

## **Environment and Social Safeguards Framework**

### **Cambodia: Road Asset Management Project II (RAMP-II) for NR3 and NR 7**

**(prepared by MPWT on 23-12-2015, and updated and redisclosed on May 8, 2018 with GBV, VAC and labor influx requirements incorporated)**

#### **I. Introduction**

1. The Royal Government of Cambodia (RGC) through the Ministry of Public Works and Transport (MPWT) is provided with World Bank financing to implement a new Road Asset Management Project (RAMP-II) for a period, from 2016 to 2022. The new project will support the scaling up of the original RAMP project's achievements to ensure continued effective use of the rehabilitated national and provincial road network in support of the economic development in Cambodia. The project will continue to integrate periodic rehabilitation and maintenance investments with institutional support and capacity development for prioritization and planning, implementation of maintenance activities. This safeguard policy document, namely Environmental and Social Safeguard Framework (ESSF) applicable and implemented under the original project, has been updated for the purposes of RAMP-II. The ESSF covers the Indigenous People Development Framework (IPDF), Compensation and Resettlement Policy Framework (CRPF) and Environmental Management Plan (EMP) to be applied to all subprojects to be implemented under RAMP-II regardless of financing source. Since the four road section packages to be financed by RAMP-II are known in terms of locations and impacts, MPWT has prepared site-specific EMPs and abbreviated Resettlement Action Plans (ARAPs) for these packages, after the completion of the detailed designs for road repair and maintenance in August 2014. The ESSF and subsequent safeguard documents have been prepared in line with national applicable laws and the Bank operational policy OP 4.01, provisions on Environment Assessment, OP 4.12 on Involuntary Resettlement, and OP 4.10 on Indigenous People. For precautionary reasons, the ESSF remains applicable for RAMP-II as an umbrella safeguard instrument to guide possible future additional works for unforeseen road maintenance activities.

RAMP-II will support the repair and maintenance of the four sections/packages of National Road 3 (NR 3) and NR 7 under MPWT's responsibility. The two road lines (i.e., NR3 and NR7) are divided into four road sections:

- Package 1: Periodic maintenance of 54 km of NR3 from Kompot provincial town to Veal Rinh intersection of NR3 and NR4, with performance based contract covering routine maintenance for three years. It also supports the construction of side drains of 17 km along the NR 3 road.
- Package 2: Periodic maintenance of 50 km of NR7 from PK136 to PK186, with performance based contract covering routine maintenance for three years. It also supports the construction of both side drains along 28.7 km of the NR7 road.
- Package 3: Periodic maintenance of 57 km of NR7 from PK186 to PK243, with performance based contract covering routine maintenance for three years. It also supports the construction of both side drains along 37.7 km of the NR 7 road.
- Package 4: Periodic maintenance of 57 km of NR7 from PK243 to PK300, with

performance based contract covering routine maintenance for three years. It also supports the construction of both side drains along 11.8 km along of the NR7 road.

The environmental and social screening and consultations carried out by the project in November 2013 suggests that significant social or environmental impacts are not anticipated. The findings of the screening were confirmed by the WB safeguard mission during its visit to the project sites in December 2013. The updated ESSF will be applied during the project implementation (including Site Specific EMPs and Abbreviated RAPs) of the subprojects, including road safety, which will be applied before civil works may commence and then monitored accordingly.

2. The project remains classified as Category B for environmental assessment purpose because RAMP-II will finance only rehabilitation and repair of existing roads, thus impacts are known, site specific and managed if EMP provisions are diligently implemented. The project triggers three safeguard policies including Environmental Assessment (OP/BP 4.01, Indigenous People (OP/BO 4.10, and Involuntary Resettlement (OP/BP 4.12). Outcomes of the screening process documented in the report dated November 20, 2013 reveals that no major environmental and social impacts are envisaged because the proposed road maintenance sections will be carried out on the existing road alignments and within Right of Way (ROW). Some inconveniences may occur during construction, such as dust, noise and construction debris, which however can be mitigated by applying good construction practices and close supervision. Similarly, no physical resettlement would be required and no ethnic groups of people were found in the project area during the survey. Nevertheless, minor relocation of temporary buildings including roof structures and concrete floors extended from small shops and houses along the ROW and crops or trees are anticipated. Although no ethnic minority people were identified among the 919 potential Project Affected Households (PAHs) visited during the screening, the IPDF would remain applicable for precautionary reasons.

Further it was decided that the Indigenous Peoples Development Framework (IPDF) developed under the original project would remain applicable for RAMP-II and ethnic screening will be conducted for all road sections to be supported before civil works start. If ethnic minority groups are found to be present in or have collective attachment to project areas, Indigenous Peoples Development Plan (IPDP) will be developed as per the updated IPDF.

Since the four road sections' packages to be financed by RAMP-II are known in terms of locations and impacts, MPWT has prepared site-specific EMPs and abbreviated Resettlement Action Plans (ARAPs) for these packages after the completion of the detailed designs for road repair and maintenance in August 2014. In addition to road repair and maintenance works, RAMP-II involves the construction of side drainage in urban areas within the ROWs, which requires specific safeguards instruments to mitigate potential impacts. The site specific EMPs and abbreviated RAPs, to be prepared in line with the updated ESSF, will be subjected to public consultation and disclosure before RAMP-II appraisal.

## **II. Lessons Learned from the Original RAMP Implementation**

3. Following is the summary of the conclusions reached; details are available in the ISDS.
  - *Safeguards screening and risks.* Under the original RAMP project, adequate attention has been paid to the safeguards screening and requirements, including preparation of the safeguards instruments, training and monitoring. Safeguards screenings have been carried

out in a satisfactory manner. Risks due to UXO in the project areas were mitigated through previous road projects. Overall risk for safeguards is perceived to be low under RAMP-II because the project will focus on repair and maintenance of the existing road assets and will follow the same road alignments.

- *Potential impacts due to civil works.* No major adverse impacts have been observed on the local environment and local people due to the nature of the investments carried out under the original project which merely focused on repair and maintenance of the NRs and their existing alignments. Given the similar nature of the activities to be carried out under the RAMP-II, the environmental and social impacts would be minor and can be effectively mitigated through the mitigation measures provided in this ESSF. Some inconveniences may occur during construction such as dust, emissions, noise, vibration and construction debris, which however can be mitigated by applying the good construction practices and close supervision. For individual contracts for project road rehabilitation and maintenance, the updated Environment and ESSF will be applied by the contractors and monitored by the MPWT through its Environmental and Social Office. The four road sections' packages are known in terms of locations and impacts; therefore, site-specific EMPs should be prepared before works may commence.
- *Land acquisition and resettlement.* No major land acquisition or major adverse social impacts were observed under the original RAMP project. The road sections to be covered by the RAMP-II are located in flat areas connecting a number of provincial and district towns, in which rapid growth in economic developments and increasing demand for improved transport infrastructures are observed. Minor relocation of temporary buildings including roof structures and concrete floors extended from small shops and houses and crops or trees found along the ROWs are anticipated. Potential minor and temporary land acquisition may be required due to the construction of side ditches and drainage within the ROW. Since specific investment locations and detailed information on the land acquisition would be identified during implementation, the CRPF has been updated as part of the ESSF, which would be applied to all sections of the NRs under the RAMP-II.
- *Ethnic Minority.* Indigenous minorities (locally known as Highland Peoples) are found mostly in the northeast (Ratanakiri and Mondolkiri provinces), which would not be covered by the RAMP-II. These groups, among them the Tampuan, Kuy, Jarai, Phnong, Kreung, Kvaet, Brou, Stieng, Lun and others, are estimated to total about 120,000 people, or about one percent of the national population. Under the original RAMP, no issue or impact on ethnic minorities were reported. Although no ethnic minority people were identified among the 919 potential PAHs visited during the screening for RAMP-II, the existing IPDF would remain applicable for the precautionary purpose. Similar process would continue during implementation with focusing on further improving the quality of consultation and project information disclosure.
- *Physical cultural properties and sensitive areas.* There were local hospitals, schools, temples and markets identified along the NRs to be repaired during the screening process. These public facilities and physical cultural properties are found to be located outside the ROW or at least 50 meters from the center of the roads. Hence, the civil works would not cause major impacts on the properties and sensitive areas. However, the updated site specific EMP including chance finds clauses and good engineering practice will be applied to mitigate impacts identified under the RAMP-II.

4. Under the original project, MPWT's capacity on safeguards implementation was developed through training and engagement of safeguard consultants to provide proactive support for the Environmental and Social Office. As stated above, no major environmental and

social impacts, including negative impacts on ethnic minority, have been observed. The safeguard team considers that all safeguards-related activities have been satisfactorily implemented and safeguard findings have been documented in progress and supervision reports. The RAMP-II will continue its support for strengthening capacity of ESO to implement the safeguards for the project. At present, there are only four social safeguard staff and two environmental staff in the ESO trained by the original RAMP, other donors-financed projects and Ministry of Environment. With limited number and frequent turnover of staff to cover the growing number of NR development projects, a more holistic capacity development program will be developed and implemented based on experience from the original RAMP and from Bank-financed road sector projects in neighboring countries such as Laos and Vietnam.

An estimated budget of US\$300,000 from the RAMP-II will be specifically allocated for (i) strengthening supervision and monitoring of safeguard compliance, including reporting; (ii) safeguard training for ESO and IRC secretariat's staff with focus on ESIA review, social and economic impact assessment and reporting and effective consultation with PAHs.

5. In view of the above information, the team considers that the safeguard instrument ESSF covering CRPF, IDPF and EMP applied by the original project would be relevant and applicable for the RAMP-II. These documents have been updated to reflect lessons learned from RAMP project implementation, experience from the Lao Road Sector Project and the new Law on Expropriation, 2010, of which key principles are not conflicting with the Bank policy OP 4.12. The revised ESSF includes an updated checklist and screening forms and information on the project. Communication tools such as leaflets or posters would be developed and included in the ESSF which will be applied by the RAMP-II for effective consultation and public disclosure. Although, the MPWT carried out consultation with project affected households during the screening along the road sections in November 2014, not all (16) PAHs interviewed by the Bank safeguard mission were fully aware of the project. The MPWT, with support from its safeguard consultants, has revisited the project sites to carry out the consultation with the PAHs. A leaflet has been prepared for distribution at least one month to all PAHs before the commencement of road works to ensure that they are well informed and supportive for the RAMP-II. The four road sections' packages are known in terms of locations and impacts; therefore, site-specific EMPs and two separate Abbreviated Resettlement Action Plans (ARAPs) have been prepared for the RAMP-II. The safeguard instruments would adequately address potential safeguard risks that may be induced by the RAMP-II.

6. An Environmental Management Plan (EMP) has been prepared with specific safeguard requirements and screening forms that will be included in the bidding and contract documents to ensure that good engineering practices will be applied during construction. The contractors will be made aware of their contractual obligations and their safeguards performance during construction will be closely supervised and monitored by the Project Engineers with close supervision of the Project Supervision Consultants. Safeguard training and technical assistance will be provided to the MPWT as integral part of capacity building program under RAMP-II to strengthen their country system and implementation capacity for addressing environmental and social impacts management in the national road sector.

7. MPWT has revised this ESSF to ensure consistency of the Safeguard Policies applicable to RAMP-II and to facilitate effective implementation of the road works. This ESSF is to ensure that (a) potential negative impacts will be properly identified, assessed and mitigated, (b) internal communication among Project staff would be effective, and (c) effective public disclosure of safeguard information for the Project and its subprojects is undertaken. The ESSF describes those aspects related to the social, environmental, and public disclosure. The ESSF has been translated into Khmer language and was publicly disclosed on MPWT's website and at the local levels,

(Road Asset Management Office (RAMO) and Provincial Department of Public Works and Transport (PDPWT) offices on 23 December and Bank's InfoShop on December 23 and 24.

### **III. Social Aspects**

#### **III.1. Land Acquisition and Resettlement**

8. The RAMP-II is not expected to require major physical relocation. Experience from the original project implementation also suggests that no major relocation or resettlement would be required. However, minor infrastructure or the use of some areas as disposal sites may result in unexpected low-level impacts/damages to parcels of land or buildings. Road maintenance activities may also require the relocation of temporary structures, temporary occupation of plots or may cause crops to settlers along the roads.

#### **III.2. Compensation and Resettlement Guidelines**

9. To address project impacts, the existing Compensation and Resettlement Policy Framework (CRPF) has been updated to be applied by the RAMP-II (see Attachment 1). The updated CRPF, which is not conflicting with the RGC's Law on Expropriation, will be implemented by the Implementation Agency, the Environmental and Social Office of the MPWT and the local agencies. The CRPF has been translated in Cambodian language and will be distributed as part of the Operations Manual to the local agencies responsible for the maintenance works.

#### **III.3. Implementation**

10. The ESO under MPWT will continue to fulfill the overall responsibilities for compliance with this framework. The World Bank holds it responsible for supervising and providing implementation support for the project in all safeguard aspects, including ARAPs and EMPs. The compensation of impacts will be implemented and managed by Commune Resettlement Subcommittees (CRS) in close consultation with affected households (AHs). CRSs will be established within communes where land acquisition and resettlement impact exist. IA will assist in the formation of CRS and train them on the CRPF and ARAP. The ESO will have a supervisory role and will ensure that the provisions contained in the ARAPs are implemented and reported.

#### **III.4. Public information and disclosure**

11. The CRS will ensure that all communes and villages where land acquisition and resettlement impact exist are properly and timely informed of the road maintenance activities to be carried out and that the provisions of the CRPF and ARAPs are effectively disclosed (via public posting and/or community meetings) to the population living along the subproject roads. All communities along the subproject roads have been and will continue to be consulted by means of ad hoc meetings to inform them of potential impacts and the proposed mitigations. A visualized material in the form of leaflet containing succinct project information, potential impacts and mitigation measures adopted from that applied by Lao Road Sector Project will be developed for distribution to all PAHs. This is to ensure that all PAHs are well informed and supportive for the project.

#### **III.5. Complaints and Grievances**

12. Possible complaints and grievances at the local administrative level will be resolved by the Grievance Redress Committee (RGC) established for the project including leading members of the local communities, and a local NGO based on original project experience. The process of grievance is as follow:

First stage: APs will present their complaints and grievances to Commune Resettlement Sub-committee and, if he or she wishes, to the nominated NGO working on the RGC. The NGO will record the complaint in writing and accompany the AH to meet the Commune Resettlement Sub-Committee. The Sub-Committee will be obliged to provide immediate written confirmation of receiving the complaint. If after 15 days the aggrieved AP does not hear from or if the AH is not satisfied with the decision taken in the first stage, the complaint may be brought to the District Office.

Second stage: The District Office has 15 days within which to resolve the complaint to the satisfaction of all concerned. If the complaint cannot be solved at this stage, the District Office will bring the case to the Provincial Grievance Redress Committee.

Third stage: The Provincial Grievance Redress Committee meets with the aggrieved party and tries to resolve the situation. Within 30 days of the submission of the grievance, the Committee must make a written decision and submit copies to Implementing Agency (IA) and the AH.

Final stage: If the aggrieved AH does not hear from the Provincial Grievance Redress Committee or is not satisfied, he/she will bring the case to Provincial Court. This is the final stage for adjudicating complaints. The Court must make a written decision and submit copies to IA the AH. If any party is still unsatisfied with the Provincial Court judgment, he/she can bring the case to a higher-level court.

### **III.6. Voluntary Land Contributions**

13. Where local communities and households elect to make a voluntary contribution of affected land without compensation, this should be acceptable only for marginal impacts and only when benefits to affected people can be assured. The process of consultation with potential contributors should be conducted in an open and transparent manner by CRS, and decisions for “voluntary” contributions should be based on the “informed choice” of affected people. The consultation process and agreement must be documented by local authorities as part of the civil works package. The detailed principles and procedures for voluntary land donations are detailed in the Annex 1: CRPF under Section 4.

### **III.7. Impact on Indigenous Minorities**

14. Indigenous minorities (locally known as Highland Peoples) are found mostly in the northeast (Ratanakiri and Mondolkiri provinces), which would not be covered by the RAMP-II. These groups, among them the Tampuan, Kuy, Jarai, Phnong, Kreung, Kavaet, Brou, Stieng, Lun and others, are estimated to total about 120,000 people, or about one percent of the national population. Under the original RAMP, no Indigenous minorities were found to be presented in the project affected areas. Indigenous People (IP) screening conducted in some of the areas along the project roads did not find Indigenous minority communities. However, it was decided that the existing Indigenous Peoples Development Framework (IPDF) would remain applicable for the precautionary purpose. Processes and procedures provided under IPDF including an IP screening for all project road sections would continue to be employed during RAMP-II implementation with focusing on further improving the quality of consultation and project information disclosure.

Based on findings of the project safeguard screening carried out in November 2013, no ethnic groups of people meeting the Bank's definition of Indigenous People were identified during the visit to 919 potential PAHs. These findings have been confirmed by the recent survey in preparation for site specific EMPs and ARAPs carried out in November 2014. The experience from the implementation of original RAMP also suggested no Indigenous minority people or community were affected and reported.

### **III.8. Indigenous People Development Framework (IPDF)**

15. Where indigenous people are affected, they will be consulted with all the project information provided over the proposed project activities and development of any necessary measures to mitigate any impacts. The consultation process and developed mitigation measures will be documented. Where indigenous people are adversely affected by a sub-project, either by land acquisition or by other induced negative impacts, the IPDF, a standalone document, would have to, in addition to supporting the above mentioned, include measures to mitigate adverse impacts. Acquisition of land and other assets will be governed by the CRPF.

16. Under RAMP-II preparation, IP screening was conducted for all road sections to be supported under the project during detail survey and design and before civil works start. No Indigenous minority people were identified among 919 potential PAHs visited during the screening. However, it was decided that the Indigenous Peoples Development Framework (IPDF) developed under the original project would remain applicable for RAMP-II for precautionary reasons. If Indigenous minority groups are found to be present in or have collective attachment to project areas, Indigenous Peoples Development Plan (IPDP) will be developed as per the updated IPDF.

17. The implementation of the IPDF will be carried out by the community, assisted by the IA and Commune Councils, facilitated by local NGOs, where available and appropriate.

**Labor Influx:** A risk assessment conducted based on the risk classification defined by the World Bank's 2016 Labor Influx Guidance Note indicates that the marginal risk associated with the labor influx under the project is considered low. The size of the potential influx of laborers and workers is expected to be limited relative to the absorptive capacity of the local communities. The POM specifies responsibilities of the implementing agency, RAMO and ESO, its contractors and supervision engineer to mitigate and monitor the negative impacts of labor influx, and the potential risks related to sexual exploitation and abuse (SEA) and GBV.

18. Guidelines of enhanced ESHS requirements, including contractor Codes of Conduct and management of Occupational Health and Safety (OHS), will be incorporated in the bidding documents and will be regularly monitored and reported on by the supervision consultant during the execution of works. Contractors will be required to train all workers and staff on a regular basis on the Code of Conduct to ensure clear definition of obligations of contractors' staff and workers with regard to implementing the project's ESHS and OHS requirements, and help prevent, report and address GBV and VAC issues within the work site and in its immediate surrounding communities. Contractors will also inform workers about national laws that make GBV a punishable offence that is prosecuted. Labor camps will be constructed for those workers coming from outside the community and will be regularly monitored by the ESO and its supervision consultant. The above paragraph provides details on a grievance redress mechanism that will also be used to manage grievance redress related to worker conduct, including monitoring timely resolution of grievances received from women. Guidelines for a Code of Conduct and Action Plan on GBV and VAC is provided in Annex 3.

## **IV. Environmental Aspects**

#### **IV.1. Potential Negative Impacts**

19. Road maintenance operations may potentially affect the environment temporarily in a number of ways. For example, environmental concerns can stem initially from poor road design and planning, delayed mobilization of construction crews, lack of construction camp maintenance, storage and handling of construction wastes and hazardous materials, location of borrow pits and quarry sites, associated earthworks, and drainage design. Poorly executed maintenance activities may create localized soil erosion problems affecting streams or other water bodies; lack of clear practical plans for environmental management will create opportunities for inappropriate disposal of solid waste materials and could lead to lack of controls of noise, emissions and dust which can create a nuisance for individuals and communities. Better maintained roads could lead to increased accessibility in remote areas, thus increasing the potential for uncontrolled resource extraction and land conversion along the road sides. Concerns over such issues are heightened in areas where roads pass through protected areas or other sites of a sensitive ecological nature such as wetlands, streams or forest areas.

20. The alternative to the proposed road maintenance program is a no maintenance approach e.g. “do nothing” scenario. This scenario has adverse environmental implications. Lack of maintenance could generate unstable road bed conditions leading to localized erosion and drainage problems in addition to poor quality roads that can generate accidents, especially during the night time. In areas of high rainfall and geologic instability, these risks can be substantial. Road maintenance programs provide an opportunity to address some basic design problems and solve drainage and erosion problems.

21. Given that the proposed maintenance and rehabilitation of the road sections will be carried out on the existing road alignments and within ROW, the project is assigned environmental category B. A full scale Environment Impact Assessment (EIA) is not required. The existing ESSF, specifically the EMP applied for RAMP has been updated to reflect the new proposed works as well as lessons learned from the original RAMP and from the Lao Road Sector Project (LRSP) financed by the Bank. Outcomes of the environmental and social screening carried out by the MPWT and documented in the report dated November 20, 2013 reveals that no major environmental impacts are of concern. Some inconveniences may occur during construction such as dust, noise and debris, which however can be mitigated by applying good construction practices and close supervision. The screening’s findings was also reviewed and confirmed by the Bank safeguards mission conducted on December 2013 and November 2014.

The revised ESSF includes an updated checklist and screening forms and information and communication tools such as leaflets or brochures to be applied by RAMP-II for effective consultation and public disclosure. Since the four road sections' packages to be financed by RAMP-II are known in terms of locations and impacts, MPWT has prepared site-specific EMPs for these packages after the completion of the detailed designs for road repair and maintenance in November 2014 and updated in December 2015. In addition to road repair and maintenance works, RAMP-II involves the construction of side drainage in urban areas within the ROWs which requires specific safeguards instruments to mitigate potential impacts. Based on field re-assessment carried out in December 2015, the site specific EMPs, was revised in line with the updated ESSF.

#### **IV.2. Environmental category and justification**

22. In RAMP-II, all road maintenance will be carried out on the existing road tracks. The project is not expected to create significant impacts on the local environment and local



communities. The rating of RAMP, which was category B, is also relevant for RAMP-II for which the existing ESSF (including EMP) has been updated. The RAMP experience suggests that most of the potential impacts during maintenance works will be localized, temporary, and can be mitigated through the application of good engineering practices. The Technical Environmental Guideline to mitigate potential impacts of road maintenance to the local environment developed under RAMP is still relevant, and the capacity of staff and engineers of MPWT (including ESO) in safeguards implementation and monitoring will be enhanced during the implementation of the RAMP-II. No new road construction will be undertaken under this project and the updated ESSF screening framework (Table 1 and Figure 1) will ensure that appropriate actions will be undertaken for any subprojects involving sensitive areas, cultural resources land acquisition, or indigenous people.

#### **IV.2.1 Safeguard Arrangements and Documents and related Procedures applicable to RAMP-II**

23. The following safeguard documents have been prepared:

- (i) *ESSF*: For new subprojects, screening has been carried out by the subproject owners using the screening criteria specified in the ESSF (Table 1: Screening process of each subproject) and in close consultation with Project authorities of MPWT. All the subprojects have been screened through the process described in Table 1 below. The subproject administrator in the RAMO has conducted the screening in close consultation with the subproject owner (PDWT and ESO). The screening results have been documented and kept for review by the World Bank/IDA. This is to ensure that the proposed maintenance activities will not create adverse effect on the local environment and communities. Special attention will be given to minimize the impacts on those towns, where rapid economic development, markets and sensitive areas (hospital, health centers, schools) are observed. This is to ensure that PAHs, business and shop owners along both sides of the road to be maintained are well-informed and supportive for the project. Site Specific EMP and/or manuals, including monitoring/reporting requirements and specific criteria for maintenance operations in sensitive areas have been developed in line with revised ESSF. For the precautionary reason, ESSF remains applicable for RAMP-II as an umbrella safeguard instrument to guide possible future additional financing for unforeseen road maintenance activities. The screening process is also to determine whether land acquisition is required and whether the ethnic groups are present in the project area. Two separate Abbreviated Resettlement Action Plans (ARAPs) has been prepared for impact mitigation and compensation for asset losses on both NR3 and NR7. Where the ethnic minorities are present and have collective attachments to the project areas, an Indigenous People Development Plan (IPDP) would be developed. Guidelines on ARAP and IPDP preparation are given in Annex 1: CRPF, and Annex 2: IPDF respectively.
- (ii) *EMP*: With detailed survey and design of the road sections completed after the concept stage, locations and scope of potential impacts are known, site specific EMPs. To mitigate the potential impacts during construction, the site specific EMP has been prepared and will be applied to all subprojects, including the monitoring of the borrow pits as needed (see Attachment 3). The site specific EMPs will form the basis of contractual obligations to be carried out by the road maintenance contractors. Contracts for maintenance will include specific clauses for environmental protection based on the specific technical guidelines that are included in the site specific EMP. The field

engineer under supervision of the Project Supervision Consultant will supervise and monitor the contractor performance in line with the EMP's provisions. The monitoring results will be sent to Project authorities who will also conduct an independent monitoring periodically as part of their implementation responsibility. Relevant technical guide lines will be applied as needed. The EMPs will be applied by contractors to address and mitigate the identified environmental and health impacts that may result from the civil work. The EMPs provide a set of impact mitigation measures and good engineering practice, monitoring and reporting requirements.

- (iii) *ARAPs:* During the final round of survey conducted by the MPWT in December 2015, the total number of 92 PAHs were identified (14 households along NR3 and 78 households along NR7) to be potentially affected by the project due to the loss of assets, incomes and businesses. The ARAPs have been therefore prepared for the impact mitigation and compensation for the assets and incomes losses. The ARAPs are to ensure that the PAHs and their livelihood are not worse off as a result of the road subproject implementation and that they receive support required to restore their livelihood and income at least to the pre-project level.
- (iv) *HIV/AIDS and road safety program:* A HIV/AIDS and human trafficking program, a road safety program, and a safeguard training and capacity building program applied by the original project will continue to be implemented under RAMP-II.
- (v) *Consultation and information disclosure:* Due consideration was given to improve consultation and information disclosure, ensure close supervision and monitoring of the contractor's performance, and address the impacts after maintenance operations. A leaflet containing project information, potential impacts and mitigation measures will be prepared and distributed to all PAHs along both sides of the roads to be rehabilitated before the commencement of civil work.
- (vi) *Training:* Training on safeguard operations for central (ESO) and provincial (PPWTO) staff and contractors involved in the project implementation will also be provided as part of capacity building program under the . This includes increasing awareness for senior management and knowledge exchange information and activities between MPWT of RGC and similar stakeholders neighboring countries (Laos and Vietnam).
- (vii) *Supervision, monitoring, and reporting:* ESO will prepare a semi-annual report on the overall safeguard performance of the Project. The technical audits, including safeguard performance, will be carried out annually by an independent auditor. The assigned Bank's supervision mission team will also monitor the safeguard performance of the Project.

#### **IV.2.2 Institutional Capacity for Environmental and Social Safeguards Implementation**

24. MPWT recognizes the importance of environmental protection and social impact mitigation and has made consistent commitments to addressing safeguard concerns based on its experience in the original RAMP implementation. During RAMP, the Environmental and Social Office (ESO) was upgraded into ESO in the Planning Department. The RAMP-II will continue its support for strengthening capacity of ESO to ensure effective implementation of safeguards to mitigate potential negative impacts at all stages (planning and pre-construction, construction, operations). The ESO will be enabled to handle safeguards aspect of the project.

25. A more holistic capacity development program through training courses, on-the-job training and exchange activities will be developed and implemented based on practical

experience from the original program and LRSP. The total budget of US\$300,000 in RAMP-II will be secured for (i) strengthening supervision and monitoring of safeguard compliance, including reporting, and (ii) safeguard training for ESO and IRC secretariat's staff with focus on social and environmental screening, ESIA review, social and economic impact assessment, monitoring and reporting and meaningful consultation with PAHs.

26. The Safeguard instruments are subject to public disclosure (both in English and Khmer) at MPWT's website and at project sites, in PDPWT's provincial offices, and Bank's info Shop.

## **V. Environmental and Social Safeguard Framework (ESSF)**

25. The updated ESSF is to ensure that (a) the Project activities do not create or result in significant adverse impacts on the local community and environment, (b) the environmental and social impacts mitigation plan is carried out effectively to mitigate such impacts, and (c) possible complaints from the local government authorities and community are minimized. To achieve these objectives, the following actions and implementation arrangements have been undertaken. These arrangements will be applied for possible future investments under the RAMP-II:

- All proposed subprojects have been screened through the process described below. The subproject administrator (RAMO) has conducted the screening under close consultation with the subproject owners (PDPWT) and ESO. The screening results have been documented and properly kept for review by the World Bank/IDA.
- Detailed designs have been adjusted to avoid or minimize negative environmental and/ or social impacts.
- Appropriate mitigation measures in line with the site specific EMPs will be included in the bidding document and contract document by RAMO; compliance with the contractors will be monitored in the field by the Project Engineer under close supervision of the Project Supervision Consultant; performance of the contractor will be documented and properly kept for review by IDA.
- The project will be implemented using the existing RGC organizational structure and institutional arrangements, particularly within MPWT. A separate Project Implementation Unit will not be established. The Ministry of Economy and Finance (MEF) is the formal point of contact between RGC and IDA on all financial and legal matters on the Credit for the Project, and represents RGC in discussions on these matters. The MPWT is responsible for overall technical supervision, execution and management of the project. The General Department of Public Works (GDPW) will be responsible for the day to-day implementation, supervision and operation of the project, including contracting and direction of all consultants, and will be the employer for all civil works contracts. The General Department of Administration and Planning (GDAP) will carry out the financial, safeguards, capacity development, training and public disclosure matters on the project. The General Department of Transport (GDT) will be responsible for Road Safety aspects.
- ESO will supervise and monitor the overall activities and prepare a semi-annual report on the application of these safeguard documents during the construction phase of the Project. ESO will also develop the reporting requirements and procedures to ensure compliance of the contractors; conduct public consultation and public awareness programs, and carry out periodic training for field engineers and contractors as appropriate. A semi-annual report on the implementation of the guidelines will be submitted to IDA.

27. The screening process for subprojects will take into consideration the following aspects (see further in Figure 1 below):

- The main civil works to be carried out under RAMP-II will be limited to activities typically defined as routine and periodic maintenance (resurfacing and bridge repairs; flood repairs or emergency maintenance repairs; regular upkeep of safety features and road signs, etc.) and small rehabilitation works to strengthen the road quality, repair structural defects, restore the road to its initial condition, make minor changes or improvements to alignment, and small construction of drainage and footpaths. If large-scale rehabilitation works are involved, MPWT will inform IDA before proceeding with the next steps.
- All road works will be carried out within the existing ROW and will not involve relocation and land acquisition. If land acquisition and relocation is needed, the IDA, will be informed, and the CRPF will be applied.
- The Project-related impacts are site specific, few of the effects are irreversible, and appropriate mitigation measures can be developed and implemented by the contractors and MPWT.

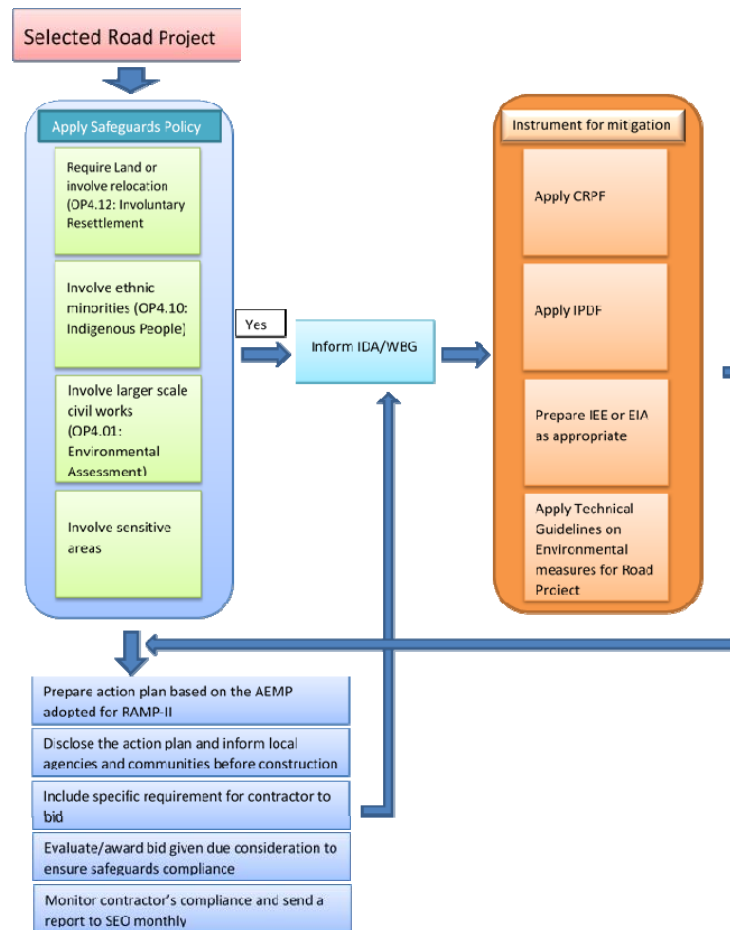
Screening procedures: The screening process is not intended to prohibit MPWT from carrying out maintenance related works in sensitive areas if applicable but is meant to ensure that proper mitigation measures are prepared and carried out effectively to avoid adverse impacts on the affected population, natural environment and cultural heritage. If the subproject is located in or near protected areas or other critical habitats or cultural property, an Initial Environmental Examination (IEE) for the subproject with specific focus on the impacts of the natural habitats and cultural property and including mitigation measures will be prepared and carried out in close cooperation with ESO and other concerned agencies and in consultation with IDA. The civil works contracts related to road safety will also be subject to this screening. Steps and actions for the screening are presented in Table 1.

**Table1: Screening Process for Each Subproject**

Screening check list	Yes	Actions to be undertaken
Involves land acquisition, relocation, indirect loss of access and assets, and has adverse impacts on ethnic minorities	Y	Planning/Project engineers (RAMO) through ESO will consult IRC and apply the technical guidelines and policy frameworks. If the impacts are significant (impacts on above 10% of PAH's total asset holding), IRC will seek IDA clearance before selection of the subproject. Extensive consultation with affected population is expected during the planning and implementation development of (abbreviated) RAP.
Scale of the civil works is larger than those identified for maintenance or involves new construction	Y	Planning/Project engineers (RAMO) through ESO will consult IRC to apply appropriate guidelines. If the impacts are significant, IRC will seek IDA clearance before selection of the subproject. If new road construction is required, EA study will be required and IDA clearance will be necessary.

Screening check list	Yes	Actions to be undertaken
The Project site is located near villages, residential, markets or other sensitive areas (schools and hospitals) and dust and road safety issues will significantly affect the human health/life	Y	Planning/Project engineers (RAMO) through ESO will consult IRC and include appropriate mitigation measures during planning and design stages. MPWT will establish criteria and technology appropriate for dust suppression in the sensitive areas. An action plan to address road safety during construction, including cost and consultation with local agencies and communities, will be prepared. Periodic monitoring of air quality, dust, noise level, and opinions of local authority/community may be necessary. The issues and actions will be included in the EMP and recorded in the progress report and/or the semi-annual report.
The project site is located in or less than 50 m away from protected areas, areas of cultural heritages or involves the use of large amounts of toxic chemicals or herbicides	Y	Planning/Project engineers (RAMO) through ESO will consult IRC to ensure that the mitigation measures are adequate to address the issues. Use of borrow pits and quarry sites and operation of asphalt plants in the sensitive areas must be prohibited. Specific requirements provided in the EMP may be applied to minimize the potential impacts.  A standard clause should be included in all construction contracts regarding the procedures to be followed in the event culturally significant sites are found.
Large amount of material will be needed and stored properly	Y	Planning/Project engineers (RAMO) through ESO will consult IRC with respect to locations and practices of material excavation.
Fully comply with the assumptions specified above and a contractor will be hired to carry out the works	Y	Planning/Project engineers (RAMO) through ESO will apply the proposed EMP of the Project (TableA.1) and prepare a specification plan for the subproject, including those measures to mitigate the impacts on road safety during construction, community consultation, and the public disclosure plan. A technical guideline on the environmental measures (TEG) is provided and training will be provided to ESO and project staff will be necessary.
IPs are present or have collective attachment to the affected areas.	Y	IPDP

**Figure1. Key Steps of Safeguards Framework (ESSF) for RAMP-II**



## **Annex 1: Compensation and Resettlement Policy Framework Cambodia: Road Asset Maintenance Project II (RAMP-II)**

### **I. Introduction**

1. Given the similar nature of this RAMP-II as compared to the original RAMP, the project, the Compensation and Resettlement Policy Framework (CRPF) applied under the original project remains relevant and applicable. The CRPF is updated for with lessons learned from the original project implementation and key provisions of the Law on Expropriation, 2010 incorporated. The updated CRPF is largely consistent with the key principles of National Law on Expropriation, 2010 applicable for public and private infrastructure projects. It will be applied to all subprojects financed by Government and World Bank to address adverse social impacts that may result from due to involuntary acquisition of assets and changes in land use and includes provision for compensation and rehabilitation assistance. If land donation is involved the procedure described in Section 1.5: Land contributions shall be applied.

### **II. Definition**

#### **2. Key definitions are as follows:**

- a. Compensation means payment in cash or in kind for an asset to be acquired or affected by a project at replacement cost.
- b. Cut-off Date is the date prior to which the occupation or use of the project area makes residents/users of the project area eligible to be categorized as affected persons. The cut-off date coincides with the date of the census of affected persons within the project area boundaries. Persons not covered in the census, because they were not residing, having assets, or deriving an income from the project area, are not eligible for compensation and other entitlements.
- c. Eligible land holders are affected persons who (a) hold title to land; or (b) do not hold title but whose possession of land can be legalized with a title pursuant to the Land Law of Cambodia including those with recognizable rights.
- d. Entitlement means a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, and relocation support which are due to affected people, depending on the nature of their losses, to restore their economic and social base.
- e. Project Authorities are the Ministry of Public Works and Transport (MPWT) through its Implementation Agencies including Road Assets Management Office (RAMO) and Social and Environment Office (ESO) under the Department of Administration and Planning of MPWT.
- f. Affected Persons or Households (PAHs or PAHs) includes any people, households, firms or private institutions who, on account of changes that result from the Project will have their (i) standard of living adversely affected, (ii) right, title, or interest in any house, land (including residential, commercial, agricultural, forest, and/organizing land), water resources, or any other moveable or fixed assets acquired, possessed, restricted, or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence, or habitat adversely affected, with or without displacement.
- g. Rehabilitation means assistance provided to persons seriously affected due to the loss of productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life.

- h. Replacement cost. With regard to land and structures, replacement cost is defined as follows: For agricultural land, it is the pre-project market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in vicinity of the affected land, plus the cost of any registration and transfer taxes. For houses and other structures, it is the market cost of them at serials to build are placement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors fees, plus the cost of any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset.
- i. Resettlement. Means all measures taken to mitigate any and all adverse impacts of a project on PAP property and/or livelihood's, including compensation, relocation (where relevant) and rehabilitation as needed. Vulnerable groups are distinct groups of people who might suffer disproportionately or face the risk of being marginalized from the effects of resettlement and specifically include: (i) female headed households with dependents, (ii) disabled household heads, (iii) households falling under the generally accepted indicator for poverty, (iv) elderly households with no means of support and landlessness, and (v) indigenous minorities.

### **III. Cambodian Legal Provisions**

3. The Constitution of Cambodia provides for land acquisition for public purposes. In Article 20 it states that “Nobody shall be forced to transfer his or her ownership, if forcing is necessary in public interest and if no proper and just indemnity has been paid to owner”. Regarding compensation, Article 40 of the Constitution states that “The right to confiscate (land) possession from any person shall be exercised only in the public interest as provided for under law and shall require fair and just compensation.”

4. Some protection for vulnerable groups is also specified in the Constitution in Article 73: “The State shall give full consideration to children and mothers. The State shall establish nurseries, and help support women and children who have inadequate support” and Article 74: “The State shall assist the disabled and the families of combatants who sacrificed their lives for the nation”.

5. The Land Law, 2001 provides that no person shall be “deprived of their ownership unless this action is for the public interest consistent with formalities and procedures provided by laws and regulations, and after just and fair compensation” there are currently no such “laws and regulations” and there continues to be an absence of definition for “just compensation”. In addition, a person holding illegally possessed property cannot claim compensation, even if there is a title (Article 19). Further any “illegal and intentional or deceitful acquisition of the public domain of the State or public legal entity shall be punished” with a fine and/or imprisonment. This penalty can be doubled if the landholder is held to damage or delay work in favor of the common interest, especially the possession of land necessarily reserved for maintaining roads. Under the new Land Law, those who have occupied a right of way or public properties may not be entitled to any compensation or social support, regardless of their being an affected person or a member of a vulnerable group.

6. The new Law on Expropriation launched in 2010 provides principles, mechanisms, and procedures of expropriation, and defining fair and just compensation for any construction, rehabilitation, and public physical infrastructure expansion project for the public and national interests and development of Cambodia. The Expropriation Law which is largely consistent with



the main principles of the Bank's Involuntary Resettlement Policy (OP 4.12) will be adopted by the RAMP-II for required appropriation of ownership of immovable property or the real right to immovable property of a physical person or legal entity or legal public entity, which includes land, buildings, and cultivated plants, and for construction, for rehabilitation or for expansion of public physical infrastructure.

7. Traditional private land ownership was abolished during the Khmer Rouge period (1975-1979) and was not re-introduced until the late 1980s. Determining ownership and obtaining documentation to prove ownership is a cumbersome and time consuming process which many landholders have not utilized. The boundaries of public land still remain unclearly defined and it can be difficult to distinguish between public and private land. This blurring between public and private land is particularly acute with regard to rights of ways for roads, irrigation channels and the like. There was no specific law or regulation on rights of way until 1999 when a Government of Cambodia Decree identified a 50-metright of way for some specified national roads and 60 meters for other national roads. The width of other rights of way varies depending on the type of road. No efforts were made to publicize the claimed rights of way and no physical demarcations have been made for these rights of way.

8. Presently, the Government's Inter-ministerial Resettlement Committee (IRC) is charged with determining entitlements, valuation of affected assets and in fixing of compensation rates. Although, the current legal provisions under the Expropriation Law governing land acquisition, compensation and resettlement in Cambodia are not comprehensive, they are not conflicting with the main objectives and principles of World Bank's Operational Policy (O.P.) 4.12 on Involuntary Resettlement. This policy framework, hence largely conforms to the objectives and principles of the World Bank's O.P. 4.12. In the case of any inconsistency between the provisions of the Cambodian legal framework and this policy framework, the Cambodian law shall be waived to the extent necessary.

9. There are some gaps noted in the national Law on Expropriation in comparison with the Bank's policy on Involuntary Resettlement, OP 4.12. These are summarized in bullet points below:

- The Expropriation Law provides principles, mechanisms, and general procedures of expropriation, and defines fair and just compensation for any construction, rehabilitation, and expansion of only public physical infrastructure projects for the public and national interests and development.
- It does not provide detail of the process and procedures of resettlement induced by the public development projects, land acquisition, voluntary land and asset donation and post relocation support.
- No measures required to support the vulnerable groups of PAHs are provided in the law even though it outlines a complaint and dispute resolution mechanism for PAHs across articles under Chapter 3: Expropriation Mechanism and Chapter 4 Expropriation Procedures. No provisions regarding monitoring and public disclosure requirements were described in the Expropriation Law.

The above outlined gaps shall be governed by the Bank's policy OP/BP 4.12 in the CRPF.

## **IV. Objectives and Principles of Policy**

### **IV.1. Overall Objectives**

10. This Policy framework seeks to address the inadequacy of the existing legal provisions discussed in the previous section. This policy is based on the philosophy that the project must serve the needs of society and ensure that PAHS are at least as well off due to the project. This can be ensured through the following basic objectives:

- (i) Avoid involuntary resettlement where feasible and minimize resettlement where population displacement is unavoidable,
- (ii) Ensure that displaced people receive compensation, assistance and rehabilitation so that they would be at least as well off as they would have been in the absence of the project,
- (iii) PAHs will benefit from the project, and
- (iv) Project stakeholders (which include PAHs) are consulted and given the opportunity to participate, as practicable, in the design, implementation, and operation of the project.
- (v) Appropriate assistance and compensation, in cash or in kind, provided to adversely affected people, including indigenous groups, ethnic minorities and pastoralists who may have usage or customary rights to the land or other resources taken for the project.

10. Three important elements of involuntary resettlement are: (i) compensation for affected assets, loss of income, (ii) assistance for relocation, including provision of relocation sites with appropriate facilities and services, and (iii) assistance to improve livelihood condition or at least restore their incomes and living standards at the pre-project level. Nevertheless, the last two elements are not anticipated under the RAMP-II based on the original RAMP's experience and outcomes of the above mentioned safeguard screening.

## **IV.2. Principles on Compensation and Entitlements**

11. The overriding principle for all development projects is that people unavoidably affected should be compensated and assisted, so that their living standard and socio-economic would be at least as favorable as it would have been in the absence of the project. This will be accomplished using the following specific principles:

- (1) Acquisition of land and other assets and shifting of people will be avoided and minimized as much as possible.
- (2) Only PAHs who are found to be living in, doing business, or cultivating land, or having rights over resources within, the project area as the date of the census (cut-off date) are eligible for compensation for loss of assets, other assistance and rehabilitation for social and economic losses. PAHs will be compensated for affected land, either through receiving replacement and or replacement cost for their land or by receiving special assistance' in-lieu of compensation for land located on public rights of way. If landlessness results from this taking of land for public purposes, then suitable replacement land shall be provided for landless PAHs.
- (3) All compensation for affected land, structures, and other fixed assets shall be paid at replacement cost without influence of the project.
- (4) The resettlement transition period will be minimized and the acquisition of assets, compensation, resettlement and rehabilitation for a segment/section or phase (except where long-term rehabilitation measures such as vocational training) will be completed at least one month prior to the initiation of construction work under the respective segment/section or phase thereof.
- (5) PAHs losing all of their assets (farmland, house or business), or in case of partial loss when the remaining assets are determined as un-viable for continued use, will be entitled for compensation for the entire assets at replacement cost without influence of the project.
- (6) In the case of a partial impact on the assets, i.e., partial loss of land or structures and the remaining assets remain viable for continued use, compensation for the affected assets will be paid in cash at replacement cost without influence of the project.
- (7) Other types of landholders who are on a right of way or public land as of the cut-off date will be compensated for affected structures, other fixed assets and other losses but not for land. However, such affected persons shall receive special assistance such that they are not made worse off by the project taking the land on which they were located.

(8) In case of compensation land for land, (1) for arable land: the replacement land should be in the form of land of equivalent productive value and/or characteristics at a location acceptable to PAHs. If replacement land at a location acceptable to PAHs is not available, cash representing replacement cost of land should be compensated. (2) For residential and commercial sites, the Implementing Agency shall provide PAHs the appropriate plot of land with basic services such as electricity (if available), water, drainage, emergency sanitation service, and access at least at the pre-project level.

(9) For loss of business income:

- Un-registered business: (1) Cash assistance for actual amount of income if it can be confirmed, or equivalent to a living allowance of 20 kg rice per 5 persons per month from one to two months. (2) And transport allowance.
- Registered business: (1) Cash compensation equivalent to the daily net income (as reflected in tax receipts) multiplied by the days of business disruption. (2) And transport allowance.

**12.** General entitlements for compensation and rehabilitation assistance for different categories of PAHs are shown in the Entitlement Matrix below but the relevant Abbreviated Resettlement Plan may provide for more specific or additional allowances.

	Type of Loss	Application	Entitled Person	Compensation
1.	Arable land	Loss of arable land	Eligible landholder	<ul style="list-style-type: none"> <li>Land for land or cash compensation for lost land at replacement cost according to AP choice. "Land for land" will be provided in terms of a new parcel of land of equivalent productivity and free of taxes, registration and transfer cost; at allocation acceptable to PAP; and with long-term security of tenure.</li> </ul>
				<ul style="list-style-type: none"> <li>Eligible for economic rehabilitation assistance and other allowances, as applicable.</li> </ul>
			Non-titled but possessory landholder/Agriculture laborer	<ul style="list-style-type: none"> <li>No compensation but additional assistance given so that they are not worse off due to the project and to enable them to replace affected assets. Cash compensation for agricultural labor equivalent to three months' salary and assistance in getting alternative employment.</li> </ul>
			Leaseholder	<ul style="list-style-type: none"> <li>Cash compensation equivalent to replacement cost of gross harvest for one year.</li> </ul>
		Temporary Acquisition and easement	Eligible landholder	<ul style="list-style-type: none"> <li>Cash compensation based on opportunity lost during the period</li> </ul>
2	Residential land	Loss of residential land	Eligible landholder	<ul style="list-style-type: none"> <li>Compensation in cash at replacement cost or, at PAP choice, replacement land of minimum plot of acceptable size</li> </ul>

	Type of Loss	Application	Entitled Person	Compensation
				<p>or a plot of equivalent size, whichever is larger, in a nearby resettlement area with adequate physical and social infrastructure.</p> <ul style="list-style-type: none"> <li>• Replacement land to be free from taxes, registration and transfer costs.</li> <li>• Eligible for relocation assistance and other allowances as applicable.</li> </ul>
			Non-titled but possessory landholder	<ul style="list-style-type: none"> <li>• No compensation but additional assistance provided so that they are not worse off due to the project and enable them to reduce affected assets.</li> </ul>
			Leaseholder	<ul style="list-style-type: none"> <li>• Eligible for relocation assistance and other allowances, as applicable.</li> </ul>
		Temporary acquisition	Eligible landholder	<ul style="list-style-type: none"> <li>• Cash compensation or the net loss of income and damaged assets.</li> </ul>
			Non-titled but possessory landholder	<ul style="list-style-type: none"> <li>• Assistance provided so that they are not worse off due to the project.</li> </ul>
			Leaseholder	<ul style="list-style-type: none"> <li>• Cash compensation and other allowances as applicable.</li> </ul>
3	Commercial land	Plots used for business affected	Eligible landholder	<ul style="list-style-type: none"> <li>• Compensation in cash at replacement cost for the affected portion or, at PAP option, replacement land of sufficient size for business continuation in market area of resettlement area or at location comparable to previous site.</li> <li>• When the affected premises are larger than the relocation plot, cash compensation at replacement cost to cover the difference in area.</li> <li>• Eligible for relocation assistance and other allowances, as applicable.</li> <li>• Eligible for economic rehabilitation assistance.</li> </ul>
			Non-titled but possessory landholder	<ul style="list-style-type: none"> <li>• No compensation but additional assistance provided so that they are not worse off due to the project and the assistance enables them to replace affected assets. This includes replacement land of sufficient size for business continuation in market area of</li> </ul>

	Type of Loss	Application	Entitled Person	Compensation
				<p>resettlement area or at location comparable to previous site.</p> <ul style="list-style-type: none"> <li>• Eligible for relocation assistance and other allowances, as applicable.</li> </ul>
				<ul style="list-style-type: none"> <li>• Eligible for economic rehabilitation assistance.</li> </ul>
			Lessee	<ul style="list-style-type: none"> <li>• Assistance for finding new commercial place.</li> <li>• Eligible for relocation assistance and other allowances, as applicable.</li> <li>• Eligible for economic rehabilitation assistance</li> </ul>
4	Structure	Structures affected	Owners	<ul style="list-style-type: none"> <li>• Compensation in cash for affected portion of the structure and other fixed assets at replacement cost, without depreciation and without deductions for salvaged material.</li> <li>• Assistance in restoration of any remaining structure, if applicable.</li> <li>• Eligible for relocation assistance and other allowance.</li> </ul>
			Tenants	<ul style="list-style-type: none"> <li>• Three months rent allowance and other allowances as applicable.</li> </ul>
5	Loss of business/incomes/employment	Loss of business/incomes/employment	Affected APs	<ul style="list-style-type: none"> <li>• Cash compensation for the loss of business, incomes and wages.</li> <li>• Assistance during the transition period.</li> <li>• Eligible for rehabilitation assistance and other allowances, as applicable.</li> </ul>
6	Standing crops, trees	Crops or trees affected by land acquisition or temporary acquisition/easement	Owner of crops or trees	<ul style="list-style-type: none"> <li>• Compensation in cash calculated on the basis of type, age and productive value of affected crops or trees.</li> <li>• Other allowances as applicable.</li> </ul>
7	Common resources	Loss of access	APs	<ul style="list-style-type: none"> <li>• Arrangement for new resource or rehabilitation assistance.</li> </ul>
8	Electric and/or water connection	Loss of, or damage to, affected assets, partially or	APs	<ul style="list-style-type: none"> <li>• Replacement or compensation to cover cost of restoring the facilities.</li> </ul>

	Type of Loss	Application	Entitled Person	Compensation
		entirely.		
9	Public facilities	Loss of or damage to public infrastructure	Concerned agencies	<ul style="list-style-type: none"> <li>Replacement or compensation in cash at replacement cost to respective agencies.</li> </ul>
10	Special assistance	Special assistance to vulnerable group and indigenous/ethnic minorities.	Vulnerable groups and Indigenous/ethnic minorities	<ul style="list-style-type: none"> <li>Vulnerable group and indigenous peoples/ethnic minorities assistance allowance based on identified needs and priorities.</li> </ul>
<p>1/“Special assistance” can include provision of suitable land, rental allowances, disruption allowance, etc., as well as a vulnerable group allowance. The main point is that affected persons are not made worse off than they would have been had the development project not taken place.</p> <p>2/Where significantly large or entire landholdings are affected by the project or in cases where only partial land is affected but there maiming land becomes economically non-viable; the general mechanism for compensation of lost agricultural land will be through provision of “land for suitable land” arrangements of equivalent productivity and at allocation acceptable to the PAP. Where the PAHs stand to lose are losing residential land with structures that exist in a closely located group exceeding 20 households, the project authorities, in consultation with affected households, may offer a relocation option to fully developed resettlement sites, or alternative facilities to housing projects. If suitable residential/agricultural replacement land is not available, and at the informed request of the PAHs, cash compensation at replacement cost will be provided.</p>				

## V. Framework for Resettlement and Acquisition of Land and Assets (FRALA)

13. As mentioned above, the Framework for Resettlement and Acquisition of Land and Assets (FRALA) is developed and applicable to RAMP-II, in order to address the issue of voluntary land donation under the project. This is because it was found to be difficult during project implementation for the RAMP-II to completely eliminate the need for acquisition. FRALA defines the terms and provides guidance for voluntary acquisition of land or other assets (including restrictions on asset use) caused by the implementation either through contribution or with compensation by communities and establishes principles and procedures to be followed to ensure equitable treatment for, and rehabilitation of, any person adversely affected by project implementation. FRALA thus allows for acquiring assets through the following two methods:

14. Voluntary Contributions: Community members have the right to make a contribution of their land or other assets, without seeking or being given compensation. This can often be justified because the road rehabilitation will either increase the value of the remaining property or provide some other direct benefit to the affected people. Voluntary contribution is an act of informed consent. District Facilitators must assure that voluntary contributions are made with the prior knowledge on the part of the person who would donate assets that other options are available, and are obtained without coercion or duress. Proposals including voluntary contributions will not be submitted for approval where they would significantly harm incomes or living standards of individual owners or users (the size of land contributed on a voluntary basis should not exceed 5% of that individual’s total land holding).

15. Voluntary Contributions with compensation: Persons who contribute their land or other assets have the right to seek and receive compensation (the subproject grant cannot be used to pay compensation). In such cases, Project authorities will ensure that the following means of compensation, as applicable, are agreed upon and provided before works are undertaken:

- Replacement of land with an equally productive plot or other equivalent productive assets;
- Materials and assistance to replace fully solid structures that will be demolished;
- Replacement of damaged crops, at market value;
- Other acceptable in-kind compensation.

## **VI. Public Participation and Consultation**

16. The project authorities would be responsible for public consultation and public information dissemination. Consultations and public participation would be carried out as an ongoing process throughout project planning, design and implementation stages. Preparation of appropriate documents and planning and implementation for the acquisition of land and other assets will be carried out in consultation with the PAHs and the PAHs will receive prior information of the compensation, relocation and other assistance available to them including:

- The relevant details of the project;
- The resettlement plan and various degrees of project impact;
- Details of entitlements under the resettlement plan and what is required of PAHs in order to claim their entitlements;
- Compensation process and compensation rates;
- Relocation and resettlement site development consultations in order to obtain agreement and support of affected people in participating in these consultations; and
- Implementationschedulewithatimetableforthedeliveryofentitlements.
- Information concerning grievance procedures and how to use them.

17. The project authorities would also provide a detailed explanation of the grievance process and enlist the help of village leaders and other influential community officials in encouraging the participation of the PAHs in resettlement activities. Finally, the project authorities shall attempt to ensure that all vulnerable groups including indigenous peoples/ethnic minorities understand the process and that their needs are specifically taken into consideration.

18. Public participation is performed and information is made available during both preparation and implementation of the Resettlement Plan and should include, at a minimum, public information booklet, community meetings and television and radio reports.

## **VII. Grievance Redress mechanism**

19. Grievances related to any aspect of a project will be handled through negotiations and are aimed at achieving consensus. All complaints received in writing (or written when received verbally) from the PAHs will be documented by each level grievance committee, established by the project authorities at varying governance levels, i.e. commune, district and/or provincial levels. PAHs will be exempted from all administrative and legal fees incurred in pursuant to the grievance redress procedures. Grievance committees would comprise of representatives of PAHs, community leaders and independent assigned NGOs, in addition to the representatives of commune and district officials, and project authorities. If PAHs do not receive any response from an established grievance redress body (at whatever level) within twenty days from the filing of the complaint, or if the decision of grievance redress body is not satisfactory, the PAP will have the right to submit the complaint to the next higher level of the grievance redress mechanism.

20. If the matter still remains unresolved after all levels of grievance redress have been utilized, the complainant may then forward his/her case to a court of law. In projects where

indigenous minorities are affected, all complaints shall be discussed and negotiations shall be carried out in the community where the affected indigenous minorities live. Where necessary, the project proponents will provide assistance so that the rights of the indigenous minorities are protected. In addition to the above mechanisms, and at the option of the PAHs, grievances may be taken to other mediating bodies, such as a council of village elders, monks at a local pagoda, or any other dispute resolution mechanism as may be decided by the PAHs.

## **VIII. Monitoring and Evaluation**

### **VIII.1. Internal Monitoring**

21. The ESO would appoint adequate full time staff to monitor the process of resettlement in collaboration with local authorities. In order to assist with this monitoring, the ESO shall obtain and maintain appropriate baseline data prior to the resettlement impacts. The monitoring staff will submit periodic progress reports to the involved authorities for inclusion in the progress report. The main objective of the reports is to determine whether the resettlement is effective and to make the needed recommendations for change. The monitoring staff will be present in the field as well as at every meeting related to resettlement. Under the RAMP-II, training will be provided to strengthen their monitoring and reporting on the resettlement, social impacts and mitigation measures.

### **IX. External Monitoring**

22. In the project, sub-project or any component thereof, with significant resettlement, an external agency will be contracted to monitor the process of resettlement. The external monitoring agency would be provided full access to project documents and database to facilitate monitoring process. The external monitoring agency will prepare periodic monitoring reports for submission to the RAMO of MPWT as well as to the World Bank.

23. In the event monitoring by either the internal or external monitor shows that PAHs are not receiving entitlements due to them, or there are other problems in implementation in accordance with the Resettlement Plan, then the project authorities will take, on a priority basis, all steps necessary to rectify the situation and ensure compliance with a Resettlement Plan.

## **X. Evaluation**

24. Six months to one year after the completion of resettlement in the project, the RAMO will contract a competent external agency for ex-post evaluation of resettlement implementation to determine whether the objectives of the policy have been achieved and severely affected PAHs have been able to restore their incomes and livelihood to the pre-project levels. Where necessary, and based on the outcome of the evaluation, additional assistance would be provided by the project authorities to achieve the objectives of the policy framework.

## **XI. Reporting and Documentation**

### **XI.1. Initial Social Assessment**

25. The Project authorities has carried out environmental and social screening at the sub-project identification stage. The implementation agencies will carry out social assessment to determine potential social issues and likely adverse impacts during the subproject planning and detailed survey as required. Based on the initial social assessment decision can be taken on the types of detailed studies and field investigations required and necessary documentation.

### **XI.2. Abbreviated Resettlement Action Plan**



**1.1.**        26.        Where in a sub-project less than 200 people are affected due to the loss of assets, incomes, employment or businesses, Project authorities would carry out field surveys covering full census of affected people and inventory of affected assets, and prepare an abbreviated Resettlement Plan (ARAP). Under RAMP-II, the total number of 92 PAHs (14 households along NR3 and 78 households along NR7) were identified through the final round of safeguard screening (December, 2015) to be potentially affected by the project due to the minor loss of assets, incomes and businesses. Two separate ARAPs have been therefore prepared for the impact mitigation and compensation for the assets and incomes losses. The ARAPs are to ensure that the PAHs and their livelihood are not worse off as a result of the road subproject implementation and that they receive support required to restore their livelihood and income at least to the pre-project level.

27.        An Abbreviated Resettlement Action Plan include: (i) brief description of the sub-project, location and its impacts; (ii) consultation with Affected people; (iii) the baseline information of affected people; (iv) category of PAHs by degree and type of impacts; (v) entitlement to compensation, allowances, and rehabilitation assistance by category of impacts in a compensation matrix; (vi) information on relocation site, where applicable; (vii) institutional responsibilities for implementation and monitoring; (viii) grievance redress procedures; (ix) estimated cost of resettlement and yearly budget; and (x) a time-bound action plan for implementation.

### **XI.3.    Resettlement Action Plan**

28.        Where in a sub-project more than 200 people are affected, Project authorities would be required to prepare a Resettlement Action Plan for submission to the Bank. The Resettlement Plan (RP) would include: (i) brief description of the sub-project, location and its impacts; (ii) principles and objectives governing resettlement preparation and implementation; (iii) Legal framework; (iv) the baseline information of affected people; (v) category of PAHs by degree and type of impacts; (vi) entitlement to compensation, allowances, and rehabilitation assistance by category of impacts in a compensation matrix; (vii) information on relocation site together with socio-economic conditions on the secondary PAHs and host communities; (viii) institutional arrangement for planning and implementation; (ix) participatory procedures during planning and implementation; (x) grievance redress procedures; (xi) estimated cost of resettlement and yearly budget; (xii) a time-bound action plan for implementation; and (xiii) internal and external monitoring procedures, including the TOR for external monitoring and evaluation.

## **XII.    Institutional Requirements**

29.        The Ministry of Public Works and Transport (MPWT) is responsible for planning and implementation of the project. As the project implementing agency, the MPWT will be responsible for, at a minimum, the following resettlement activities:

- a) Carry out all necessary surveys and field investigations and preparation of necessary documents;
- b) With assistance from other relevant agencies and local authorities, implementation of resettlement activities in accordance with the approved RPs;
- c) Address all deficiencies identified in resettlement implementation;
- d) Ensure timely allocation of resources and budgetary provisions, and process compensation claims of PAHs to ensure that the same are paid in time as planned; and
- e) Supervise and monitor RP implementation.

### **XIII. Costs and Budget**

30. Necessary funds for planning and implementation of Resettlement Plan will be provided by the project. The implementing agencies will also provide for all costs related to mitigating adverse social impacts based on budgetary requirements established in the RP. All of these costs are to be a part of the total project cost.

31. Each RP will detail cost estimates for compensation and relocation (if applicable) of PAHs with a breakdown by category of PAHs and by type of asset affected, such as agricultural, residential, and commercial land; affected house, structures and other fixed assets; and type of assistance, such as transport allowance, living allowance, etc. The cost estimates will include adequate provisions for contingencies.

32. In case of overruns due to unforeseen circumstances or delays, the project will allocate additional funds as necessary.

## **Annex 2. Indigenous Peoples Development Framework**

### **I. Introduction**

1. Although there were no ethnic minority people identified among the 919 potential Affected Households met during the safeguard screening carried out by the ESO of MPWT during the preparation of this RAMP-II, it was decided that the IPDF remains applicable for the purpose of precaution for a precautionary purpose. This Indigenous Peoples Development Framework (IPDF) applied under the original RAMP is updated for RAMP-II. The IPDF presented below, addresses adverse social impacts to the ethnic minority that may occur due to the implementation of the project.

### **II. Operational Policy OP 4.10 (Indigenous Peoples)**

2. This policy directive requires that special measures be established to protect the interests of ethnic minorities, i.e. social groups with a social and cultural identity distinct from the dominant society that makes them vulnerable to being disadvantaged in the development process. Indigenous peoples can be identified in particular geographical areas by the presence in varying degrees of the following characteristics:

- (a) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
- (b) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;
- (c) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and
- (d) an indigenous language, often different from the official language of the country or region.

3. In Cambodia, the largest ethnic minority groups in Cambodia include people of Vietnamese and Chinese descent, Muslim Chams and ethnic Lao, all of whom, although (b), (c), and (d) above are present, are generally not considered to be indigenous to the area where they live in Cambodia, and therefore not covered under the OP 4.10. However, the Bank has determined that OP 4.10 applies with reference to indigenous minorities, often referred to as “Highland Peoples”, because these groups are indigenous to the area where they reside, and maintain cultural and socioeconomic practices different than those practiced by the Khmer national majority. Though their numbers are relatively small in proportion to the national population, the Highland Peoples are estimated to represent a majority of the population in Ratanakiri and Mondolkiri provinces, both in the northeast. They represent much smaller proportions in other provinces. These groups, among them the Tampuan, Kuy, Jarai, Phnong, Kreung, Kvaet, Brou, Stieng, Lun and others, are estimated to total about 120,000 people, or about one percent of the national population.

4. It is not expected that subprojects will have significant impacts on ethnic minority and the original RAMP’s subprojects have confirmed this conclusion. However ‘Highland Peoples’ lifestyles and livelihoods are under pressure in some areas because of in-migration by others, forestry concession programs, and discouragement of shifting cultivation practices. Project-related improvements of roads and infrastructure could well induce future in-migration and pressure on access to resources. For these reasons, the Highland Peoples are considered potentially vulnerable to being disadvantaged in the development process, and this plan reviews actions taken, or to be taken, to safeguard their interests.

5. In the context of this project, it is important to note that the OP 4.10 refers to social groups and not to individual families. The identification of ethnic minorities in the project area will therefore be triggered by the identification of groups of ethnic minority families and individuals.

6. The primary objectives of OP 4.10 are:

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

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

### **III. The Cambodian Legal Context**

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

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

- The government “shall promote understanding and respect of cultural diversity and ensure that High land Peoples can practice their own cultures”(Para.1);
- “High land Peoples shall have the right to be fully informed about, determine the priorities for and to exercise control over their economic, social and cultural development” (Para.6); and this provision in the policy guidelines section of the document:
- “Highland Peoples’ communities shall be given the opportunity to participate and take responsibility in all decisions regarding infrastructure projects that affect them. The affected community and persons must have agreed, after being fully informed in a language that they clearly understand, of the project and all its consequences for them and their natural environment, before any development project may proceed” (Para.7.2).

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

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

11. During the initial social screening of 919 households located along the target sections of NR3 and NR7 conducted during the preparation of this RAMP-II, no group of IP was found. Nevertheless, the road-by-road social assessment is one of the activities incorporated into the detailed planning of works to be carried out on individual roads for the precautionary purpose. This will follow the Project Implementation Plan, which specifies the technical, environmental and social procedures and standards. With regard to social aspects, the major areas of activities

are (i) information dissemination and consultation, (ii) identification of the need for land acquisition, after minimization (alternatives) has been considered, and (iii) the identification of indigenous minorities for whom special measures would have to be taken.

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

13. A Social Assessment and free, prior and informed consultations would be carried with affected IPs to ascertain their broad community support to the project. An Indigenous People Development Plan (IPDP) will be developed based on the result of the SA and consultations. The SA will include the following information:

- Project Description including type, size and location of project
- Project activities and their timing/sequence including construction period, operation period, and closure period
- Quantity and quality of raw material to be used and waste products generated by the project
- Project costing
- Assessment of alternatives (including the “no project” option)
- Description of Existing Social Characteristics (baseline data)
- Demographics of beneficiary/affected population (population numbers and locations, number of households, gender, ethnicity);
- Socio-economic characteristics and livelihoods (income, poverty issues); and
- Social networks, traditions, cultural aspects
- Social Impacts
- Fully describe anticipated social impacts at all periods (construction, operation and closure phase)
- Institutional Arrangements
- Institutional responsibilities for SA and SAP review and approval
- Institutional arrangements for implementation of SAP
- Capacity building and strengthening required
- Social Action Plan, if required containing:
  - a) protective or mitigation measures for social impacts in each phase (including costs)
  - b) compensation measures (if any) and links with other measures and plans (i.e. ARAP, IPDP etc)
  - c) institutional arrangements, timing and budgets for implementation of SAP
  - d) social impact monitoring program
  - e) Description of public involvement activities during SA
  - f) consultation during SA
  - g) process for review and revision of SA
  - h) disclosure of SA
  - i) Conclusions and Recommendations

14. In order to ensure that free prior and informed consultations will be carried out with affected IPs, specific steps will include: (a) information dissemination conducted in the local language; (b) an indigenous minority representative/leader and an independent assigned NGO representative or a social scientist knowledgeable in indigenous peoples history and tradition are

present in all discussions with clusters of indigenous peoples; and (c) all meetings are properly documented and shared with the concerned indigenous peoples.

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

## **V. Indigenous People Development Plan (IPDP)**

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

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

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

## **VI. Costs and Budget**

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

## **VII. Monitoring Arrangements**

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

## **VIII. Conflict Resolution Procedures**

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

### **Annex 3. Guidelines for a Code of Conduct and Action Plan on Gender-Based Violence (GBV) and Violence Against Children**

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#### Annex 6.a - Potential Procedures for Addressing GBV and VAC

## **1. Background**

The purpose of these Codes of Conduct and Action Plan on Gender Based Violence (GBV) and Child Protection is to introduce a set of key definitions, core Codes of Conduct, and guidelines that establish mechanisms for preventing, reporting and addressing GBV and Violence Against Children (VAC) within the work site and in its immediate surrounding communities. The application of the GBV and VAC Codes of Conduct will help prevent and/or mitigate the risks of GBV and VAC on the project.

Mutual respect and fair treatment between those working on the project and local communities is critical to a safe, respectful, and productive workplace and operating environment. GBV and VAC can be one of the most serious violations of respect and fair treatment which can harm the local community, and significantly damage trust and cooperation between parties.

These Codes of Conduct are to be adopted by those working on the project and are meant to: (i) create common awareness about GBV and VAC; (ii) ensure a shared understanding that they have no place in the project; and, (iii) create a clear system for identifying, responding to, and sanctioning GBV and VAC incidents.

Ensuring that all project staff understand the values of the project, understand expectations for all employees, and acknowledge the consequences for violations of these values, will help to create a smoother, more respectful and productive project implementation thereby helping ensure that the project's objectives will be achieved.

## **2. Scope**

[use what is in draft bidding documents]

## **3. Definitions**

The following definitions apply:

- **Gender-Based Violence (GBV):** is an umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed (i.e. gender) differences between males and females. It includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty. These acts can occur in public or in private.
- **Violence Against Children (VAC):** is defined as physical, sexual or psychological harm of minor children (i.e. under the age of 18) including using for profit, labor, sexual gratification, or some other personal or financial advantage.
- **Accountability Measures:** are the measures put in place to ensure the confidentiality of survivors and to hold contractors, consultants and the ESO responsible for instituting a fair system of addressing cases of GBV and VAC.
- **Child:** is used interchangeably with the term 'minor' and refers to a person under the age of 18. This is in accordance with Article 1 of the United Nations Convention on the Rights of the Child.
- **Child Protection (CP):** is an activity or initiative designed to protect children from any form of harm, particularly arising from VAC.
- **Consent:** is the informed choice underlying an individual's free and voluntary intention, acceptance or agreement to do something. No consent can be found when such acceptance or agreement is obtained through the use of threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18, even in the event that national legislation of the country into which the Code of Conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defense.



- Consultant: is as any firm, company, organization or other institution that has been awarded a contract to provide consulting services in the context of the RAMP-II, to the project, and has hired managers and/or employees to conduct this work.
- Contractor: is any firm, company, organization or other institution that has been awarded a contract to conduct infrastructure development works in the context of the RAMP-II project and has hired managers and/or employees to conduct this work. This also includes sub-contractors hired to undertake activities on behalf of the contractor.
- Employee: is as any individual offering labor to the contractor or consultant within country on or off the work site, under a formal or informal employment contract or arrangement, typically but not necessarily in exchange for a salary (e.g. including unpaid interns and volunteers), with no responsibility to manage or supervise other employees.
- Employer: Ministry of Public Works and Transport
- GBV and VAC Allegation Procedure: is the prescribed procedure to be followed when reporting incidents of GBV or VAC.
- GBV and VAC Codes of Conduct: The Codes of Conduct adopted for the project covering the commitment of the company, and the responsibilities of managers and individuals with regards to GBV and VAC.
- GBV and VAC Compliance Team (GCCT): a team established by the project to address GBV and VAC issues.
- Grievance Redress Mechanism (GRM): is the process established by the RAMP-II project to receive and address complaints.
- Grooming: are behaviors that make it easier for a perpetrator to procure a child for sexual activity. For example, an offender might build a relationship of trust with the child, and then seek to sexualize that relationship (for example by encouraging romantic feelings or exposing the child to sexual concepts through pornography).
- Manager: is any individual offering labor to the contractor or consultant, on or off the work site, under a formal employment contract and in exchange for a salary, with responsibility to control or direct the activities of a contractor's or consultant's team, unit, division or similar, and to supervise and manage a pre-defined number of employees.
- Online Grooming: is the act of sending an electronic message with indecent content to a recipient who the sender believes to be a minor, with the intention of procuring the recipient to engage in or submit to sexual activity with another person, including but not necessarily the sender .
- Perpetrator: is the person(s) who commit(s) or threaten(s) to commit an act or acts of GBV or VAC.
- Response Protocol: is the mechanisms set in place to respond to cases of GBV and VAC.
- Survivor/Survivors: is the person(s) adversely affected by GBV or VAC. Women, men and children can be survivors of GBV; children can be survivors of VAC.
- Work Site: is the area in which infrastructure development works are being conducted, as part of the project.
- Work Site Surroundings: is the 'Project Area of Influence' which are any area, urban or rural, directly affected by the project, including all human settlements found on it.

#### **4. Sample Codes of Conduct**

This section presents three sample Codes of Conduct as the minimum standard for use under civil works contracts for RAMP-II. These codes will be confirmed and agreed upon prior commencement of works and cleared by the Supervision Consultant.

- Company Code of Conduct: Commits the company to addressing GBV and VAC issues;

- Manager's Code of Conduct: Commits managers to implementing the Company Code of Conduct, as well as those signed by individuals; and,
- Individual Code of Conduct: Code of Conduct for everyone working on the project, including managers.

## **Company Code of Conduct**

### **Preventing Gender Based Violence and Violence Against Children**

In the context of the RAMP-II project, the company is committed to creating and maintaining an environment in which gender based violence (GBV) and violence against children (VAC) have no place, and where they will not be tolerated by any employee, associate, or representative of the company. Therefore, in order to ensure that all those engaged in the project are aware of this commitment, and in order to prevent, be aware of, and respond to any allegations of GBV and VAC, the company commits to the following core principles and minimum standards of behavior that will apply to all company employees, associates, and representatives including sub-contractors, without exception:

1. The company—and therefore all employees, associates, and representatives—commit to treating women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. Acts of GBV and VAC are in violation of this commitment.
2. Demeaning, threatening, harassing, abusive, culturally inappropriate, or sexually provocative language and behavior are prohibited among all company employees, associates, and its representatives.
3. Acts of GBV or VAC constitute gross misconduct and are therefore grounds for administrative sanctions, which may include penalties and/or termination of employment. All forms of GBV and VAC, including grooming are unacceptable, regardless of whether they take place on the work site, the work site surroundings, at worker's camps or at worker's homes.
4. In addition to company sanctions, legal prosecution of those who commit acts of GBV or VAC will be pursued if appropriate.
5. Sexual contact or activity with children under 18—including through digital media—is prohibited. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense or excuse.
6. Sexual favors—for instance, making promises or favorable treatment dependent on sexual acts—or other forms of humiliating, degrading or exploitative behavior are prohibited.
7. Unless there is full consent by all parties involved in the sexual act, sexual interactions between the company's employees (at any level) and members of the communities surrounding the work place are prohibited. This includes relationships involving the withholding/promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex—such sexual activity is considered “non-consensual” within the scope of this Code.
8. All employees, including volunteers and sub-contractors are highly encouraged to report suspected or actual acts of GBV and/or VAC by a fellow worker, whether in the same company or not. Reports must be made in accordance with GBV and VAC Allegation Procedures.
9. Managers are required to report suspected or actual acts of GBV and/or VAC as they have a responsibility to uphold company commitments and hold their direct reports responsible.
10. Comply with all relevant local legislation, including labor laws in relation to child labor.

To ensure that the above principles are implemented effectively the company commits to ensuring that:

11. All managers sign the ‘Manager’s Code of Conduct’ detailing their responsibilities for implementing the company’s commitments and enforcing the responsibilities in the ‘Individual Code of Conduct’.

12. All employees sign the project's 'Individual Code of Conduct' confirming their agreement not to engage in activities resulting in GBV or VAC.
13. Displaying the Company and Individual Codes of Conduct prominently and in clear view at workers' camps, offices, and in public areas of the work space. Examples of areas include waiting, rest and lobby areas of sites, canteen areas, health clinics.
14. Ensure that posted and distributed copies of the Company and Individual Codes of Conduct are translated into the appropriate language of use in the work site areas as well as for any international staff in their native language.
15. An appropriate person is nominated as the company's 'Focal Point' for addressing GBV and VAC issues, including representing the company on the GBV and VAC Compliance Team (GCCT) which is comprised of representatives from ESO, contractor(s), the supervision consultant, and local service provider(s).
16. Ensuring that an effective Action Plan is developed in consultation with the supervision consultant and which includes as a minimum:
  - a. GBV and VAC Allegation Procedure to report GBV and VAC issues through the project Grievance Redress Mechanism (GRM);
  - b. Accountability Measures to protect confidentiality of all involved; and,
  - c. Response Protocol applicable to GBV and VAC survivors and perpetrators.
17. That the company effectively implements the Action Plan, providing feedback to the GCCT for improvements and updates as appropriate.
18. All employees attend an induction training course prior to commencing work on site to ensure they are familiar with the company's commitments and the project's GBV and VAC Codes of Conduct.
19. All employees attend two mandatory training courses per year for the duration of the contract starting from the first induction training prior to commencement of work to reinforce the understanding of the project's GBV and VAC Code of Conduct.

Company name: \_\_\_\_\_

Signature of Company's Representative: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## **Manager's Code of Conduct**

### **Preventing Gender Based Violence and Violence Against Children**

Managers at all levels have particular responsibilities to uphold the company's commitment to preventing and addressing GBV and VAC. This means that managers have an acute responsibility to create and maintain an environment that prevents GBV and VAC. Managers need to support and promote the implementation of the Company Code of Conduct. To that end, managers must adhere this Manager's Code of Conduct and also sign the Individual Code of Conduct. This commits them to supporting and developing systems that facilitate the implementation of the Action Plan and maintain a GBV-free and VAC-free environment at the workplace and in the local community. These responsibilities include but are not limited to:

#### **Implementation**

1. To ensure maximum effectiveness of the Company and Individual Codes of Conduct:
  - a. Prominently displaying the Company and Individual Codes of Conduct in clear view at workers' camps, offices, and in public areas of the work space. Examples of areas include waiting, rest and lobby areas of sites, canteen areas, health clinics.
  - b. Ensuring all posted and distributed copies of the Company and Individual Codes of Conduct are translated into the appropriate language of use in the work site areas as well as for any international staff in their native language.
2. Verbally and in writing explain the Company and Individual Codes of Conduct to all staff.
3. Ensure that:
  - a. All staff members sign the 'Individual Code of Conduct', including acknowledgment that they have read and agree with the Code of Conduct.
  - b. Staff lists and signed copies of the Individual Code of Conduct are provided to the GCCT and the ESO.
  - c. Participate in training and ensure that staff also participate as outlined below.
  - d. Staff are familiar with the Grievance Redress Mechanism (GRM) and that they can use it to anonymously report concerns of GBV or VAC incidents.
  - e. Staff are encouraged to report suspected or actual GBV or VAC through the GRM by raising awareness about GBV and VAC issues, emphasizing the staff's responsibility to the Company and the country hosting their employment, and emphasizing the respect for confidentiality.
4. In compliance with applicable laws and to the best of your abilities, prevent perpetrators of sexual exploitation and abuse from being hired, re-hired or deployed. Use background and criminal reference checks for all employees, if available.
5. Ensure that when engaging in partnership, sub-contractor or similar agreements, these agreements:
  - a. Incorporate the GBV and VAC Codes of Conduct as an attachment.
  - b. Include the appropriate language requiring such contracting entities and individuals, and their employees and volunteers, to comply with the Individual Codes of Conduct.
  - c. expressly state that the failure of those entities or individuals, as appropriate, to take preventive measures against GBV and VAC, to investigate allegations thereof, or to take corrective actions when GBV or VAC has occurred, shall constitute grounds for sanctions and penalties in accordance with the Individual Codes of Conduct.

6. Provide resources to the GCCT to create and disseminate internal sensitization initiatives through the awareness-raising strategy under the Action Plan.
7. Ensure that any GBV or VAC issue warranting police action is reported to the ESO and the World Bank immediately.

### **Training**

8. All managers are required to attend an induction manager training course prior to commencing work on site to ensure that they are familiar with their roles and responsibilities in upholding the GBV and VAC Codes of Conduct. This training will be separate from the induction training course required of all employees and will provide managers with the necessary understanding and technical support needed to begin to develop the Action Plan for addressing GBV and VAC issues.
9. Ensure that time is provided during work hours and that staff attend the mandatory project facilitated induction training on GBV and VAC required of all employees prior to commencing work on site.
10. Ensure that staff attend the mandatory refresher training course required of all employees . Managers are required to attend and assist the training courses for all employees.
11. Ensure satisfaction surveys to evaluate training are conducted by service provider.

### **Response**

13. Managers will be required to provide input to the GBV and VAC Allegation Procedures and Response Protocol developed by the GCCT as part of the final cleared Action Plan.
14. Once adopted by the Company, managers will uphold the Accountability Measures set forth in the Action Plan to maintain the confidentiality of all employees who report or (allegedly) perpetrate incidences of GBV and VAC (unless a breach of confidentiality is required to protect persons or property from serious harm or where required by law).
15. If a manager develops concerns or suspicions regarding any form of GBV or VAC by one of his/her direct reports, or by an employee working for another contractor on the same work site, s/he is required to report the case using the GRM.
16. Once a sanction has been determined, the relevant manager(s) is/are expected to be personally responsible for ensuring that the measure is effectively enforced, within a maximum timeframe of 14 days from the date on which the decision to sanction was made.
17. Managers failing to report or comply with such provision can in turn be subject to disciplinary measures, to be determined and enacted by the company's CEO, Managing Director or equivalent highest-ranking manager. Those measures may include:
  - a. Informal warning.
  - b. Formal warning.
  - c. Loss of up to one week's salary.
  - d. Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months.
  - e. Termination of employment.
18. Ultimately, failure to effectively respond to GBV and VAC cases on the work site by the company's managers or CEO may provide grounds for legal actions by authorities.

I do hereby acknowledge that I have read the foregoing Manager's Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to GBV and VAC. I understand that any action inconsistent with this Manager's Code of Conduct or failure to take action mandated by this Manager's Code of Conduct may result in disciplinary action.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## **Individual Code of Conduct**

### **Preventing Gender Based Violence and Violence Against Children**

I, \_\_\_\_\_, acknowledge that preventing gender based violence (GBV) and violence against children (VAC) is important. The company considers that GBV or VAC activities constitute acts of gross misconduct and are therefore grounds for sanctions, penalties or potential termination of employment. All forms of GBV or VAC are unacceptable be it on the work site, the work site surroundings, or at worker's camps. Prosecution of those who commit GBV or VAC may be pursued if appropriate.

I agree that while working on the project I will:

- Consent to police background check if information available.
- Treat women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- Not use language or behavior towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- Not participate in sexual contact or activity with children—including grooming, or contact through digital media. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense or excuse.
- Not engage in sexual favors—for instance, making promises or favorable treatment dependent on sexual acts—or other forms of humiliating, degrading or exploitative behavior.
- Unless there is the full consent by all parties involved, I will not have sexual interactions with members of the surrounding communities. This includes relationships involving the withholding or promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex—such sexual activity is considered “non-consensual” within the scope of this Code.
- Attend and actively partake in training courses related to HIV/AIDS, GBV and VAC as requested by my employer.
- Consider reporting through the GRM or to my manager any suspected or actual GBV or VAC by a fellow worker, whether employed by my company or not, or any breaches of this Code of Conduct.

With regard to children under the age of 18:

- Wherever possible, ensure that another adult is present when working in the proximity of children.
- Not invite unaccompanied children unrelated to my family into my home, unless they are at immediate risk of injury or in physical danger.
- Not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my supervisor's permission, and ensure that another adult is present if possible.
- Use any computers, mobile phones, or video and digital cameras appropriately, and never to exploit or harass children or to access child pornography through any medium (see also “Use of children's images for work related purposes” below).
- Refrain from physical punishment or discipline of children.
- Refrain from hiring children for domestic or other labor which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury.

Use of children's images for work related purposes



When photographing or filming a child for work related purposes, I must:

- Before photographing or filming a child, assess and endeavor to comply with local traditions or restrictions for reproducing personal images.
- Before photographing or filming a child, obtain informed consent from the child and a parent or guardian of the child. As part of this I must explain how the photograph or film will be used.
- Ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner.
- Ensure images are honest representations of the context and the facts.
- Ensure file labels do not reveal identifying information about a child when sending images electronically.

### **Sanctions**

I understand that if I breach this Individual Code of Conduct, my employer will take disciplinary action which could include:

- Informal warning.
- Formal warning.
- Loss of up to one week's salary.
- Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months.
- Termination of employment.
- Report to the police if warranted.

I understand that it is my responsibility to avoid actions or behaviors that could be regarded as GBV or VAC or breach this Individual Code of Conduct. I do hereby acknowledge that I have read the foregoing Individual Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to GBV and VAC. I understand that any action inconsistent with this Individual Code of Conduct or failure to take action mandated by this Individual Code of Conduct may result in disciplinary action and may affect my ongoing employment.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## **5. Action Plan**

### **4.1 The GBV and VAC Compliance Team**

The project shall establish a ‘GBV and VAC Compliance Team’ (GCCT). The GCCT will include, as appropriate to the project, at least four representatives (‘Focal Points’) as follows:

- a. A safeguards specialist from the ESO;
- b. The occupational health and safety manager from the contractor , or someone else tasked with the responsibility for addressing GBV and VAC with the time and seniority to devote to the position;
- c. The supervision consultant; and,
- d. A representative from a local service provider with experience in GBV and VAC (the ‘Service Provider’).

It will be the duty of the GCCT with support from the management to inform workers about the activities and responsibilities of the GCCT. To effectively serve on the GCCT, members must undergo training by the local service provider prior to the commencement of their assignment to ensure that they are sensitized on GBV and Child Protection.

The GCCT will be required to:

- a. Approve any changes to the GBV and VAC Codes of Conduct contained in this document, with clearances from the Supervision Consultant for any such changes.
- b. Prepare the Action Plan reflecting the Codes of Conduct which includes:
  - i. GBV and VAC Allegation Procedures (See 4.3)
  - ii. Accountability Measures (See 4.4)
  - iii. An Awareness raising Strategy (See 4.5)
  - iv. A Response Protocol (See 4.6)
- c. Obtain approval of the Action Plan by company management;
- d. Obtain ESO clearances for the Action Plan prior to full mobilization;
- e. Receive and monitor resolutions and sanctions with regard to complaints received related to GBV and VAC associated with the project; and,
- f. Ensure that GBV and VAC statistics in the GRM are up to date and included in the regular project reports.

The GCCT shall hold quarterly update meetings to discuss ways to strengthen resources and GBV and VAC support for employees and community members.

The Action Plan and Code of Conduct shall be submitted for review to the ISWS Consultant within 90 days from the contract signature date. Works will not commence unless the Engineer is satisfied with measures in place, including plan and codes. Failure to comply with such obligation should provide ground for contract suspension cancellation – this shall be determined at the sole discretion of the contracting entity, whilst intention to cancel the contract shall be notified to the World Bank team within 60 days from the proposed cancellation date.

### **4.2 Making Complaints: GBV and VAC Allegation Procedures**

All staff, volunteers, consultants and sub-contractors are encouraged to report suspected or actual GBV or VAC cases. Managers are required to report suspected or actual GBV and/or VAC cases as they have responsibilities to uphold company commitments and they hold their direct reports accountable for complying with the Individual Code of Conduct.

The project will provide information to employees and the community on how to report cases of GBV and VAC Code of Conduct breaches through the Grievance Redress Mechanism (GRM). The GCCT will follow up on cases of GBV, VAC and Code of Conduct breaches reported through the GRM.

#### **4.3 Addressing Complaints about GBV or VAC**

The project operates a grievance redress mechanism (GRM). Reports of GBV or VAC, other complaints, or other concerns may be submitted online, via telephone or mail, or in person. Gender focal point will be appointed from all project affected villages. The GCCT will advise and facilitate process of applying and addressing GBV and VAC related grievances and assist the survivor to access and apply their grievances.

The survivor will refer complaints related to GBV or VAC to the GCCT to resolve them. In accordance with the Action Plan, the GCCT through the Service Provider and Focal Point(s) will investigate the complaint and ultimately provide the GRM operator with a resolution to the complaint, or the police if necessary. The GRM operator will, upon resolution, advise the complainant of the outcome, unless it was made anonymously. Complaints made to managers or the Service Provider will be referred by them to the GRM for processing.

If the complaint to the GRM is made by a survivor or on behalf of a survivor, the complainant will be directly referred to the service provider to receive support services while the GCCT investigates the complaint in parallel.

#### **Service Provider**

The Service Provider is a local organization which has the experience and ability to provide training and to support survivors of GBV or VAC. The contractor(s) will contract the services of a Service Provider, so that GBV and VAC cases can safely be referred to them. The Service Provider will also provide support and guidance to the GBV and VAC Focal Points as necessary. The Service Provider will have a representative on the GCCT and be involved in resolving complaints related to GBV or VAC. The service provider will develop and conduct the mandatory training to employees on GBV and VAC.

#### **GBV and VAC Focal Point**

The GCCT will refer the complaint to the appropriate Focal Points for resolution (i.e. issues with contractor's staff will be for the contractor to resolve; consultant's staff to the consultant; and ESO staff the ESO) and will advise the GCCT on potential resolutions, including referral to the police if necessary. They will be assisted by the Service Provider as appropriate.

All the Focal Points on the GCCT must be trained and empowered to resolve GBV and VAC issues. It is essential that all staff of the GRM and GCCT understand the guiding principles and ethical requirement of dealing with survivors of GBV and VAC. All reports should be kept confidential and referred immediately to the Service Provider represented on the GCCT. In GBV and VAC cases warranting police action, the Focal Points must appropriately refer the complaint to: (i) the authorities; (ii) the Service Provider; and, (iii) management for further action. The Employer and the World Bank are to be immediately notified.

#### **4.4 Accountability Measures**

All reports of GBV or VAC shall be handled in a confidential manner in order to protect the rights of all involved. To ensure that survivors feel confident to disclose their experience of GBV or VAC, the ESO, contractor and consultant must maintain the confidentiality of employees who notify any acts or threats of violence, and of any employees accused of engaging in any acts or threats of violence (unless a breach of confidentiality is required to protect persons or property from serious harm or where required by law). The contractor and consultant must prohibit discrimination or adverse action against an employee on the basis of survivor's disclosure, experience or perceived experience of GBV or VAC (see Annex 7 for examples of actions to maintain accountability).

#### **4.5 Monitoring and Evaluation**

The GCCT must monitor the follow up of cases that have been reported and maintain all reported cases in a confidential and secure location. Monitoring must collect the number of cases that have been reported and the share of them that are being managed by police, NGOs etc.

These statistics shall be reported to the GRM and the Supervision Engineer for inclusion in their reporting.

In GBV and VAC cases warranting police action, the ESO and the World Bank are to be immediately notified.

#### **4.5 Awareness-raising Strategy**

It is important to create an Awareness-raising Strategy with activities aimed to sensitize employees on GBV and VAC on the work site and its related risks, provisions of the GBV and VAC Codes of Conduct, GBV and VAC Allegation Procedures, Accountability Measures and Response Protocol. The strategy will be accompanied by a timeline, indicating the various sensitization activities through which the strategy will be implemented and also the related (expected) delivery dates. Awareness-raising activities may be linked with trainings provided by Service Provider.

#### **4.6 Response Protocol**

The GCCT will be responsible for developing a written response protocol to meet the project requirements, in accordance to national laws and protocols. The response protocol must include mechanisms to notify and respond to perpetrators in the workplace (See 4.8 for Perpetrator Policy and Response). The response protocol will include the GRM process to ensure competent and confidential response to disclosures of GBV and VAC. An employee who discloses a case of GBV or VAC in the workplace shall be referred to the GRM for further action.

#### **4.7 Survivor Support Measures**

Appropriately respond to the survivor's complaint by respecting the survivor's choices to minimize the potential for re-traumatization and further violence against the survivor. Refer the survivor to the Service Provider to obtain appropriate support services in the community—including medical and psychosocial support, emergency accommodation, security including police protection and livelihood support—by facilitating contact and coordination with these services. The contractor may, where feasible, provide financial and other supports to survivors of GBV or VAC for these services (see Annex 1 for examples of financial support).

If the survivor is an employee, in order to ensure the safety of the survivor and the workplace in general, the contractor, in consultation with the survivor, will assess the risk of ongoing abuse, to the survivor and to the workplace, and make reasonable adjustments to the work schedule and work environment as deemed necessary (see Annex 6.a for examples of safety measures). The contractor will provide adequate leave to survivors seeking services after experiencing violence (see Annex 1 for details).

#### **4.8 Perpetrator Policy and Response**

Encourage and accept notification through the GRM from employees and community members about perpetrators in the workplace. Through the GCCT and/or the Service Provider, oversee the investigation of these grievances, ensuring procedural fairness for the accused, and within the local laws. If an employee has breached the Code of Conduct, the contractor will take action which could include:

- a. Undertake disciplinary action up in accordance with sanctions in the GBV and VAC Codes of Conduct;
- b. Report the perpetrator to the Police as per local legal paradigms; and/or
- c. If feasible, provide or facilitate counselling for the perpetrator.

#### **4.9 Administrative Sanctions**

In accordance with the Code of Conduct, any employee identified as a potential GBV or VAC perpetrator shall be considered for disciplinary measures in line with sanctions and practices as agreed in the Individual Code of Conduct (see Annex 6.a for examples of sanctions). It is important to note that, for each case, disciplinary sanctions are intended to be part of a process that is entirely internal to the employer, is placed under the full control and responsibility of its managers, and is conducted in accordance with the applicable national labor legislation.

Such process is expected to be fully independent from any official investigation that competent authorities (e.g. Police) may decide to conduct in relationship to the same case, and in accordance with the applicable national law. Similarly, internal disciplinary measures that the employer's managers may decide to enact are meant to be separate from any charges or sanctions that the official investigation may result into (e.g. monetary fines, detention etc.).

## **Annex 6.a - Potential Procedures for Addressing GBV and VAC**

Accountability Measures to maintain confidentiality can be achieved through the following actions:

1. Inform all employees that confidentiality of GBV/VAC survivors' personal information is of utmost importance.
2. Provide the GCCT with training on empathetic and non-judgmental listening.
3. Take disciplinary action, including and up to dismissal, against those who breach survivor's confidentiality (this is unless a breach of confidentiality is necessary to protect the survivor or another person from serious harm, or where required by law).

GBV and VAC Allegation Procedures should specify:

1. Who survivors can seek information and assistance from.
2. The process for community members and employees to lodge a complaint through the GRM should there be alleged GBV or VAC.
3. The mechanism for how community members and employees can escalate a request for support or notification of violence if the process for reporting is ineffective due to unavailability or non-responsiveness, or if the employee's concern is not resolved.

Financial and Other Supports to survivors can include:

1. No/low interest loans.
2. Salary advances.
3. Direct payment of medical costs.
4. Upfront payments for medical costs to be recouped from the employee's health insurance.
5. Providing or facilitating access to childcare.
6. Providing security upgrades to the employee's home.
7. Providing safe transportation to access support services or to and from accommodation.

Survivor Support measures to ensure the safety of the survivor can include:

1. Changing the employee's span of hours or pattern of hours and/or shift patterns.
2. Redesigning or changing the employee's duties.
3. Changing the employee's telephone number or email address to avoid harassing contact.
4. Relocating the employee to another work site/ alternative premises.
5. Providing safe transportation to and from work for a specified period.
6. Supporting the employee to apply for an Interim Protection Order or referring them to appropriate support.
7. Taking any other appropriate measures including those available under existing provisions for family friendly and flexible work arrangements.

Leave options for survivors that are employees can include:

1. An employee experiencing GBV should be able to request paid special leave to attend medical or psychosocial appointments, legal proceedings, relocation to safe accommodation and other activities related to GBV.
2. An employee who supports a person experiencing GBV or VAC may take carer's leave, including but not limited to accompanying them to court or hospital, or to take care of children.
3. Employees who are employed in a casual capacity may request unpaid special leave or unpaid career's leave to undertake the activities described above.

4. The amount of leave provided will be determined by the individual's situation through consultations with the employee, the management and the GCCT where appropriate.

Potential Sanctions to employees who are perpetrators of GBV and VAC include:

- Informal warning
- Formal warning
- Additional Training
- Loss of up to one week's salary.
- Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months.
- Termination of employment.
- Referral to the Police or other authorities as warranted.

**Annex 4. Table A1: Generic Environmental Management Plan**

ACTIVITY	POTENTIALIMPACTS	MITIGATIONMEASURES
Resurfacing of pavements and associated pavement works and repair and surfacing of shoulders	<ul style="list-style-type: none"> <li>– Possible pollution of water ways or ground water by bituminous products or solvents.</li> </ul>	<ul style="list-style-type: none"> <li>– Inform and/or remind PAHs and communities well in advance of the project, potential impacts, mitigation measures and time frame with a leaflet on the project provided.</li> <li>– Strict control to avoid spills and contract or to have adequate clean up procedures.</li> </ul>
	<ul style="list-style-type: none"> <li>– Works can have temporary effects on irrigation or washing/drinking water supplies.</li> </ul>	<ul style="list-style-type: none"> <li>– Contractor to take into account local water uses.</li> </ul>
	<ul style="list-style-type: none"> <li>– Dust noise and vibrations.</li> </ul>	<ul style="list-style-type: none"> <li>– Specification to include for watering in the contract;</li> <li>– Control of contractors equipment noise and vibrations, especially close to settlements</li> <li>– Construction activities will be avoided at night, close to residential areas;</li> </ul>
	<ul style="list-style-type: none"> <li>– Effect on traffic and pedestrian safety.</li> </ul>	<ul style="list-style-type: none"> <li>– Contractor to employ safe traffic control measures and limit possible disruption to non-construction traffic.</li> </ul>
Transport of Materials.	<ul style="list-style-type: none"> <li>– Air and noise pollution for any nearby settlements and damage to existing roads.</li> <li>– Dust generated from civil work and transport of construction materials.</li> </ul>	<ul style="list-style-type: none"> <li>– Control contractor’s vehicle speeds, noise and weight of loads and control dust and flying debris by covering loads or wetting material if necessary.</li> <li>– Use locally available construction material wherever possible to minimize transport distances.</li> <li>– Contractor to regularly water the roads to prevent from dust, especially in community or urban area.</li> </ul>
Materials stock piling on shoulders	<ul style="list-style-type: none"> <li>– Possible pollution of water ways by solids</li> <li>– Possible impacts on road users safety because construction waste was disposed on the carriage way.</li> </ul>	<ul style="list-style-type: none"> <li>– Choose appropriate location for materials stockpiling well away from any waterways, irrigation or washing/drinking water supplies.</li> <li>– Avoid encroachment on carriageway;</li> <li>– Preserve trees during material stockpiling</li> </ul>
Borrow areas	<ul style="list-style-type: none"> <li>– Quarries and borrow pits can have impacts on soils, water and the natural environment;</li> </ul>	<ul style="list-style-type: none"> <li>– Locate borrow areas away from any residential or other environmentally sensitive areas such as hospitals, intensive livestock production areas or wildlife breeding areas.</li> <li>– Also avoid farmlands or forests as much as possible. Restrict work to daylight hours and limit the size and frequency of any blasting.</li> <li>– Borrow areas will be restored and re-vegetated.</li> </ul>
Work site installation (if needed)	<ul style="list-style-type: none"> <li>– Degradation of plant cover</li> <li>– Soil and water pollution (trash dumping, oil spills)</li> </ul>	<ul style="list-style-type: none"> <li>– Choose location of work site installations in order to reduce impacts on the environment of these sites and the people living in the immediate vicinity;</li> <li>– Fuel and oil, and bitumen storage areas will be located well away from any watercourses;</li> <li>– These storage areas will be provided with interceptor traps so that accidental spills do not contaminate the environment;</li> <li>– All waste oil will be stored and disposed of acceptable oil industry standards;</li> <li>– Wherever possible, refueling will be carried out at a fuel storage area and not permitted within or adjacent to watercourses;</li> <li>– On completion of the work, contractor shall restore the sites to their original state;</li> </ul>



Road safety and traffic management	Road accidents due to in adequate control of vehicle speeds and signs/signals	<ul style="list-style-type: none"> <li>- Prepare/finalize an action plan for each sub project in close consultation with local agencies and</li> <li>- As experienced from RAMP, contractor should install road traffic signs during construction (for example, diversion), construct proper and safe diversions, and employ sufficient flagmen to direct the traffic.</li> <li>- Where there are open manholes or excavation for side drains in front of shops/houses, contractor shall then: 1) cover them quickly or provide proper and clear sign to avoid danger to cyclists or pedestrians, especially at night time, and provide temporary access road to the shops/houses to maintain normal business and living activities in the communities. The implementation results should be reported periodically.</li> </ul>
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