
<b>UNFCCC</b>	The United Nations Framework Convention on Climate Change
<b>WB</b>	World Bank

## INTRODUCTION

In accordance with the decision established in the United Nations Framework Convention on Climate Change (UNFCCC) regarding policy approaches and positive incentives on issues relating to reducing emissions from deforestation and forest degradation, and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks (REDD+), hereby the first Summary of Information (SoI) is presented on how safeguards listed in decision 1/CP.16 appendix I, are being addressed and respected in accordance with decisions 12/CP.17, 12/CP.19, 17/CP.21.

The document is structured as follows:

### **Part I: National circumstances for addressing and respecting safeguards**

This section provides a clear overview of the national circumstances for addressing and respecting the REDD+ safeguards in the country, including the scope and scale of the REDD+ interventions carried out between 2015-2016 and the REDD+ National Strategy (NRS).

### **Part II: Country's REDD+ safeguards approach**

This section outlines two key achievements of the country in relation to meeting its REDD+ safeguards requirements:

- The adoption of the country's interpretation of the Cancun safeguards, and
- The set-up of Cambodia's Safeguards Information System (SIS).

### **Part III: How safeguards have been addressed and respected?**

This section provides a clear description of the legal and institutional framework in place to ensure REDD+ interventions are implemented in accordance with the Cancun safeguards, including for the three main REDD+ interventions implemented by the Royal Government of Cambodia (RGC) over the 2015-2016 period.

Additionally, this section presents the newly adopted reporting requirements to be utilized for demonstrating the safeguards have been addressed and respected when implementing the Action and Investment Plan (AIP) for Cambodia's NRS.

### **Part IV: Identification of Potential Risks and Environmental and Social Management Measures**

This section provides a synthesis of social and environmental risk assessment carried out, as well as the management measures adopted to mitigate the identified risks. It is anticipated that subsequent SOIs will provide information on the results achieved with the application of the Environmental Social and Management System (ESMS).

### **Part V: Operational mechanism to receive and address complaints**

This section provides information about the relevant grievance redress mechanisms that may be utilized to resolve conflicts associated with the implementation of the REDD+ interventions.

### **Part VI: Stakeholder engagement**

This section outlines the participatory processes carried out to prepare this SOI.

CLIMATE CHANGE AND REDD+ IN CAMBODIA

Cambodia is considered a ‘high forest cover’ country. The country has a corresponding high rate of deforestation. Indeed, while economic growth has brought important benefits for the nation and people, it has also intensified pressure on forests, as exemplified by a decrease in forest cover of the nation’s total area to 46.90% in 2014. This was one of the highest rates of deforestation in the world<sup>1</sup>.

Additionally, according to indices of vulnerability and readiness for climate change, Cambodia is among the countries most at risk to the impacts of climate change, specifically because of its geographical exposure to extreme weather events such as droughts and floods, and agriculture, forestry and fisheries sectors which are highly dependent on the climate<sup>2</sup>. In 2014, Standard and Poor’s ranked Cambodia’s economy as the most vulnerable to the effects of climate change worldwide<sup>3</sup>. Cambodia ranks 13<sup>th</sup> in the Global Climate Risks Index from 1995-2015 and 8<sup>th</sup> in World Risk Index 2016<sup>4</sup>. The Notre Dame Global Adaptation Index assigns a high vulnerability score and low readiness score to Cambodia.

Cambodian forests support the livelihoods of many rural communities including Indigenous Peoples. Based on Cambodia Socio-Economic Survey 2017, around 80% of the population resides in rural areas, in which about 54.2% rely on agriculture, especially rice cultivation, which is very vulnerable to climate impacts<sup>5</sup>. Forest resources such as forest and Non Timber Forest Products (NTFPs) provide an important safety net for rural communities as they offer supplemental or alternative sources of income. Deforestation and forest degradation thus adversely affect not only the country’s biodiversity, ecosystems, and carbon sequestration capacities but also the livelihoods of these rural people who are highly dependent on forests for subsistence and income<sup>6</sup>. The loss of forest resources is particularly significant for women, for indigenous people, and for poor households.

The RGC recognises challenges posed by global climate change and has actively included the prioritization of action on climate change in its national policies. An important component of the RGC’s climate mitigation efforts is a focus on reducing carbon emission from deforestation and forest degradation. Where forests provide diverse ecosystem services worldwide, they hold a particularly

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<sup>1</sup> FCPF, UNDP and Cambodia Ministry of the Environment ‘*National REDD+ Strategy 2017-2026*’ **Cambodia, (May 2017)**

<sup>2</sup> GSSD 2017. National Adaptation Plan Process in Cambodia

<sup>3</sup> The World Risks report, cited in cited in GSSD 2017. National Adaptation Plan Process in Cambodia

<sup>4</sup> Global Climate Risks Index 2017, cited in GSSD 2017. National Adaptation Plan Process in Cambodia

<sup>5</sup> National Institute Of Statistic 2018 <https://www.nis.gov.kh/nis/CSSES/Final%20Report%20CSES%202017.pdf>

<sup>6</sup> FCPF, UNDP and Cambodia Ministry of the Environment ‘*National REDD+ Strategy 2017-2026*’ **Cambodia, (May 2017) P.8**

significant position in Cambodia. About 2.97 Gt of carbon is stored in Cambodia's terrestrial ecosystems, and about one third of this carbon is stored in the evergreen forest<sup>7</sup>. of the carbon stock in Cambodia is estimated to be located within forests while the country's forests provide sanctuary for almost 2% of the globally threatened species on the red list of the International Union for Conservation and Nature (IUCN).

If forests in Cambodia are not urgently protected, and degraded forests are not managed for recovery, 'loss of productive forests, as well as biodiversity, will lead to loss of income or livelihood options for forest dependent communities<sup>8</sup>' according to the Ministry of Environment (MoE) in Cambodia. This will only get worse as the effects of climate change manifest themselves in the coming decades.

The RGC considers REDD+ programme as an effective global initiative that will contribute to mitigating impacts of climate change in agriculture, forestry and related sectors. The mission of the NRS is to strengthen the functioning and capacity of national and sub-national institutions for effective implementation of policies, laws and regulations to enhance management of natural resources and forest lands, and biodiversity conservation. The goal of the NRS is to reduce deforestation and forest degradation while promoting sustainable management, conservation of natural resources and contribute to poverty alleviation.

## THE NATIONAL REDD+ STRATEGY AND ACTION PLAN

The REDD+ readiness process in Cambodia started in 2012 and the NRS was endorsed in late 2017. The NRS was developed based on identifying deforestation trends and causes and proposes a set of strategic objectives, policies and actions in order to address drivers of deforestation and forest degradation. The NRS is contributing to and linking to existing national forest policies, strategies, and programmes such as the National Forest Programme (NFP) 2010-2029, the Strategic Planning Framework for Fisheries (SPFF) 2015-2024, and the National Protected Area Strategic Management Plan (NPASMP) <sup>9</sup>2017-2031. The NRS will be implemented in two phases:

**Phase I 2017-2021.** This phase mainly focuses on developing action plan and institutional arrangements for the implementation of the NRS and designing framework toward mobilizing of upfront non-result-based finance. Drivers will be addressed through improved implementation of existing forest management frameworks such as the NFP, NPASMP, SPFF and sub-decrees on Economic Land Concessions (ELCs) and Social Land Concessions (SLCs). These frameworks include policies and measures related to strengthening forest law enforcement, providing tenure security and implementing community-based natural resource management. Implementation is however hindered by inadequate financial and technical resources. The NRS will prioritize mobilisation of upfront non-

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[http://wedocs.unep.org/bitstream/handle/20.500.11822/9583/Carbon\\_biodiversity\\_ecosystem\\_services\\_Cambodia.pdf?sequence=3&isAllowed=y](http://wedocs.unep.org/bitstream/handle/20.500.11822/9583/Carbon_biodiversity_ecosystem_services_Cambodia.pdf?sequence=3&isAllowed=y)

<sup>8</sup> Climate Change and Forestry: Human Development Report (MoE/UNDP 2011)

<sup>9</sup> The Ministry of Environment 2017, National Protected Area Strategic Management Plan 2017-2031  
[https://redd.unfccc.int/documents/index.php?file=54\\_2\\_cambodia\\_nat\\_protected\\_area\\_strategic\\_plan\\_eng\\_27\\_jul\\_2017.pdf](https://redd.unfccc.int/documents/index.php?file=54_2_cambodia_nat_protected_area_strategic_plan_eng_27_jul_2017.pdf)

results based finance that will address these challenges and alongside build capacity for field based implementation and results. Steps will be taken to improve existing versions of the Forest Reference Level (FRL) and the National Forest Monitoring System (NFMS) and a SIS will be established to complete the requirements of the Warsaw Framework. A mid-term assessment of the NRS will be undertaken to identify lessons, challenges, and to address these during the next phase.

**Progress of Phase I:** In 2019, Cambodia is in the process of developing the REDD+ Action and Investment Plan (AIP) and a subnational implementation framework. After an analysis of drivers of deforestation and forest degradation, conservation and production forest areas, four key forest landscapes have been identified for subnational REDD+ implementation: Cardamom, Prey Lang, Northern plain, and Eastern plain forest landscapes of country including mangrove and flooded forest areas. **A REDD+ management plan for each of those zones will be established in the near future at provincial administrative boundary within the forest landscape.** Besides, the institutional arrangement for NRS implementation has been carrying to define the role of provincial authorities within the proposed forest landscape.

To ensure effective implementation of the NPASMP, in 2018 a 5-years action plan (2018-2022) was developed together with the technical guidelines of the management plan and zonation. At the same time, the Forestry Administration was the developing Production Forestry Strategic and Action Plan 2018-2032, which is expected to be endorsed by the government in 2019. For flooded forest, Fishery Administration is near to finalize the 10 years Strategic Planning Framework for Fisheries conservation.

In late 2016, Cambodia submitted its Forest Reference Level (FRL) (covering the 2006-2014 reference period), which was technically assessed by the UNFCCC in 2017. Furthermore, Cambodia is continuously making improvements to the development and implementation of the NFMS and SIS; The 2014-2016<sup>10</sup> and 2016-2018 LULUCF assessment has been finalized, showing that the deforestation has decreased to near 1%. Also, in this readiness period, the online platform for safeguard database management system is developed and finalized. The safeguard website to receive public comments and updates will be launched and publicized soon.

In early 2018, forest and land cover change map 2016 was published which will be soon available through the National Forest Monitoring. Also, REDD+ has worked in the establishment of the GHG inventory for the Biennial Update Reports (BUR) and the REDD+ Technical Annex, ensuring coherence on reporting Agriculture, Forestry and Other Land Use (AFOLU) information to UNFCCC. This report will be finalized in 2019. Finally, REDD+ was included as a key element of the mitigation actions of the Nationally Determined Contribution of Cambodia as part of Paris agreement.

Finally, Cambodia is developing Nested System for REDD+ Implementation that aims to enable access to multiple sources of finance, register relevant forest projects and define how to benefit sharing to actors at multiple scales, and promote alignment of GHG estimation at multiple scales.

**Phase II 2022-2026:** will focus on completing the transition from readiness to implementation and prioritize the achievement of measurable results. The findings of the assessment of Phase I will be

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<sup>10</sup> [https://redd.unfccc.int/documents/index.php?file=54\\_3\\_cambodia\\_forest\\_cover\\_resource\\_2016\\_english.pdf](https://redd.unfccc.int/documents/index.php?file=54_3_cambodia_forest_cover_resource_2016_english.pdf)

reviewed and appropriate steps will be taken. An assessment will also be made of the forest and land cover change results of 2016, 2018, and 2020 that will provide an indication of the effectiveness of the NRS. A key milestone during this phase will be the establishment of a rigorous REDD+ monitoring and evaluation framework that can review policies and measures to better address drivers of deforestation and forest degradation. In addition, the SIS will be strengthened to ensure compliance with UNFCCC requirements for safeguards. This phase will also establish a functioning disclosure mechanism of the information, data, and results of FRL, NFMS, studies and analytical work through a web-based platform and other communication media and tools. This phase will also see improved and accurate data and results that will lead to revised versions of the FRL and the NFMS.

**Progress of Phase II:** Cambodia has made significant progress in preparation toward the future result based payment as described in Phase I.

In Phase II, the RBP would be received during this period, together with the payments of other carbon projects, which will enable the implementation of activities described in the AIP.

For the RGC to implement REDD+ actions on the ground that achieve results-based payments to be claimed for the forestry and land-use sector, a comprehensive AIP-NRS is being developed and expected to be finalized by April 2019. The AIP-NRS is targeted at attaining three strategic objectives:

1. SO1: Improve management and monitoring of forest resources and forest land use;
2. SO2: Strengthen implementation of Sustainable Forest Management (SFM); and
3. SO3: Mainstream approaches to reduce deforestation, build capacity and engage stakeholders.

SO1 on improving management includes two strategies under which interventions have been described. These are to strengthen management of forest conservation areas and to strengthen law enforcement activities to address unauthorized logging and encroachment. Strengthening conservation area management would include improving 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. It would also include preparing PA management plans with zoning designations and developing and implementing plans for forest restoration, forest rehabilitation, and reforestation. The strategy focused on strengthening law enforcement would provide training and equipment to forest law enforcement staff who monitor PAs and land concessions and would also work to improve the understanding of forest laws and regulations by local government staff and local community.

SO2 on strengthening the implementation of SFM will be addressed by interventions that fall under two strategies: strengthening and scaling up community-based forest management and enhancing the amount of timber and wood-based energy sourced from community-based SFM areas. Work on the first of these strategies will include expanding Community Forestries (CFs), Community Fisheries (CFis), and Community Protected Areas (CPAs). It will also include investments in livelihood enhancements for communities with CFs, CFis, or CPAs. The second strategy focusing on increased sourcing from community-based forests will include efforts to improve security of land tenure and access rights to forest and NTFP, will incentivize investment in the wood products sector through tax incentives, and

will provide technical support and expand legal frameworks relating to timber legality and to benefit sharing with communities. It will also include the development of management guidelines for planted forests.

The third strategic objective (SO3), relating to mainstreaming deforestation reduction approaches, capacity building, and increasing engagement, is supported by two strategies: the first will strengthen national and subnational capacity for coordination on national land-use policy and planning, while the second will be to encourage public engagement, encourage participation and consultations in forestry and land-use planning, and promote the involvement of multiple stakeholders. Activities in support of this SO will include reviewing current procedures of land allocation, improving planning coordination among ministries, ensuring that land allocation decisions are taken following Environmental and Social Impact Assessments (ESIA) 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.

#### REDD+ ACTIVITIES IN CAMBODIA IMPLEMENTED BETWEEN 2015-2016

Several efforts have been undertaken to reduce the deforestation rate over the 2015-2016 period and reduce Greenhouse Gas (GHG) emissions associated to the Land-Use, Land-Use Change and Forestry (LULUCF) sector.

Considering that the main drivers of deforestation and forest degradation over the reference period of the FRL were rooted in granting land for ELCs for expansion of agriculture investments, and on limited capacity in forest governance, the RGC has taken several measures to strengthen forest governance and management, including jurisdictional reform, developing and promoting new forest policies, increasing the number of CF and PAs, and the review of ELCs allocation mechanism. Notably, the jurisdictional reform endorsed in 2016 provides a clear division on forest management responsibility between the MoE and the Ministry of Agriculture, Forestry and Fisheries (MAFF). All PAs plus additional areas designated as Biodiversity Conservation Corridors (BCCs) initially under the umbrella of MAFF were transferred to MoE, while ELCs previously under the responsibility of MoE were transferred to MAFF.

Based on the national FRL submitted to the UNFCCC in 2017 and on the recent REDD+ Technical Annex to the GHG inventory BUR, Emissions Reduction (ERs) over the 2015-2016 period are 35,345,948 tCO<sub>2</sub> equivalent per year, compared to the baseline scenario presented in the FRL 78,953,951 tCO<sub>2</sub> equivalent per year.

The three main REDD+ interventions implemented by the RGC over the 2015-2016 period are: (i) cancellation of economic land concessions, (ii) increase of protected areas and (iii) promotion of community forestry.

##### **1. Cancellation of Economic Land Concessions**

The 2001 Land Law, that gives rise to the development of ELCs on state private lands defines ELCs as a long-term lease that allows a concessionaire to clear land in order to develop industrial-scale agriculture. The ELCs have been granted for various activities, including large-scale plantations, mining, raising animals and building factories to process agricultural products. The 2001 Land Law

stressed that if a concessionaire does not comply with the legal requirements, then the concession can be cancelled.

Between 1996 and June 2012, about 2 million hectares of production forest and protected areas were granted to domestic and foreign investors in the form of ELCs. The MAFF signed ELC contracts with 118 companies covering a total land area of 1.55 million hectares, while the MoE granted ELCs to 122 companies covering a total area of about 470,000 hectares<sup>11</sup>. Many of those ELCs were later found to not comply with the law.

In May 2012, the government announced a moratorium on granting new ELCs. An inter-ministerial committee was subsequently formed to conduct a nationwide review of existing concessions. The aim purpose was to cancel projects that did not abide by the law or ELC contracts. By 2017, the total number of 411,021 hectares<sup>12</sup> have been cancelled as ELCs.

All cancelled ELCs will be placed under forest rehabilitation. As part of the government' strategy to prevent reversal and to meet timber demand for country development without posing more pressure on the natural forest, the National Production Forest Strategic Plan (2018) proposes a strategy to convert the cleared lands for timber plantation through public-private partnerships.

## **2. Increase in Protected Areas**

In the past decade, pressure on natural forests has been driven due to uncertain land tenure, unauthorized encroachment of forest lands, rapid expansion of agriculture into forest lands, unauthorized logging, and unsustainable harvesting of NTFPs. To guard the remaining forest, the government classifies areas as PAs to ensure management, conservation of biodiversity, and sustainable use of natural resources.

In 1993, the RGC issued a Royal Decree designating 23 areas covering about 3.3 million ha (18.3 % of total land area) as PAs. A natural PA is defined as a space given extra protection to support long-term conservation of wildlife, nature, ecosystems and cultures. The PAs also have the potential to serve eco-tourism that can create income to support local communities and country economy.

To improve forest management in PAs, the RGC has transformed forest jurisdiction between MAFF and MoE in 2016, to ensure clear division on forest functions, allocation and management responsibility.

By 2018, the RGC has increased its total number of protected areas up to 55 (Pas) and three Biodiveristy Conservation Corrdiors covering area of approximately 7.2 million ha (40% of Cambodia) under the jurisdiction of MoE. These areas are governed by a legal framework that includes the Constitution of Cambodia (1993), the Protected Area Law (2008), and the Law on Environmental Protection and Natural Resources Development (1996).

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<sup>11</sup> National REDD+ Strategy 2017, p. 14

<sup>12</sup> Draft Forestry Statistics of Cambodia 2017

### 3. Promotion of Community Forestry

About 4 millions of Cambodia's population live within 5 kilometers from forest and most of them rely on forest for their livelihood support, such as source of food, medicine, source of materials for building shelters and produce goods for small business ventures<sup>13</sup>. However, the forests they depend on have been pressured by land encroachment for agricultural expansion, land grabbing, unclear land tenure, and unsustainable use of forest resources.

The RGC has been working on improving forest governance through the empowerment of forest communities, community forestry and community protected areas by providing rights on management and sustainable use of forest resources.

The Forest Law 2002 ensures customary user rights of forest products for local communities and provides a legal basis for local communities to use and help manage forests through establishment of CF. The 2003 Sub-decree on CF management sets out rules for the establishment, management and use of forest and NTFPs in Cambodia. Forestry Administration of MAFF is responsible for the establishment of CF and has the right to identify CF boundaries. Based on available data in 2017, a total of 610 CF had been created that cover a total area of 506,600.86 hectares and 464 communities were approved by MAFF.

Additionally, a Royal decree was endorsed in 2015 for the establishment of CFI, and the Protected Areas Law (2008) allows the establishment of CPAs.

Protected Areas Law (2008) provides legal basis for the MoE to establish CPA in PA. Local communities are entitled with management and user rights of natural resource. By 2018, 153 CPA had been established within Protected Areas boundary that covered a total area of 246,630 hectares.

The Royal decree on Establishment of Community Fishery 2005 allows communities to establish CFI on voluntary basis to support their socio-economic development and sustainable use of natural resources under management of MAFF. Sub-decree on CFI establishment 2007 further details rules and regulations on CF establishment including roles and responsibility of CFI to manage the resources. By 2018, a total number of 516 community fisheries had been established, of which 411 communities (376 fresh water community fisheries and 25 marine community fisheries) have obtained legal recognition from MAFF. This is accounted for a total areas of 966,895.15 hectares that includes 825,806.14 hectares of fresh water community, and 141,089 hectares of marine community<sup>14</sup>.

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<sup>13</sup> UNDP 2011, Cambodia Human Development Report, p. 12

<sup>14</sup> Table of Statistic of Department for Community Fisheries Development 2018

## PART II: COUNTRY'S REDD+ SAFEGUARDS APPROACH

This section outlines two key achievements of the country in relation to meeting its REDD+ safeguards requirements. These are:

- The adoption of the country's interpretation of the Cancun safeguards, and
- The set-up of Cambodia's SIS.

### CLARIFICATION OF THE CANCUN SAFEGUARDS IN ACCORDANCE WITH THE COUNTRY CONTEXT

Parties to the UNFCCC agreed to a set of seven safeguards (broad principles) that are expected to be applied in accordance with national context and circumstances when undertaking REDD+ activities. See Box 1.

#### Box 1: The Cancun safeguards<sup>15</sup>

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;
- (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;<sup>16</sup>
- (f) Actions to address the risks of reversals;
- (g) Actions to reduce displacement of emissions

<sup>15</sup> UNFCCC Decision 1/CP.16 Appendix 1 paragraph 2

<sup>16</sup> 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.

Cambodia has interpreted these broad principles to the national context and circumstances, which has been unpacked into interpretative elements. This section provides the clarification of the Cancun safeguards in accordance with Cambodia's national context.

In the final series of decisions on REDD+, which were agreed upon in Paris at COP 21, the UNFCCC “strongly encourages” developing country Parties, when providing the Sol on how the Cancun Safeguards are being addressed and respected, to include, inter alia: “a description of each safeguard in accordance with national circumstances”.<sup>17</sup>

The purpose of the clarification is to specify how the principles/objectives encompassed in the Cancun safeguards translate into concrete rights and obligations in the context of Cambodia. In other words, the clarification contextualizes the general principles outlined in the Cancun safeguards into specific principles and objectives that are to be followed and promoted in the context of the implementation of REDD+ activities in Cambodia, and which are anchored in the country’s Policies Laws and Regulations (PLRs).

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#### CAMBODIA’S CLARIFICATION OF SAFEGUARD A

***The REDD+ Strategy is designed in compliance with the objectives of national forestry policies, considering jurisdictional arrangements, and consistent with provisions of the relevant treaties and international conventions to which Cambodia is a ratified party***

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#### CORE ELEMENTS OF CAMBODIA’S CLARIFICATION OF SAFEGUARD A

1. The National REDD+ strategy is consistent with the objectives of relevant national forest policies;
2. The National REDD+ strategy is consistent with relevant and applicable international conventions and agreements as outline in annex 1.

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#### CAMBODIA’S CLARIFICATION OF SAFEGUARD B

***The rights of access to information, accountability, justice, gender equality, land tenure and fair distribution of benefits will be clarified, respected and promoted in the scope of the application of the National REDD+ Strategy.***

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#### CORE ELEMENTS OF CAMBODIA’S CLARIFICATION OF SAFEGUARD B

1. Right to access information is promoted in the context of the implementation of the REDD+ strategy;
2. Accountability is guaranteed in the context of the implementation of the REDD+ strategy;

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<sup>17</sup> Ibid, paragraph 5(b) see also UN-REDD [brief on summaries of information](#) for further analysis

3. Right to access justice is recognized and protected in the context of the implementation of the REDD+ strategy;
4. User rights over forest land (particularly of indigenous people and women) are recognized and protected in the context of the implementation of the REDD+ strategy;
5. Gender equality is promoted and ensured in the context of the implementation of the REDD+ strategy;
6. Fair distribution of benefits is recognized and promoted in the context of the implementation of the REDD+ strategy.

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#### CAMBODIA'S CLARIFICATION OF SAFEGUARD C

***The REDD+ Strategy will be implemented in accordance to the rights of recognition of, and respect for the rights of indigenous peoples and local communities; including the rights to non-discrimination, traditional knowledge and culture, self-determination, benefit sharing and collective tenure rights.***

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#### CORE ELEMENTS OF CAMBODIA'S CLARIFICATION OF SAFEGUARD C

1. The rights of indigenous peoples, local communities and women are promoted and protected in the context of the application of the REDD+ strategy;
2. Traditional knowledge is recognized and protected in the context of the application of the REDD+ strategy.

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#### CAMBODIA'S CLARIFICATION OF SAFEGUARD D

***The right to participate, in an effective manner including Free Prior Informed Consent for relevant indigenous peoples and local communities will be recognized and promoted under the implementation of the National REDD+ Strategy.***

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#### CORE ELEMENTS OF CAMBODIA'S CLARIFICATION OF SAFEGUARD D

1. Relevant indigenous peoples and local communities, especially women, have the right to participate in the implementation of the Policies and Measures (PaMs).
2. Right to a Free, Prior and Informed Consent is recognized and protected in accordance with the relevant legal obligations.

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#### CAMBODIA'S CLARIFICATION OF SAFEGUARD E

***The National REDD+ Strategy will be implemented to promote the conservation of natural forests and biodiversity, the enhancement of social and environmental benefits, and will not result in the conversion of natural forests.***

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## CORE ELEMENTS OF CAMBODIA'S CLARIFICATION OF SAFEGUARD E

1. The conservation of natural forests and biological diversity is recognized and protected in the context of the implementation of the REDD+ strategy
2. The REDD+ strategy will not incentivize the conversion of natural forests
3. Enhancement of ecological, biological, climatic, cultural and natural heritage and socio-cultural, benefits

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## CAMBODIA'S CLARIFICATION OF SAFEGUARD F & G

***Risks of reversals and displacement of emissions of the REDD+ PaMs will be addressed through the MRV and national forest monitoring system.***

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## CORE ELEMENTS OF CAMBODIA'S CLARIFICATION OF SAFEGUARD F & G

1. Addressing risks of reversals is required by the REDD+ strategy
2. Addressing risks displacement of emissions is required by the REDD+ strategy

## OVERVIEW OF CAMBODIA'S SAFEGUARD INFORMATION SYSTEM

The development of a SIS is one of the three safeguard-related requirements<sup>18</sup> outlined by the UNFCCC and is linked to the delivery of results-based payments<sup>19</sup> from REDD+.

The main objective of the SIS in Cambodia is to provide information that is accessible by all relevant stakeholders to demonstrate that the seven Cancun safeguards are being addressed and respected throughout the implementation of the PaMs. Additionally, Cambodia intends to utilize the information compiled and managed by the SIS as the basis for the preparation of its SOI to the UNFCCC.

Cambodia SIS website can be accessed here: <https://cambodia-redd-safeguards.org>.

According to the UNFCCC guidance on SIS design, countries should, as appropriate, build upon existing systems that are deemed relevant for providing information on the REDD+ safeguards. In order to determine the extent to which it is possible to build on existing systems, countries are, therefore, expected to identify existing information systems and sources that are potentially relevant to the SIS, and assess the extent to which they can provide the necessary information to respond to the SIS information needs.

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<sup>18</sup> The other two safeguard requirements are: 1) ensuring consistency of the REDD+ interventions with the Cancun safeguards throughout the implementation of REDD+, and 2) the provision of a summary of information demonstrating how the safeguards have been addressed and respected to the UNFCCC.

<sup>19</sup> Decision 2/CP. 17, paragraph 64

Cambodia already has information systems in place to gather and report information on how their PLRs are being implemented. The databases and information systems of the National Committee for Sub-national Democratic Development (NCDD) will be utilized to gather information about the application of the REDD+ safeguards.<sup>20</sup> The landing page for the various NCDD databases is: <http://db.ncdd.gov.kh/>

Five different information systems have been identified (see table 1 for a summary).

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<sup>20</sup> All of the following information has been obtained through discussions with NCDD personnel, supplemented by research of the NCDD website.

**Table 1: Summary Table of NCDD Databases**

<b>Name of Database</b>	<b>Date of Operation</b>	<b>Frequency of Data Collection</b>	<b>Types of Information Collected</b>	<b>Jurisdictional Specifics</b>
<b>Commune Database (CDB)</b>	2002	Annually, with training, collection and compilation occurring from November to February	Includes over 100 questions, including on ethnicity, age, gender, vulnerable groups, social information, economic level and employment status, education, health, administrative information, and so on.	Data is collected and compiled at the village, commune and district level, with the focal points being the village chief, the commune clerk, and the district officer responsible for administration. Once compiled and certified, the information is forwarded to the provincial Department of Planning.
<b>Sub-National Project Database (SPD)</b>	2002; online since 2009	Annual in terms of data collection, development of priorities, conduct of district integration workshop; tracking and monitoring on a roughly quarterly basis.	Selected information (project location, budget, beneficiaries, etc.) on all proposed government projects occurring at the sub-national level, commune by commune, that will not be funded through the Commune/Sangkat Fund.	Overseen by provincial Department of Planning
<b>Project Implementation Database (PID)</b>	2003; online since 2009	Annual cycle, with more frequent tracking and monitoring	Detailed information on all projects funded by the C/S fund, commune by commune. Information tracked includes bidding procedures and a range of safeguards relating to land, IP, environment, etc. Selected communes are also on a “watchlist” regarding particular safeguards.	Overseen by Planning and Investment Division of provincial administration with additional oversight by NCDD Safeguard Advisor and NCDD Approval Officer
<b>M&amp;E Monitoring Tool</b>	2015, currently operational in 121 districts and khans	Frequent and ongoing	District level performance monitoring (e.g. spending, staffing, etc.)	Fully administered by District administrations, with limited NCDD oversight
<b>M&amp;E Database System</b>	2015; online	Annually	Detailed monitoring, limited to health, economic, and education sectors	Information is collected at the commune level, then compiled by the district administrations. Tracked information is derived from ministries

The core functions of the SIS in Cambodia are:

- **Collection:** process of collecting raw data through information systems and sources;
- **Aggregation:** process of aggregating, into a central repository/database, the information provided by the relevant sources and systems for the purpose of analysis;
- **Analysis:** process of undertaking assessment (qualitative and quantitative) of the information in order to determine to what extent the safeguards are being addressed and respected;
- **Dissemination of information:** process of disseminating, both internally (national level) and externally (international reporting) through appropriate means (e.g. website, reports, meetings with relevant stakeholders, etc.).

Cambodia has put in place appropriate institutional arrangements linked to each of these functions. See Figure 1 for an overview of the functions and institutional arrangements and see Figure 2 for an overview of the SIS process.

**Figure 1: Institutional arrangements of SIS in Cambodia**

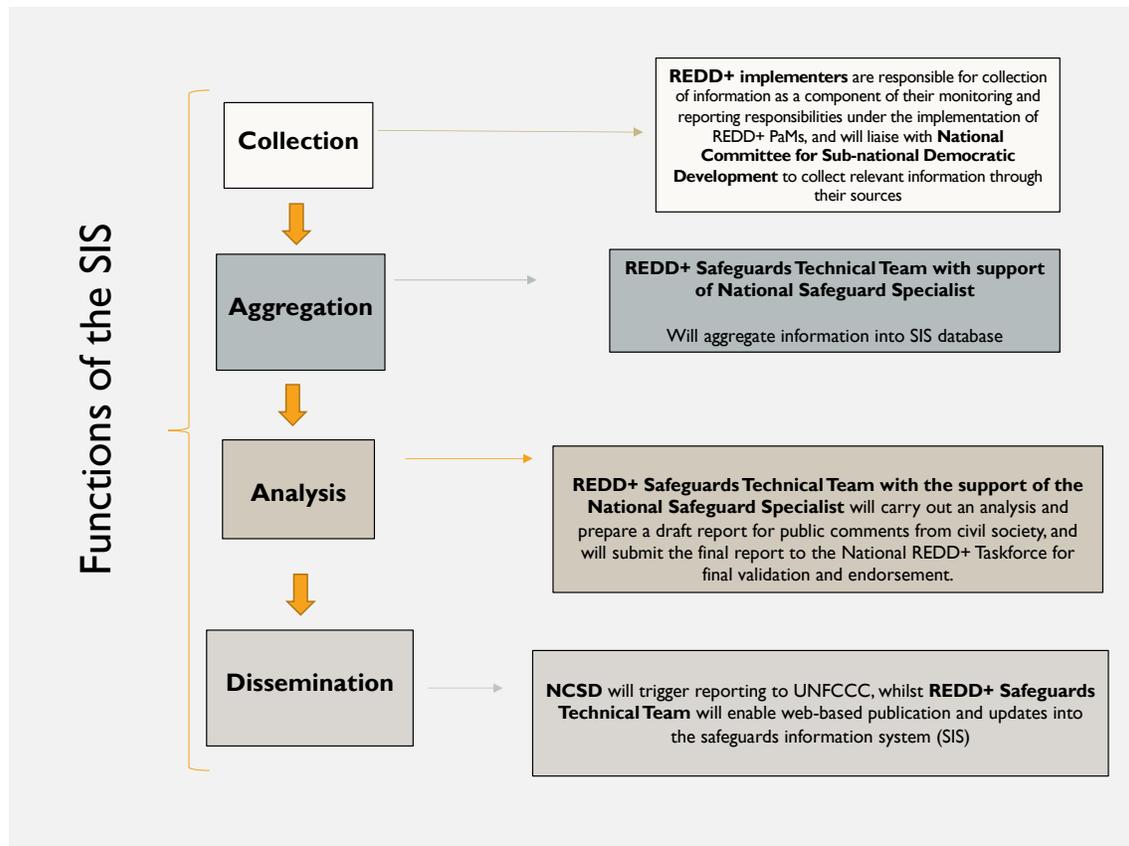
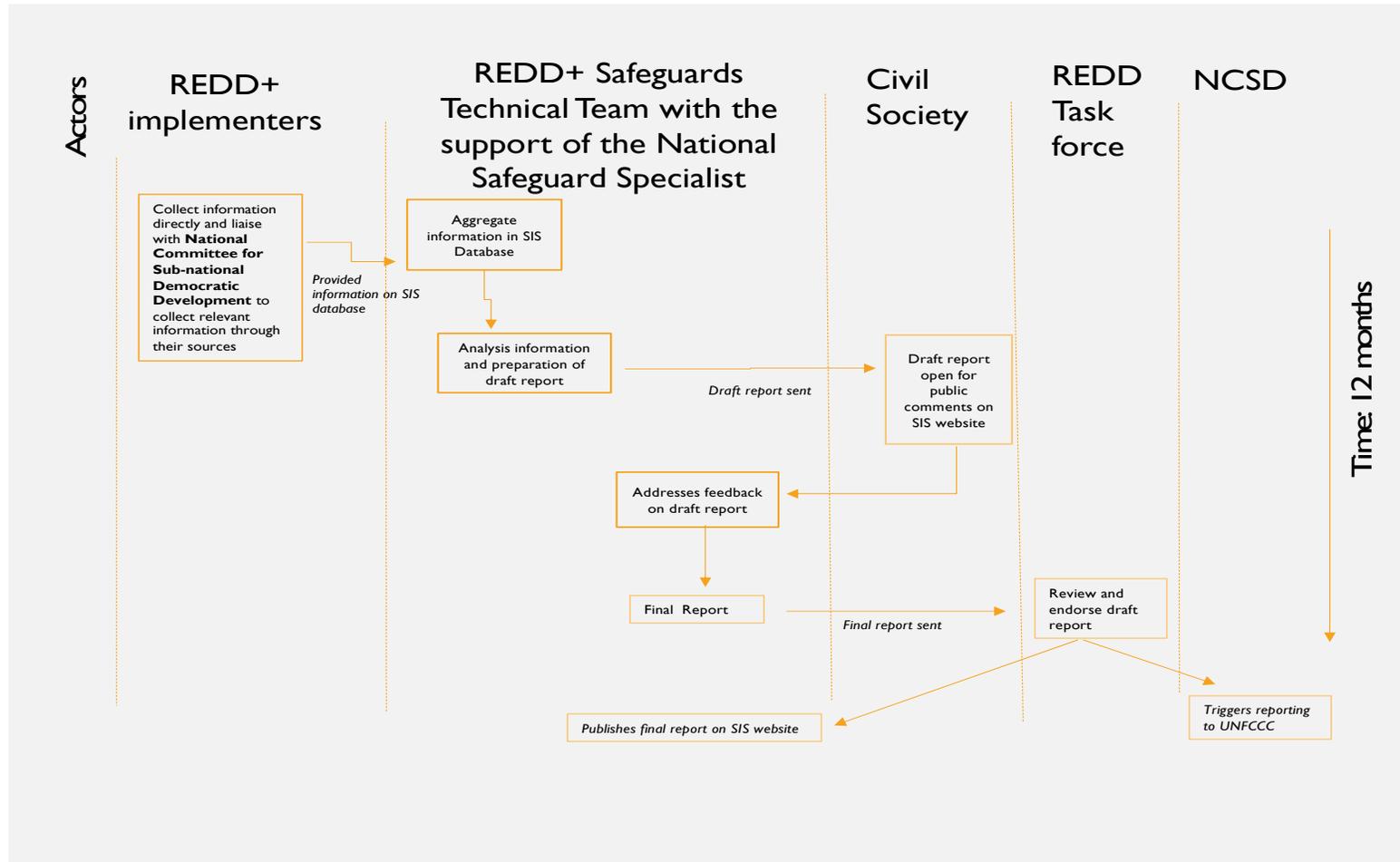


Figure 2 :SIS process



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## FUNCTION 1: COLLECTION OF INFORMATION

This function refers to the process of collecting information on the ground and is linked to the monitoring and reporting responsibilities under the implementation of REDD+ PaMs.

It was determined that the collection of information is to be carried out by the REDD+ implementers as a component of their monitoring and reporting responsibilities under the implementation of REDD+ PaMs in each province.

To be able to collect the necessary information for purposes of the SIS, specific template reports will be followed, which allow for collection of information by province and by PaM.

Information will be collected and reported every 12 months, to allow for its analysis and preparation of a national report every 12 months.

REDD+ implementers will collect information directly and will liaise with the NCDD to gather additional and complementary information about the application of the REDD+ safeguards.

Additionally, the REDD+ Safeguards Technical Team will encourage relevant stakeholders (Consultation Group, academia, consultancy firms, NGOs, international agencies, civil society, etc.) to submit complementary information (through submission to the SIS) on how the REDD+ PaMs have been implemented in consistency with the UNFCCC REDD+ safeguards, and these have been addressed and respected. This information will be considered in the process of analysis of information.

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## FUNCTION 2: AGGREGATION OF INFORMATION

This function refers to the process of aggregating the information from all PaMs at national level through the SIS database, with the purpose of being able to report on the application of the safeguards at national level.

The REDD+ Safeguards Technical Team will be responsible for the aggregation of the information. This will involve a process of verification of all data that have been collected, and the generation of draft provincial reports and a draft national report. This draft national report is the basis for the preparation of the SOI, which will be a summary of the national report.

At this stage, the REDD+ Safeguards Technical Team will review and consider the information submitted by non-governmental stakeholders through the SIS website and recorded in the SIS Database with regards to how the REDD+ activities have been implemented in consistency with the UNFCCC REDD+ safeguards, and these have been addressed and respected.

This process will take 30 working days and be carried out every year.

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## FUNCTION 3: ANALYSIS OF INFORMATION

The function of analysis aims to offer a qualitative and quantitative assessment of the information in order to determine to what extent the safeguards are being addressed and respected at national level.

The REDD+ Safeguards Technical Team will analyse all information collected through SIS database. As the information is of qualitative and quantitative nature, the Safeguards Technical Team will need to provide an overall assessment of how the safeguards have been addressed and respected.

The draft national report will be submitted for a public comment period. The draft report will be posted on the SIS website, and public will have 30 working days to submit any written comments to the REDD+ Safeguards Technical Team.

The REDD+ Safeguards Technical Team will address feedback received within 30 days of finalizing the public comment period. Based on comments received, the REDD+ Safeguards Technical Team will issue a responsiveness summary that summarizes all comments and responses to each and will submit the final report to the National REDD+ Taskforce for final validation and endorsement.

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#### FUNCTION 4: DISSEMINATION OF INFORMATION

This function refers to the process of disseminating the information through the SIS. Although UNFCCC guidance is not detailed in relation to this function, it requested that the SIS should: “provide transparent and consistent information that is accessible by all relevant stakeholders.”<sup>21</sup> For Cambodia this means that there is an expectation that SIS information will be disseminated both internally (national level) and externally (international reporting) through appropriate means (e.g. website, etc.).

At the domestic level, once the National REDD+ Taskforce endorses the final report, it will be published as a final version on the SIS website. Information and updates on the SIS website will be done frequently, and a national report will be published every year.

The report will also be sent to the National Council for Sustainable Development (NCSDD) to trigger the reporting to the UNFCCC for the preparation of summary of information.

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<sup>21</sup> UNFCCC Decision 12/CP.17 paragraph 2(b)

## PART III. HOW THE SAFEGUARDS HAVE BEEN ADDRESSED AND RESPECTED

This section provides a clear description of the legal and institutional framework in place to ensure REDD+ interventions are implemented in accordance with the Cancun safeguards, including for the three main REDD+ interventions implemented by the RGC over the 2015-2016 period.

Additionally, this section presents the reporting requirements, as described in part II, to be utilized for demonstrating REDD+ interventions are consistent with the safeguards when implementing the Action and Investment Plan for Cambodia's National REDD+ Strategy.

### SUMMARY OF APPLICABLE LEGAL AND INSTITUTIONAL FRAMEWORK IN PLACE 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+ interventions.

Given that the legal framework of the country generally protects and regulates the substantive and procedural rights enshrined in the UNFCCC REDD+ Safeguards, Cambodia's relevant legal framework determines 'how' the country ensures REDD+ activities are carried out in consistency with these safeguard goals. This section provides a succinct overview of the legal and institutional framework<sup>22</sup> outlining the relevant policies, laws and regulations (PLRs) that are used to ensure consistency with the UNFCCC REDD+ safeguards throughout REDD+ implementation. Part IV of this SOI outlines the specific and additional measures that will be taken to ensure such consistency, as well as mitigate any potential negative impacts arising from implementation of REDD+ interventions.

Information is presented in relation to each of the core elements of the clarification of Cambodia of Cancun safeguards.

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#### SAFEGUARD A

***The REDD+ Strategy is designed in compliance with the objectives of national forestry policies, considering jurisdictional arrangements, and consistent with provisions of the relevant treaties and international conventions to which Cambodia is a ratified party.***

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#### THE NATIONAL REDD+ STRATEGY IS CONSISTENT WITH THE OBJECTIVES OF NATIONAL FOREST RELEVANT POLICIES

The Forestry Law defines a management framework for forests, with the National Forest Program specifically aimed at unifying the goals of any forest resource development program, and to ensure

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<sup>22</sup> Identification and Assessment of Cambodia's legal and institutional framework Relevant to Cancun Safeguards and UNDP SES (2018)

the sustainable conservation and forest resource development and biodiversity program in Cambodia.<sup>23</sup> The National REDD+ Strategy's goal is aligned, as it aims to reduce deforestation and forest degradation while promoting sustainable management, conservation of natural resources and contribute to poverty alleviation.

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#### THE NATIONAL REDD+ STRATEGY IS CONSISTENT WITH RELEVANT AND APPLICABLE INTERNATIONAL CONVENTIONS AND AGREEMENTS

Cambodia is signatory to over twenty relevant international agreements (see Annex I). Once an international convention is passed into law by the National Assembly and is ratified by the King it receives the same hierarchy as domestic laws.

The mission of the National REDD+ Strategy is to strengthen the functioning and capacity of national and sub-national institutions for effective implementation of policies, laws and regulations to enhance management of natural resources and forest lands, and biodiversity conservation.

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#### SAFEGUARD B

***The rights of access to information, accountability, justice, gender equality, land tenure and fair distribution of benefits will be clarified, respected and promoted in the scope of the application of the National REDD+ strategy***

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#### RIGHT TO ACCESS INFORMATION IS PROMOTED IN THE CONTEXT OF THE IMPLEMENTATION OF THE REDD+ STRATEGY

The right to access information is linked to the right to participation across different pieces of legislation. The National REDD+ Strategy has committed to putting in place a Safeguard Information System that provides timely and transparent information on how Cambodia addresses and respects the Cancun safeguards. Additionally, Cambodia's National Forest Monitoring System (NFMS) will monitor information relevant to measurement, reporting and verification (MRV) of REDD+ activities, and support broader forest sector policies and programmes, including the National Forest Programme (NFP), National Protected Areas Strategic Management Plan (NPASMP) and Strategic Planning Framework for Fisheries (SPFF).

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<sup>23</sup> National Forest Programme (2.7 Objective of Program)

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## ACCOUNTABILITY IS GUARANTEED IN THE CONTEXT OF THE IMPLEMENTATION OF THE REDD+ STRATEGY

Cambodia provides clear measures to deal with corruption that are directly applicable to the forest sector<sup>24 25</sup>.

The National REDD+ Strategy outlines the creation of a monitoring and evaluation framework which is intended to create an enabling environment of accountability and learning. These instruments will contribute to effective and timely implementation, strengthen accountability and transparency, and promote participatory and open learning. The framework will also have indicators that allow for sustained focus to track delivery of results and benefits to vulnerable communities, indigenous peoples, and women. Collection of gender disaggregated data would be prioritized.

Additionally, the National REDD+ Strategy states that as and when established, the REDD+ fund would adhere to internationally accepted principles of transparency, accountability, effectiveness, equity and efficiency. In addition, modalities and requirements of development partners who provide up front non- results based finance would be negotiated on a case by case basis.

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## RIGHT TO ACCESS JUSTICE IS RECOGNIZED AND PROTECTED IN THE CONTEXT OF THE IMPLEMENTATION OF THE REDD+ STRATEGY

The right to access to justice is a recognized and protected right in Cambodia. Below we identify the most relevant dispute resolution mechanisms (more information concerning dispute resolution mechanisms is provided in Part VI).

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.<sup>26</sup>

The **Land Law (2001)** addresses disputes over immovable property between possessors (i.e. those possessing land without formal titles)<sup>27</sup>. Such disputes are resolved by the Cadastral Commission, created by the Ministry of Land Management, Urban Planning, and Construction.

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<sup>24</sup> The 2010 Anti-Corruption Law; Criminal Code Art. 38; Draft 11 of the Environment and Natural Resources Code, Article 1120, Forestry Law (2002), Article 90; Land Law, Chapter 19; The Law on Environmental Protection and Natural Resource Management (1996), Article 24

<sup>25</sup> The Anti-Corruption Law, Chapter 6, contains detailed descriptions of specific penalties and classes of offenses pertaining to different types of corrupt activities. Many of the corruption offenses are also stipulated in the criminal code so they follow the code of criminal procedure.

<sup>26</sup> Protected Area Law (2008), Chapter V, Article 20

<sup>27</sup> Land Law (2001) articles 33,35,38,40

Indigenous peoples are also protected and granted the right to access dispute mechanisms under the **National Policy on the Development of Indigenous Peoples (2009)**. The policy establishes that the community committees as a mechanism for dispute resolution.<sup>28</sup>

#### USER RIGHTS OVER FOREST LAND (PARTICULARLY OF IP AND WOMEN) ARE RECOGNIZED AND PROTECTED IN THE CONTEXT OF THE IMPLEMENTATION OF THE REDD+ STRATEGY

Cambodian Constitution<sup>29</sup> and the 2001 Land Law, recognize a range of land and forest rights that can be accessed by individuals and communities, including collective indigenous community property<sup>30</sup>.

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<sup>31</sup> by local communities and indigenous peoples<sup>32</sup>. These recognitions cover land rights, rights to forest products and by-products, and rights to have fishery communities.

The different laws recognise traditional use on various types of land, as well as different, cultural, subsistence and commercial use rights<sup>33</sup>. These rights are often protected against concessions as well<sup>34</sup>.

#### GENDER EQUALITY IS PROMOTED AND ENSURED IN THE CONTEXT OF THE IMPLEMENTATION OF THE REDD+ STRATEGY

The Constitution clearly prohibits any discrimination against women and establishes that they have the same rights, freedoms, and obligations of all Khmer citizens. The constitution states its recognition

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<sup>28</sup> National Policy on the Development of Indigenous Peoples (2009), Chapter 2, Section 8.2

<sup>29</sup> Constitution of Cambodia, Article 44

<sup>30</sup> Land Law (2001), Title 1. In addition, in its first chapter, establishes the procedures and rights for land ownership on both privately owned land and communal land. This includes who may own land, how land can be transferred, and the rights of owners. Article 26 also provides collective ownership to indigenous communities through the issuing of communal land titles. These land titles are based on traditional land uses.

<sup>31</sup> Land Law, Article 25; Forestry Law (2002), Article 40; Fisheries Law (2006)

<sup>32</sup> Land Law (2001), Article 25

<sup>33</sup> Forestry Law (2002), in article 45, also recognizes the religious forest of local communities as Protection Forests. It prohibits the harvesting of any spirit trees. However, it classifies the spirit forests as "Protection Forests" which means the communities maintain customary rights, but the areas are actually public state land and under the authority of MAFF. Forestry Law (2002) chapter 9 further recognizes the tradition user rights of local communities to use forest products and by-products. These rights include livestock grazing and sale of forest by-products. The Protected Areas Law (2008), in chapter 6, reaffirms the recognition of the right to access protected forests for traditional uses. Under this law the Ministry of Environment can also establish community protected areas that are adjacent to or reside in a protected forest.

<sup>34</sup> Forestry Law (2002), Article 40. The **Forestry Law (2002)** recognizes customary subsistence use rights of forest produce and by-products for local communities registered with the state. It also states that concessionaires shall not interfere with customary user rights taking place on land property of the indigenous peoples who have customary access to user rights.

for and respect of the UN Charter on the Universal Declaration of Human Rights in Article 31, and Cambodia is a signatory of the Convention on the elimination of all forms of discrimination against women (CEDAW) (1992).

Certain other laws, sub-decrees, and programs recognize the unique role that women have and within the law there are stipulations regarding actively encouraging women to participate.<sup>35</sup> 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 National REDD+ Strategy supports and complements the implementation of Cambodia's broader development plans in particular, the Gender and Cambodia Climate Change Strategic Plan (CCSP) 2014-2023. Additionally, a gender group was established by the REDD Task Force (RTF) to build awareness on gender issues among members of the RTF, consultation group and technical teams and to review and provide gender-specific inputs to the development and implementation of NRS. The four members of the gender group are affiliated with FA and FiA of MAFF, MoE, and the Ministry of Women's Affairs (MoWA).

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#### FAIR DISTRIBUTION OF BENEFITS IS RECOGNIZED AND PROMOTED IN THE CONTEXT OF THE IMPLEMENTATION OF THE REDD+ STRATEGY

The Forestry Law (2002) states that the local communities in a Community Forest area shall have the right to harvest forest products and by-products within the area that is designated by the agreement.<sup>36</sup> The Law also states that any individual that plants a tree on private or state forest land where they have the user right, also have the right to use, sell, and distribute their products.<sup>37</sup> Regulations related

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<sup>35</sup> **National Policy on the development of Indigenous Peoples** Chapter 2.2.4 recognizes that women are especially in need of vocational training in occupation skills beyond growing and plantation Works. **Sub-Decree on Community Forestry Management (2003)** Article 18 requires the Community Forestry Management Committee to encourage the participation of women in the Committee. **National Biodiversity Strategy and Action Plan (2016)** 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, and implement climate change responses that encourage inclusive participation of Indigenous Peoples and local communities, especially women, in order to achieve effective implementations. One of the principle under Cambodia Climate Change Strategic Plan is enhance gender equality and mainstreaming gender into climate change responses. The Ministry of Women's Affairs (MOWA) is a national mechanism to enhance gender equality, empower women, increase women's participation in decision making to adaptation and mitigation to climate change. MOWA serves as coordinating body in encouraging relevant institutions to mainstream gender into policies, and relevant projects and programmes to climate change.*

<sup>36</sup> Forestry Law (2002), Article 40 and 44

<sup>37</sup> Forestry Law (2002), Article 46

to community protected areas and community forestry provide requirements on equitable benefit sharing.<sup>38</sup>

The National REDD+ Strategy states as and when established, the REDD+ fund would adhere to internationally accepted principles of transparency, accountability, effectiveness, equity and efficiency.

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## SAFEGUARD C

***The REDD+ Strategy will be implemented in accordance to the rights of recognition of, and respect for the rights of indigenous peoples and local communities; including the rights to non-discrimination, traditional knowledge and culture, self-determination, benefit sharing and collective tenure rights.***

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## THE RIGHTS OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES ARE PROMOTED AND PROTECTED IN THE CONTEXT OF THE APPLICATION OF THE REDD+ STRATEGY

Cambodia laws<sup>39</sup> provide a definition of the term indigenous peoples that is generally consistent with the way in which the term is defined internationally<sup>40</sup>. Cambodia laws have various similar definitions of what a local community is in relation to the forestry sector<sup>41</sup>.

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<sup>38</sup> Prakas on Guidelines on Community Forestry (2006), Art. 7, Prakas on Guideline and Procedure on Community Protected Area Establishment (2017), Art. 21, Sub-Decree on Social Land Concessions (2003), Art. 5, National Forest Programme (2010), Pg. 23 and 94, National Biodiversity Strategy and Action Plan (2016), Pg. 179, National Protected Area Strategic Management Plan (2017), Pg. 11 and 12, National REDD+ Strategy (2017-2026), Pg. 19. Prakas on Guidelines on Community Forestry 2006 allow for the sharing of benefits by Community Forestry members from the community forest.”

<sup>39</sup> Land Law (2001), Chapter 3, Part 2, Article 23 defines an indigenous community as “a group of people that resides in the territory of the Kingdom of Cambodia whose members manifest ethnic, social, cultural, and economic unity and who practice a traditional lifestyle, and who cultivate the lands in their possession according to customary rules of collective use. The **Protected Area Law (2008)** defines an “indigenous people” as original ethnic people *living in mountainous areas, most of whom make their living by practicing shifting agriculture and other additional livelihoods, such as hunting, fishing, and collection of forest products/by-products. The term is also defined in the National Policy on the Development of Indigenous Peoples (2009). The definition states indigenous peoples as genetically distinct groups of people who are living in Cambodia who have their own distinctive languages, cultures, traditions, and customs and are different from those of the Khmer people who are the core nationals*

<sup>40</sup> Worth noting that for translation purposes, the translations of the laws in English often say indigenous peoples, but the literal translation from Khmer is “original ethnic minorities.” Both may be referenced and used interchangeably.

<sup>41</sup> The **Protected Area Law (2008)** article 22, the government recognizes and ensure traditional and cultural users rights of local communities and indigenous peoples who live in protected areas. Article 24 states the Ministry of Environment has right to allocate area in sustainable use zone to local community and indigenous peoples who live in adjacent or inside protected area as community protected area. **Forestry Law (2002)** also provides a definition for local communities in the Glossary Annex: Community tribe or a group of people whose home residence is inside or nearby the State forest and having their custom, religious belief and culture that depend on Forest Products and By-products for their subsistence. The **Forestry Law (2002)** also defines

The Cambodian Constitution recognizes that all Khmer citizens (which includes indigenous people under the National Policy on the Development of Indigenous Peoples (NPDIP) are equal before the law regardless of race, colour, national origin, etc.<sup>42</sup>

The Land Law (2001) recognizes the collective property rights of indigenous peoples according to their traditional customs.<sup>43</sup> The Forest Law (2002) recognizes the customary, subsistence use rights of forest products and by products for local communities, and rights of shifting cultivation by indigenous peoples registered with the state.<sup>44</sup>

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 people.<sup>45</sup> These recognitions cover land rights, rights to forest products and by-products, and rights to have fishery communities. Traditional decision-making and dispute resolution mechanisms are recognized.<sup>46</sup>

The National REDD+ strategy will be guided by the several guiding principles, which include: ensure full and effective participation of relevant stakeholders, including those most vulnerable, such as local communities, indigenous peoples and women.

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#### TRADITIONAL KNOWLEDGE IS RECOGNIZED AND PROTECTED IN THE CONTEXT OF THE APPLICATION OF THE REDD+ STRATEGY

Cambodia's laws require respecting traditional knowledge through consultation or preservation. The **National Policy on the Development of Indigenous Peoples (2009)** Chapter 2, Section 2 establishes the need to protect the traditions and culture of the indigenous peoples. The **National Protected Area System Strategic Framework (2014)** Chapter IV: states that participation of local communities and indigenous ethnic minorities' communities implies the value of traditional ecological knowledge is recognized so that this knowledge is integrated with modern science to promote innovation. The **National Biodiversity Plan (2016)** Theme 14 is centered around customary sustainable use and traditional knowledge.

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"community" as: A group of people living in one or more villages, in the living in one or more villages, in the Kingdom of Cambodia, interested in social, culture, custom and economic issues in using sustainable natural resources within or nearby their area for their subsistence and livelihood improvement.

<sup>42</sup> Cambodia Constitution, Article 31

<sup>43</sup> Land Law (2001), Article 23, 26.

<sup>44</sup> Forestry Law (2002), Chapter 1, Article 2

<sup>45</sup> Land Law, Article 25; Forestry Law (2002), Article 40; Fisheries Law (2006)

<sup>46</sup> NPDIP, Chapter 2, Section 6: Land Sector Land disputes within the community are handled by the community committee or by the decision-making mechanism that is established by the community. The **Land Law (2001)** Article 26 further recognizes the role of traditional authorities, mechanism, and customs in the decision-making processes. Indigenous peoples are also protected and granted the right to establish dispute mechanisms under the **National Policy on the Development of Indigenous Peoples (2009)**. The policy establishes that the community committees are a mechanism for dispute resolution (Chapter 2, Section 8.2). The law also reinforces that community committees are to be respected as dispute resolution mechanisms. NPDIP, Chapter 2, Section 9: Justice, paragraph 8.2 *the community committees that are a mechanism for dispute resolution in the living areas of indigenous peoples; 8.3. community committees shall undertake to resolve disputes occurring between the communities of IPs.*

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## SAFEGUARD D

*The right to participate, in an effective manner including how Free Prior Informed Consent for relevant indigenous peoples and local communities will be recognized and promoted under the implementation of the National REDD+ Strategy.*

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### RELEVANT INDIGENOUS PEOPLES AND LOCAL COMMUNITIES HAVE THE RIGHT TO PARTICIPATE IN THE IMPLEMENTATION OF THE PAMS.

Cambodia's laws regulate the right for public participation in forest related decision-making processes and projects. The **Environmental Protection and Natural Resource Management Law (1996)** Article 16 requires the Ministry of Environment to encourage participation of the public in the environmental protection and natural resource management. The **Protected Area Law (2008) article 4 and 21** recognizes the right of the public to participate in the decision making on the sustainable management, conservation of biodiversity and the management of protected areas. The **Forestry Law (2002)** article 4 requires public participation in government decisions that have a potential heavy impact on general citizens.

**The Forestry Law (2002)**, Chapter 5, Article 19 require Forest Concession Management Plan and the EIA should also be available for public comment. Guidelines on Public Participation in Environmental Impact Assessment Process (2016) section 1.7; establish a very clear process for consultations and public participation in the EIA process. This includes details about public participation, stakeholders, appropriate timeframes, and information to be included in consultations. Section 4.3: outlines the desired meeting outcomes from consultations at each step of the EIA process. The result of these meetings should incorporate the input from PAP and the Stakeholders into the final EIA report. Section 4.3 require that under the 'Public Consultation and Disclosure' of any EIA report to include the issues identified by Stakeholders and how those issues were taken into account.

The **Land Law (2001) article 26** recognizes the role of traditional authorities, mechanisms, and customs in decision making processes. The **Sub-Decree on Community Forestry Management (2003)** requires participation in the community forests by the CF community.<sup>1</sup> This includes participation in the development of regulations, agreements, and the CF Management Plan.

The **Forestry Law**<sup>47</sup> and **Protected Area Law**<sup>48</sup> include specific provisions concerning local authorities and peoples in forest decision-making processes.

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<sup>47</sup> Forestry Law 2002, Chapter 1, Article 7: requires the Forestry Administration to coordinate with local authorities and communities when assessing boundaries, classifying, and demarcating forests to establish a land use map of the Permanent Forest Estates.

<sup>48</sup> Protected Area Law 2008, Chapter 2, Article 6: Nature Protection and Conservation Administration has the following rights and duties promote education and dissemination among the public and coordinate with local indigenous communities to participate in the preparation and implementation of community protected area.

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## RIGHT TO A FREE, PRIOR AND INFORMED CONSENT IS RECOGNIZED AND PROTECTED IN ACCORDANCE WITH THE RELEVANT LEGAL OBLIGATIONS

While Cambodia does not refer to **Free Prior Informed Consent** (FPIC) in its PLRs (although this is under consideration in the context of major proposed legislation currently under development), it has developed a regular practice of respect for IP rights and is a signatory to the UN Declaration on the Rights of Indigenous People (UNDRIP).

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### SAFEGUARD E

***The National REDD+ Strategy will be implemented to promote the conservation of natural forests and biodiversity, the enhancement of social and environmental benefits, and will not result in the conversion of natural forests***

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## THE CONSERVATION OF NATURAL FORESTS AND BIOLOGICAL DIVERSITY IS RECOGNIZED AND PROTECTED IN THE CONTEXT OF THE IMPLEMENTATION OF THE REDD+ STRATEGY

Cambodia's Protected Area Law (2008), Forestry Law (2002) and Fishery Law (2006) include provisions for the protection of natural forest areas. Recent policies provide additional mechanisms for the protection of natural forest areas<sup>49</sup> and for the protection and conservation of biodiversity.<sup>50</sup>

The Forestry Law (2002), the Protected Area Law (2008), the National Biodiversity Strategy and Action Plan (2016), the National Protected Area Strategic Management Plan and the National Forest Programme (2010) include protections for endangered species and their habitat,<sup>51</sup> including prohibitions against market and trade of endangered species.<sup>52</sup>

Environmental Protection and Natural Resource Management Law (1996), the Forestry Law (2002), Prakas on Guidelines on Community Forestry (2006), Prakas on Guideline and Procedure on Community Protected Area Establishment (2017), Sub-Decree on Social Land Concessions (2003), Protected Area Law (2008), National Protected Area Strategic Management Plan (2017), National Forest Programme (2010), and the Environmental Protection and Natural Resource Management Law (1996) require environmental planning, including forest and protected area management planning, and regular monitoring and evaluation.<sup>53</sup>

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<sup>49</sup> National Biodiversity Strategy and Action Plan (2016), Pg. 170, 176, National Protected Area Strategic Management Plan (2017), Pg. 9, National REDD+ Strategy (2017), Pg. 2, 9, 19, 20.

<sup>50</sup> Protected Area Law (2008), Art. 1, 16, 19, Annex, Forestry Law (2008), Art. 1, 22, Annex, Biosafety Law (2008), Art. 1, National Biodiversity Strategy and Action Plan (2016), Pg. 4, 5-14, National Protected Area Strategic Management Plan (2017), Pg. 10.

<sup>51</sup> Forestry Law (2002), Art. 48, 49, 50, Protected Area Law (2008), Art. 11, National Biodiversity Strategy and Action Plan (2016), Pg. 174, National Protected Area Strategic Management Plan (2017), Pg. 10, National Forest Programme (2010), Pg. 55. The Forestry Law (2002)"

<sup>52</sup> Protected Area Law (2008), Art. 41, Forestry Law (2002), Art. 49 and 50, National Protected Area Strategic Management Plan (2017), Pg. 10, National Forest Programme (2010), Pg. 56 and 74.

<sup>53</sup> Environmental Protection and Natural Resource Management Law (1996), Art. 5, Forestry Law (2002), Art. 9 and 18, Prakas on Guidelines on Community Forestry (2006), Art. 25, Prakas on Guideline and Procedure on

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## THE REDD+ STRATEGY WILL NOT INCENTIVIZE THE CONVERSION OF NATURAL FORESTS

The Law on Environmental Protection and Natural Resource Management (1996), Forestry Law (2002), Sub-Decree on Economic Land Concessions 2005, Sub-Decree on Social Land Concessions 2003, Protected Area Law (2008), Sub-Decree on Community Forestry Management (2003), and Sub-Decree on Environmental Impact Assessment Process (1999) set control over conversion in both public and private forests through environmental impact assessments.<sup>54</sup>

Cambodia 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.<sup>55</sup>

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## ENHANCEMENT OF ECOLOGICAL, BIOLOGICAL, CLIMATIC, AND SOCIO-CULTURAL, BENEFITS

The Protected Area Law (2008) protects biological, natural and cultural resources for environmental, social and economic benefits, the Forestry Law (2002) protects social, economic, environmental, and cultural heritage benefits of the permanent forest estate.<sup>56</sup> Fishery Law (2006) Chapter 6 focuses on management of biodiversity, flooded forest and mangrove forest.

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Community Protected Area Establishment (2017), Art. 30, Sub-Decree on Social Land Concessions (2003), Art. 30, Protected Area Law (2008), Art. 17 and 28, National Protected Area Strategic Management Plan (2017), Art. 9, National Forest Programme (2010), Pg. 78. The Environmental Protection and Natural Resource Management Law (1996) requires National Environmental Plans [National Environment Strategy and Action Plans] be reviewed and revised at least once every five years.

<sup>54</sup> Law on Environmental Protection and Natural Resource Management 1996, Art. 6 and 7, Forestry Law (2002), Art. 4, Forestry Law (2002), Art. 19, Sub-Decree on Economic Land Concessions 2005, Art. 4, Sub-Decree on Social Land Concessions 2003, Art. 9, Protected Area Law (2008), Art. 44, Sub-Decree on Community Forestry Management (2003), Art. 5, Sub-Decree on Environmental Impact Assessment Process (1999).

<sup>55</sup> Order on the Measures Strengthening and Increasing the Effectiveness of the Management of Economic Land Concessions (2012). In addition to the requirements for environmental impact assessment, Cambodia has had a moratorium on issuing economic land concessions since 2012, the Order on the Measures Strengthening and Increasing the Effectiveness of the Management of Economic Land Concessions (2012), which halts the conversion of forest lands other land use due to economic land concessions and helps to maintain forest cover.

<sup>56</sup> Protected Area Law (2008), Annex, Forestry Law (2002), Art. 1 and 11, National Forest Programme (2010), Pg. 87. The Protected Area Law (2008) includes in the definition of protected area that “these areas are of physical and biological importance which requires management by law with the purpose of protecting and maintaining biological, natural and cultural resources, and shall be sustainably managed in every generation for environmental, social and economic benefits.” The objective of the Forestry Law (2002) includes ensuring the sustainable development of forests for their “social, economic, and environmental benefits, including conservation of biodiversity and cultural heritage.” In addition, the Law states that the “permanent forest estates shall be managed with the objective to increase to the maximum extent the social, economic, environmental, and cultural heritage benefits.” Programme 4 (Community Forestry Programme) of the National Forest Programme (2010-2029) seeks to involve the local communities in multi-purpose forest management that takes into consideration sustainability, biodiversity, conservation, and environmental services, as well as socio-economic considerations, equity, and governance.

***Risks of reversals and displacement of emissions of the REDD+ PaMs will be addressed through the MRV and national forest monitoring system***

**ADDRESSING RISKS OF REVERSALS IS REQUIRED BY THE REDD+ STRATEGY**

Forestry Law (2002), Sub-Decree on Procedure Establishment Classification and Registration of Permanent Forest Estate (2005), Protected Area Law (2008), Prakas on Guideline and Procedure on Community Protected Area Establishment (2017), and Sub-Decree on Community Forestry Management (2003), require mapping of forest resources and land use change<sup>57</sup>.

**ADDRESSING RISKS DISPLACEMENT OF EMISSIONS IS REQUIRED BY THE REDD+ STRATEGY**

The Environmental Protection and Natural Resource Management Law (1996), Forestry Law (2002), Prakas on Guidelines on Community Forestry (2006), Prakas on Guideline and Procedure on Community Protected Area Establishment (2017), Sub-Decree on Community Forestry Management (2003), and the Protected Area Law (2008) require carrying out social and environmental impacts assessments and subsequent monitoring of activities and projects<sup>58</sup> and numerous laws and regulations require environmental planning, including forest and protected area management planning, and regular monitoring and evaluation.<sup>59</sup>

**REPORTING REQUIREMENTS**

As noted above, this sub-section presents the newly adopted reporting requirements to be utilized for demonstrating REDD+ interventions are consistent with the safeguards when implementing the Action and Investment Plan for Cambodia's National REDD+ Strategy.

It is anticipated that subsequent SOIs will provide information on the actual outcomes, structured in relation to these indicators.

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<sup>57</sup> 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, Annex, Prakas on Guideline and Procedure on Community Protected Area Establishment (2017).

<sup>58</sup> Law on Environmental Protection and Natural Resource Management 1996, Art. 6, Forestry Law (2002), Art. 4 and 19, Sub-Decree on Economic Land Concessions 2005, Art. 4, Sub-Decree on Social Land Concessions 2003, Art. 9, Protected Area Law (2008), Art. 44, Sub-Decree on Community Forestry Management (2003), Art. 5, Sub-Decree on Environmental Impact Assessment Process (1999), Art. 1 and 2. The Environmental Protection and Natural Resource Management Law (1996) requires an assessment of environmental impacts on every project and activity that is either private or public.

<sup>59</sup> Environmental Protection and Natural Resource Management Law (1996), Art. 5, Forestry Law (2002), Art. 9 and 18, Prakas on Guidelines on Community Forestry (2006), Art. 25, Prakas on Guideline and Procedure on Community Protected Area Establishment (2017), Art. 30, Sub-Decree on Community Forestry Management (2003), Art. 30, Protected Area Law (2008), Art. 17 and 18.

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## SAFEGUARD A

***The REDD+ Strategy is designed in compliance with the objectives of national forestry policies, considering jurisdictional arrangements, and consistent with provisions of the relevant treaties and international conventions to which Cambodia is a ratified party.***

Indicators to be used:

A.1. Description of how the implementation of the REDD+ PAMs is consistent with the objectives of national forest programmes.

A.2. Description of how the implementation of the REDD+ PAMs is consistent with the objectives of the various international agreements to which Cambodia is a Party.

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## SAFEGUARD B

***The rights of access to information, accountability, justice, gender equality, land tenure and fair distribution of benefits will be clarified, respected and promoted in the scope of the application of the National REDD+ strategy.***

Indicators to be used:

B.1. Description of information sharing/dissemination activities, including requests for access to information and how those request has been addressed made by the public disaggregated by gender.

B.2. Recored REDD+ related grievances received and described how they were addreeded and result (using existing grievance redress mechanism)

B.3. Description of how REDD+ finance (readiness, implementation and results) has been spent, percentage of allocation by gender.

B.4. Measures taken for equitable sharing of benefits, gender equity and dealing with social discrepancies.

B.5. Description of how existing land use rights have been recognized and protected during the implementation of REDD+, in particular land rights of women and Indigenous Peoples (IP).

B.6. If applicable, description of any resettlement process (including procedures followed and compensation provided) for each REDD+ intervention area.

B.7. Number of requests for information received and number dealt with (percentage rejected and granted).

B.8. Number of women involved in the implementation of REDD+ activities.

B.9. Number of grievances received against implementing authorities.

B.10. Number of grievances addressed and resolved by implementing authorities.

B.11. Number of individual or communal / customary rights holders over forest land, broken down by gender and by ethnicity, in the area before and after REDD+ PAMs.

B.12. Number of families or communities resettlements (if and as applicable).

B.13. Amount of compensation awarded (if and as applicable) and breakdown of compensation by gender and ethnicity.

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## SAFEGUARD C

***The REDD+ Strategy will be implemented in accordance to the rights of, recognition of, and respect for the rights of indigenous peoples and local communities; including the rights to non-discrimination, traditional knowledge and culture, self-determination, benefit sharing and collective tenure rights.***

Indicators to be used:

- C.1. Description of any potential sacred sites or other sites of cultural significance to indigenous peoples in areas that may be affected by REDD+ PAMs.
- C.2. Description of how indigenous peoples and local communities were included in the design and implementation of the REDD+ PAMs.
- C.3. Reports from relevant non-governmental stakeholders that indigenous peoples and local communities, particularly women were not excluded from the benefits of REDD+ or are not left worse off.
- C.4. If applicable, description of how (if at all) traditional knowledge has been used/has contributed to REDD+ PaMs implementation.
- C.5. Number of Indigenous Peoples, particularly women residing in areas affected by REDD+ PAMs.
- C.6. Number of Indigenous People, particularly women directly involved in traditional use of resources from areas affected by REDD+ PAMs.

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## SAFEGUARD D

***The right to participate, in an effective manner including how Free Prior Informed Consent, for relevant indigenous peoples and local communities will be recognized and promoted under the implementation of the National REDD+ Strategy.***

Indicators to be used:

- D.1. Description of the general categories of stakeholders involved in the implementation of the REDD+ PAMs (documentation and mapping of stakeholders) and how they were involved (information shared, feedback gathered, in what format was it gathered).
- D.2. Description of the outcomes of the participation processes (for example how the ideas or comments from relevant stakeholders led to implementation changed/was influenced by considering the views of the relevant stakeholders).
- D.3. Description of participation activities (e.g. culturally appropriate information produced, capacity building activities, specific meetings organised for vulnerable groups).
- D.4. If applicable, description and evidence of how FPIC processes were followed in PaMs intervention areas of Indigenous Peoples and whether they affected the implementation of REDD+ (PAMs cancelled where FPIC withheld).
- D.5. Number of meetings held, number of participants (organized according to categories of participant) and disaggregated by gender.
- D.6. Number of representatives/members from indigenous peoples and local communities involved in REDD+ process in each intervention area and disaggregated by gender.
- D.7. If applicable, number of FPIC processes followed (FPIC granted, FPIC withheld -resulting in intervention not going ahead).

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## SAFEGUARD E

***The National REDD+ Strategy will be implemented to promote the conservation of natural forests and biodiversity, the enhancement of social and environmental benefits, and will not result in the conversion of natural forests.***

Indicators to be used:

- E.1. Description of measures taken to ensure that REDD+ intervention do not result in the conversion of natural forests.
- E.2. Description of whether and how the projected socio-cultural, economic and environmental benefits of the REDD+ PAMs were realised following implementation.
- E.3. Description of how the implementation of REDD+ PAMs has impacted biodiversity in accordance with Cambodia's National Biodiversity Strategy and Action Plan.
- E.4. Description of how benefit sharing arrangements functioned in practice.
- E.5. Spatial information on the country's natural forest cover before and after REDD+ implementation.
- E.6. Spatial information on extent of plantations nationally and rate of change in extent of plantations.
- E.7. Statistics on jobs or businesses relating to sustainable use of natural forests and biodiversity, changes in incomes of communities that depend on natural forests, access to social services by those communities, etc.

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## SAFEGUARD F & G

***Risks of reversals and displacement of emissions of the REDD+ PAMs will be addressed through the MRV and national forest monitoring system.***

Indicators to be used:

- F&G.1. Description of NFMS designed, maintained and implemented with the appropriate frequency to detect and provide information on reversals and displacement events.
- F&G.2. Description of carbon accounting risk mitigation mechanisms such as buffer pools.
- F&G.3. Number of tCO<sub>2</sub> reduced since REDD+ intervention/implementation.
- F&G.4. Variation of deforestation rates in neighbouring areas before and after the REDD+ intervention/implementation.

## PART IV. IDENTIFICATION OF POTENTIAL RISKS AND ENVIRONMENTAL AND SOCIAL MANAGEMENT MEASURES

The REDD+ interventions of Cambodia's draft Action and Investment Plan of the National REDD+ Strategy (AIP-NRS) were screened for potential social and environmental impacts.

The most serious risks identified relate to resource access by indigenous peoples and local communities. Two of the proposed interventions that relate to demarcating protected area boundaries and completing protected area zoning 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, thus potentially increasing inequality.

The assessment process also identified risks 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 the identified risks, namely, biodiversity, indigenous peoples, resettlement, and gender. The general management plans adopted for each of these are described in the following sub-sections.

### GENERAL MANAGEMENT PLAN FOR BIODIVERSITY

#### OVERVIEW

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.<sup>60</sup> 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.<sup>61</sup> In recent years, biodiversity in Cambodia has been under great pressure, in particular from rapid deforestation<sup>62</sup> and from unsustainable exploitation of forest, freshwater, and marine resources.<sup>63</sup>

Two of the REDD+ interventions described in the draft Action and Investment Plan of the NRS were identified as posing risks of moderate significance to biodiversity. These were actions SO1.1.3 relating

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<sup>60</sup> National Council for Sustainable Development. February 2016. National Biodiversity Strategy and Action Plan (NBSAP).

<sup>61</sup> IUCN Red List 2018-1. Available at <http://www.iucnredlist.org>, accessed October 10, 2018.

<sup>62</sup> Hansen et al. 2013. High-Resolution Global Maps of 21st-Century Forest Cover Change.

<sup>63</sup> NBSAP.

to forest restoration and reforestation and SO.2.1.1 relating to the expansion of community forest development. Therefore, the implementing ministries of the RGC will develop Biodiversity Management Plans (BMPs), in consultation with local communities and other stakeholders, in order to guide REDD+ interventions implementation so as to mitigate harm to species and to habitats.

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## 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.<sup>64</sup> The first step to inform geographic targeting is appropriate assessment of existing patterns of biodiversity.

The core of a biodiversity management plan is an initial assessment of biodiversity 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.<sup>65</sup>

### **Biodiversity assessment and site targeting**

Additionally, at each site where a REDD+ intervention will take place, a biodiversity assessment will 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. Reforestation and forest restoration efforts will seek to return a stand to a state that is historically accurate for the site. Afforestation will be undertaken with care and consideration of the characteristics of the historical non-forest ecosystem that existed on the site and will 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 will 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. 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.

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## GENERAL MANAGEMENT PLAN FOR INDIGENOUS PEOPLES

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<sup>64</sup> Phelps et al. 2012. Win-win REDD+ approaches belie carbon-biodiversity trade-offs. *Biological Conservation* **154**: 53-60.

<sup>65</sup> National Council for Sustainable Development. February 2016.

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## OVERVIEW

Actions SO1.1.1 and SO1.1.2 – respectively, demarcation of protected area boundaries and preparing PA management plan including zoning designations – both pose risks of a loss of access to traditional resources by indigenous peoples. 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) may modify local ecosystems, and sufficient engagement of local communities will be required to avoid harm to 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. Expanding these institutions (CFs, Cfis, CPAs) requires active efforts to ensure that indigenous communities are able to share their benefits equally.

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## MITIGATION MEASURES

In order to address the risks identified in this context, REDD+ interventions will seek in all cases to promote the rights of indigenous peoples, specifically concerning land ownership. 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.

REDD+ interventions implemented by the RGC will be undertaken with respect for international law and best standards, including UNDRIP with regard to the substantive rights of indigenous peoples. REDD+ interventions will conform to the following:

1. Recognition and respect for the rights of indigenous communities to land, resources and territory, recognised collectively, as rights to own, use, and develop and control the lands, resources and territories that indigenous communities 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 rights, support will 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.
2. Indigenous peoples' right to legal personality is critical to the protection, respect and fulfilment of their human rights.
3. All attempts must be made to avoid relocation and, where it is unavoidable, it will be done with FPIC consultations. This topic is dealt with in depth below under General Management Plan for Resettlement.
4. 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

- interests, lands, resources, territories (whether titled or untitled to the people in question) and traditional livelihoods of the indigenous peoples concerned.
5. Prior social and environmental impact study: all interventions that may impact the rights, lands, resources and territories of indigenous peoples require prior review and/or assessment of potential impacts and benefits.
  6. Appropriate benefits: arrangements, evidenced in a documented outcome, are concluded with indigenous peoples for the equitable sharing of benefits to be derived by the interventions 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.
  7. Support for rights: interventions 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.

## GENERAL MANAGEMENT PLAN FOR RESETTLEMENT

### OVERVIEW

The proposed REDD+ interventions include a small risk of inducing displacement and resettlement. The two proposed actions relating to protected area demarcation (SO1.1.1) and zoning designation in protected areas (SO1.1.2) are the ones that are most likely to result in population movement of some kind. 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.

### MITIGATION MEASURES

The following measures represent the principles underlying the resettlement management program:

- Recognizing and respecting 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.

The following general principles on resettlement will guide all REDD+ interventions in Cambodia:

1. 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 (iii) 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.
    - 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 intervention, 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.

## GENERAL MANAGEMENT PLAN FOR GENDER

### OVERVIEW

REDD+ interventions planned in Cambodia include some risks to gender inequality; in particular, these include issues of reduced participation, and of change in 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 some REDD+ interventions, 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 strategic objective 2, 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 under strategic objective 2 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.

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## MITIGATION MEASURES

In order to 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.

The following measures will be undertaken:

### **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. The design of REDD+ interventions in Cambodia will take place through meaningful, effective and informed consultation. Consultation processes will be designed to comply with the following specific requirements:

- 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 stakeholders.
- Consistent with the States' duties and obligations under international law. Which includes the legislation outlined in the section above.

#### **With regards to enhanced capacity**

The capacity building package on mainstreaming gender will to be integrated with the REDD+ related technical capacity building component. It should include training on analytical capacities, methods and tools for gender and social inclusion, including topics, such as gender and social analysis, gender integration, organizational assessment from a gender perspective, leadership, etc.

The focus would be on improving the capacities of the subnational level REDD+ and forest staff, particularly the frontline staff<sup>66</sup>, to integrate gender and social inclusion into their REDD+ work. This package should also be linked with the proposed three Regional Training Centers for PA management and embedded in the NRS-AIP (NPASP and PFSP).

#### **With regards to monitoring information to capture gendered outcomes**

Monitoring information of REDD+ interventions that captures gendered outcomes (immediate and intermediate levels). The REDD+ Taskforce Secretariat will introduce spaces to track learning and change on gender through its existing reporting systems or by conducting gender outcome mapping in every progress reporting.

#### **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 men<sup>67</sup>, 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.

At the community level, the capacity of both men and women will be developed to address gender issues and to ensure the participation of women in decision-making. At the institutional level, increased 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.

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<sup>66</sup> Frontline staffs: both government and NGO staffs and stakeholders responsible for direct delivery of resources and engagement with the community.

<sup>67</sup> UNDP, 2011, Human Development Report, [http://www.undp.org/content/dam/undp/library/corporate/HDR/2011%20Global%20HDR/English/HDR\\_2011\\_EN\\_Complete.pdf](http://www.undp.org/content/dam/undp/library/corporate/HDR/2011%20Global%20HDR/English/HDR_2011_EN_Complete.pdf)

## PART V: OPERATIONAL MECHANISM TO RECEIVE AND ADDRESS COMPLAINTS

This section outlines the relevant GRMs which may be most suitable 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 of resolution they provide, technical capacity of each, and public awareness of and access to each. It is these characteristics that enable them to mitigate the effects of policy and economic changes on vulnerable groups.

The most relevant GRM for disputes arising in the REDD+ context is under the jurisdiction of the NCDD. The NCDD currently operates an “Accountability Box” mechanism. This leading GRM mechanism literally includes a physical box located in each commune throughout the country. Citizens may anonymously deposit complaints about any topic at all into the box.

Under NCDD supervision, a special Provincial Accountability Working Group (PAWG) operates on a province by province basis to receive all complaints collected through the box and to take appropriate action. The PAWG operates as a two-step complaint resolution referral entity within each province. First, it reviews each complaint received itself. Then, it refers the complaint to the provincial/local level entity with jurisdiction and tracks the matter through resolution.

While complaints typically regard such matters as project-related issues, complaints against government staff or commune councillors and other service delivery issues, the Accountability Box’s mandate is comprehensive and can certainly already include matters specifically pertaining to REDD+ safeguards. NCDD staff has also expressed an openness to developing the capacity of the system to include REDD+-oriented complaints

Statistics regarding the volume of complaints received and more specific information about the nature of complaints received is available through the NCDD.

Building on the proven viability of the Accountability Box system, the NCDD is currently in the process of rolling out a new “one window service” for provincial and district level services, as part of an overall effort to streamline local level services.

Each one window service office includes an officer (referred to as the Citizen Officer or Ombudsman) responsible for receiving complaints. Citizens may also submit complaints through social media. Complaints may be on any topic. One feature of this new one window service is the integration of the existing Accountability Box grievance procedures into the one window service.

The one window service system and its complaint processing capability is still in the process of achieving full scale implementation, having become operational at district level since 2015, at municipal level since 2017, while just starting at the provincial level in 2018.

The basic jurisdictional and response framework remains the same as the Accountability Box mechanism, with the PAWG responsible for referring and monitoring those complaints received through the one window service. While the PAWG is currently under NCDD jurisdiction, it is planned to be transferred completely to provincial jurisdiction during 2019.

### Other available and relevant GRMs:

With its track record, incorporation into existing institutional structures, and planned expansion, the NCDD GRM is the most viable GRM for REDD+ purposes. However, existing PLRs establish a number of other formal and informal grievance mechanisms, which are in various stages of development and operation. Each of these is briefly presented below for information purposes (Table 2):

**Table 2: Other relevant GRMs**

Existing GRM Within PLRs	Current Status	Potential suitability to REDD+
National Committee for Conflict Resolution on Protected Area Management	Established under 2008 Protected Area Law; not currently operational.	<b>LOW:</b> Potentially strong jurisdictional link and technical focus; however, not currently operationalized.
National Authority for Land Dispute Resolution	Established under Sub-Decree on the Composition of the National Authority for Land Dispute Resolution, No. 168 (2006); sporadically utilized for several years, but recently not operational.	<b>LOW:</b> Jurisdiction focussed on land disputes; expansive jurisdictional interpretation could be suitable to a large number of REDD+ related matters
Government-run legal aid services	The Cambodian Bar Association (BAKC) operates legal aid services, providing fees to selected lawyers for casework on behalf of indigent clients. Overall annual budget is limited, and casework tends toward family matters, small disputes and criminal matters.	<b>LOW:</b> Limited reach and scope of service makes legal aid program incompatible with REDD+ needs
NGO-led legal aid programs	Various local NGO and donor-driven efforts support legal services on issues ranging from human rights defence to criminal defendant representation to selected land rights and indigenous peoples rights. Dependence on external funding makes long term availability uncertain.	<b>MEDIUM:</b> Variable funding levels and shifting donor priorities make viability for REDD+ issues uncertain. Lessons learned and collaboration possibilities could be explored.
Forest Administration dispute resolution procedures	Forestry offenses specifically may be 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. <sup>68</sup> 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, can then appeal to the court system. <sup>69</sup>	<b>LOW:</b> 2016 jurisdictional reorganization between MoE and MAFF render FA jurisdictional too limited to be meaningful in terms of REDD+ related forest issues.
Cadastral Commission system	The <b>Land Law (2001)</b> addresses disputes over immovable property. Disputes involving land that does not have a formal title are resolved by the Cadastral Commission, created by the	<b>LOW:</b> Much of the PA system involves land that is not yet registered or titled.

<sup>68</sup> Forestry Law (2002), Chapter 14: Procedures to Resolve Forestry Offenses

<sup>69</sup> Forestry Law (2002), Chapter 14, Article 89

	Ministry of Land Management, Urban Planning, and Construction, while the courts hear land dispute matters on formally registered land.	
IP Indigenous Community Committees	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 community <sup>70</sup> , mandating that it <i>shall be resolved by the community committee and the community decision-making mechanism</i> . If another community is involved in the dispute, then the legal procedures are stipulated in the sub-decree on the land registry committee. <sup>71</sup> If a dispute cannot be reconciled by the community committee <sup>72</sup> , the committee is required to forward it to another dispute resolution mechanism or to the court. <sup>73</sup> The Policy also provides that the relevant institution provides translation services if a dispute is submitted to it from the community committee and a party to the dispute cannot speak Khmer. <sup>74</sup> 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.	<b>LOW/MEDIUM:</b> Traditional indigenous community dispute resolution mechanisms are highly effective for resolving matters occurring fully within the IP community context. However, they are of quite limited utility for resolving disputes involving parties outside IP communities, which is a likely scenario for REDD+-related disputes.

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<sup>70</sup> National Policy on the Development of Indigenous Peoples (2009), Chapter 2, Section 8.2

<sup>71</sup> National Policy on the Development of Indigenous Peoples (2009), Chapter 2, Section 5.5

<sup>72</sup> 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.

<sup>73</sup> National Policy on the Development of Indigenous Peoples (2009), Chapter 2, Section 8.2

<sup>74</sup> National Policy on the Development of Indigenous Peoples (2009), Chapter 2, Section 5.6

## PART VI. STAKEHOLDER ENGAGEMENT

A number of consultations have been carried out to ensure inclusive participation of stakeholders as well as to collect inputs for the development of the Sol (Table 3). This process was closely monitored by the Safeguards Technical Team. The stakeholders were key representatives from forest institutions, relevant ministries to REDD+ implementation, consultation group, gender group, local communities, and Indigenous People and Civil Society Organizations. They were engaged in every steps of the design and analysis of Cambodia clarification, PLR assessment, social and environmental risk assessment, risk management plans, and development of information needs for the SIS.

**Table 3: Overview of the consultation activities carried out**

Description	Stakeholders	Number of Participants	Date	Venue
Technical Meeting to discuss work plan for the development of SIS and Sol	Safeguard Technical Team (STT) that composed of IP and community representatives, NGO, Government officers from MoE, NCS, FA, FiA, NCDD/MoI)	Total 15, 2 women	3-4 July 2017	Siemreap
Technical Meeting to discuss key elements of SIS	Safeguard Technical Team	Total 15, 2 women	9 December 2017	Siemreap
Review Policy Laws and Regulations to address Cancun safeguard (PLR)	Safeguard Technical Team	Total 22, 7 women	27 <sup>th</sup> August, 2018	Phnom Penh
Present outline and key content of SIS to Taskforce for inputs	10 <sup>th</sup> Taskforce Meeting	Total 72, 19 women	26-27 <sup>th</sup> September 2018	Siemreap
Address comments on PLR assessment	Safeguard TT, Gender Group and other key stakeholders from line ministries	Total 18, 5 women	24 October, 2018	Kampong Cham
Review environmental and Social management framework	Safeguard TT, Gender Group and other key stakeholders from line ministries	Total 15, 3 women	2 November, 2018	Phnom Pneh
National Workshop on REDD+ Safeguards to finalize ESMF and SIS Framework, and to validate progress of safeguard's works	Safeguard TT, Gender Group key stakeholders from line ministries and CLP Firm	Total 29, 7 women	06 November, 2018	Kampong Cham
Close group meeting on institutional framework	Government management from MoE, FiA, FiA and REDD+ Secretariat	Total 11, 2 women	11 <sup>th</sup> January 2019	Phnom Penh
Finalize SIS elements, review website and database, and review Sol outline	Safeguard Technical Team and Gender Group	Total 20, 7 women	30-31 January 2019	Kampong Thom
Safeguard Training Workshop	Safeguard TT, Gender Group and key stakeholders from line ministries and CLP Firm	Total 39, 9 women	20-22 February 2019	Siem Reap
Sol Technical Review	Safeguard TT, Gender Group and other key stakeholders from line ministries	Total 22, 6 women	23-24 May, 2019	Siem Reap

Safeguard Awareness Raising Workshop and Consultation on Sol	Representatives from national and international NGOs, community networks, and Indigenous Peoples	Total 51, 12 women	6-7 June, 2019	Siem Reap
Technical Meeting to review inputs from CSOs on Sol	Safeguard TT, Gender Group and other key stakeholders from line ministries	Total 21, 7 women	3 July, 2019	Kompong Chhnang

## ANNEX I: RELEVANT AND APPLICABLE INTERNATIONAL AGREEMENTS AND CONVENTIONS

1. Convention on Biological Diversity; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
2. International Labor Organization Conventions (No. 29: Forced Labour Convention, No. 105: Abolition of Forced Labour Convention, No. 138: Minimum Age Convention, No. 182: Worst Forms of Child Labour Convention);
3. United Nations Convention on the Rights of Indigenous Peoples (UNDRIP);
4. United Nations Convention Against Corruption (UNCAC);
5. United Nations Convention on the Elimination of All Forms of Racial Discrimination (UNCERD);
6. United Nations Convention on Climate Change (UNFCCC);
7. ASEAN Charter;
8. ASEAN Agreement on Transboundary Haze Pollution;
9. Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar Convention);
10. Vienna Convention for the Protection of the Ozone Layer;
11. Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and Their Disposal;
12. Stockholm Convention on Persistent Organic Pollutants;
13. Convention on Biological Diversity;
14. Kyoto Protocol to the United Nations Framework Convention on Climate Change;
15. Montreal Protocol on Substances that Deplete the Ozone Layer and Amendments;
16. Cartagena Protocol on Biosafety;
17. Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety;
18. Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity;
19. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);
20. Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade;
21. Mekong Agreement (Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin);
22. 1948 Universal Declaration of Human Rights;
23. 1972 Stockholm Declaration;
24. 1979 Conv. on the Elimination of Discrimination Against Women;
25. 1992 Agenda 21 CH 24 Global Action Women;
26. 1992 Agenda 21 Sustainable Development; and
27. 1992 Rio Declaration

### 1. Addressed and Respected the Cancun Safeguards

Since there is no official UNFCCC definition of the terms 'addressed' and 'respected' with respect to the Cancun safeguards, Cambodia uses these terms with generally understood meaning as follow:

**Addressed:** Refers to issues relevant to REDD+ safeguards are covered/considered by governance arrangement including policies, laws, regulations, institutions, and grievance redress mechanisms etc.

**Respected:** Refers to how these governance arrangements including policies, laws, regulations, institutions, etc, are implemented to ensure REDD+ safeguards outcomes.

### 2. REDD+ safeguards

Safeguards are procedures and approaches that can help to ensure that REDD+ activities "do no harm" to people and the environment, but rather enhance social and environmental benefits.

### 3. Cancun safeguards

The Cancun safeguards or sometimes known as Seven Safeguards are a set of requirements were agreed for REDD+ at the 16<sup>th</sup> Conference of the Parties to the UNFCCC in 2010 in Cancun, Mexico. All the seven requirements should be promoted and supported when undertaking REDD+ activities.

### 4. Safeguard information system

A system to provide information on how all Cancun safeguards are addressed and respected. With this regard, a safeguard website was created for everyone to access and provide feedbacks on safeguard. All safeguards related information must be properly documented and generated. There is also a database system for REDD+ implementors to fill in information, synergise and manage safeguards data.