

**Comparative Analysis of Cambodia’s Legal Framework and ADB Safeguard Policy Statement:
Indigenous Peoples**

(A) ADB Safeguard Policy Statement	(B) Corresponding Legal Provisions ¹	(C) Extent of Equivalence ²	(D) Recommended Gap-filling Measures
<p>Scope and Triggers: (Definition of Indigenous Peoples) The term Indigenous Peoples is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (iv) a distinct language, often different from the official language of the country or region.A group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance remains eligible for coverage under this policy.</p>			
<p>Key Element (1) Self-identification as members of a distinct indigenous cultural group and recognition of this identity by others</p>	<p>Land Law 2001 Article 23 An indigenous community is a group of people who reside in the territory of the Kingdom of Cambodia whose members manifest ethnic, social, cultural and economic unity and who practice a traditional lifestyle, and who cultivate the lands in their possession according to customary rules of collective use.</p> <p>Article 24 An individual who meets the ethnic, cultural and social criteria of an indigenous community, is recognized as a group member by the majority of such group, and who accepts the unity and subordination leading to acceptance into the community shall be considered to be a member of the indigenous community and is eligible to have the benefit of the rights, guarantees and protections provided by this law.</p>	<p>Full equivalence</p>	
<p>Key Element (2) Collective attachment to</p>	<p>See Scope and Triggers, Key element 1.</p>	<p>Full equivalence</p>	

¹ All text in Column B is direct citation from the legal instruments. Citations to non-legally-binding policies and guidelines are in Column C. In this analysis, the words “shall” and “must” are interpreted to mean that an action is mandatory; the word “may” is interpreted to mean that an action is discretionary.

² “Full Equivalence” denotes that Cambodia’s legal requirement(s) are in complete harmony with the corresponding ADB Safeguard Objective, Scope and Trigger, Policy Principle or Key Element thereof. “Partial Equivalence” denotes that Cambodia’s legal requirement is in partial harmony with the corresponding ADB Safeguard Objective, Scope and Trigger, Policy Principle or Key Element; and “No Equivalence” denotes that no Cambodia legal requirement can be found that corresponds to the particular ADB Safeguard Objective, Scope and Trigger, Policy Principle or Key Element.

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geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories			
Key Element (3) Customary cultural...institutions that are separate from those of the dominant society and culture	See Scope and Triggers, Key element 1.	Full equivalence	
Key Element (4) Customary... economic.... institutions that are separate from those of the dominant society and culture	See Scope and Triggers, Key element 1.	Full equivalence	
Key Element (5) Customary... social, institutions that are separate from those of the dominant society and culture	See Scope and Triggers, Key element 1.	Full equivalence	
Key Element (6) Customary...political institutions that are separate from those of the dominant society and culture	No corresponding legal provision	No equivalence	
Key Element (7) A distinct language, often different from the official language of the country or region	No corresponding legal provision	No equivalence	
Key Element (8) A group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance remains eligible for coverage under this policy.	No corresponding legal provision	No equivalence	
Policy Principle 1: Screen early on to determine (i) whether Indigenous Peoples are present in, or have collective attachment to, the project area; and (ii) whether project impacts on Indigenous Peoples are likely.			
Key element (1): Early screening to determine whether Indigenous Peoples are present in, or have collective attachment to, the project area.	Circular on the Resettlement Implementation Procedure for Development Projects, No. 006 MEF, 2016 A. Feasibility study of the development projects 1- In principle, engineering work on development projects may be undertaken only after when the resettlement has been figured out. In this regard, the implementation of project engineering work may be hindered if the comprehensive study on scope of impact on citizens' properties is not conducted at the	Partial equivalence For projects that involve involuntary resettlement, the Circular on the Resettlement Implementation Procedure for Development Projects implies, but does not explicitly require, that screening is required at the stage of a project feasibility study. The Circular does not explicitly mention Indigenous Peoples.	

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	phase of project feasibility study. Sub-decree 72ANK-BK/11Aug99 on Environmental Impact Assessment Process (EIA Sub-Decree 1999) Article 7: The project's owner must apply for an examination the IEIA reports and pre-feasibility study to the MoE.	The EIA Sub-Decree 1999 appears to require screening, but does not require determining whether Indigenous Peoples are present in the area of influence of a proposed project.	
Key element (2): Early screening to determine whether project impacts on Indigenous Peoples are likely.	See Policy Principle 1, Key element 1.	Partial equivalence See Policy Principle 1, Key element 1.	
Policy Principle 2: Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on Indigenous Peoples. Give full consideration to options the affected Indigenous Peoples prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected Indigenous Peoples that are culturally appropriate and gender and intergenerationally inclusive and develop measures to avoid, minimize, and/or mitigate adverse impacts on Indigenous Peoples.			
Key element (1): Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on Indigenous Peoples.	Sub-Decree No. 146 ANK/BK on Economic Land Concessions 2005 Article 2 The following terms have the meanings defined below: Economic Land Concession refers to a mechanism to grant private state land through a specific economic land concession contract to a concessionaire to use for agricultural and industrial-agricultural exploitation. Chapter 3: Procedures for Initiating, Requesting and Granting Economic Land Concessions Part 1: Initiating Economic Land Concessions through Solicited Proposals Article 7 A Contracting Authority may initiate an economic land concession project by taking the following preparatory steps:... 5. If the initial...social impact assessment indicates a medium or high degree of adverse impact, arrange for the conduct of a full...social impact assessment. Part 2: Initiating Economic Land Concession Projects through Unsolicited Proposals	Partial equivalence Social impact assessment is required in the specific cases of economic and social land concessions, but there does not appear to be a legal provision that requires social impact assessment for other types of projects or activities.	

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	<p>Article 20 The detailed unsolicited proposal shall contain the following:...</p> <p>A report of an initial...social impact assessment. If the initial...social impact assessment indicates a medium or high de[g]ree of possible adverse impact, the proposal shall also include a report of full... social impact assessment.</p> <p>Sub-Decree on Social Land Concessions No. 19 ANK/BK/ March 19, 2003</p> <p>Article 2. The following terms have the meanings defined below: (a) "Social land concession" is a legal mechanism to transfer private state land for social purposes to the poor who lack land for residential and/or family farming purposes.</p> <p>Article 9. The requirements for social land concession planning include:...</p> <p>(g) An assessment of social and environmental impacts of the program and a description of appropriate actions.</p>		
<p>Key element (2): Assessment process gives full consideration to options the affected Indigenous Peoples prefer in relation to the provision of project benefits and the design of mitigation measures.</p>	<p>See Policy Principle 2, Key element 1.</p>	<p>Partial equivalence</p> <p>See Policy Principle 2, Key element 1. The Sub-Decrees on Social Land Concessions and Economic Land Concessions do not mention Indigenous Peoples, but it may be assumed that social impact assessment would identify any affected Indigenous People.</p> <p>There does not appear to be any legal provision that requires considering Indigenous Peoples' preferences for project social and economic benefits and the design of mitigation measures.</p>	

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Key element (3): Assessment process identifies social and economic benefits for affected Indigenous Peoples that are culturally appropriate and gender and intergenerationally inclusive.	See Policy Principle 2, Key element 1.	Partial equivalence See Policy Principle 2, Key elements 1 and 2.	
Key element (4): Project preparation process develops measures to avoid, minimize, and/or mitigate adverse impacts on Indigenous Peoples.	No corresponding legal provision	No equivalence	
Policy Principle 3: Undertake meaningful consultations with affected Indigenous Peoples communities and concerned Indigenous Peoples organizations to solicit their participation (i) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects; and (ii) in tailoring project benefits for affected Indigenous Peoples communities in a culturally appropriate manner. To enhance Indigenous Peoples' active participation, projects affecting them will provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the Indigenous Peoples' concerns.			
Key element (1): Affected Indigenous Peoples communities and organizations are consulted in a meaningful manner.	Constitution 1993 as amended through 2008 Article 35 Khmer citizens of both sexes have the right to participate actively in the political, economic, social and cultural life of the nation. Circular on the Resettlement Implementation Procedure for Development Projects, No. 006 MEF, 2016 B. Implementation of resettlement plan 6- Before the working group starts to carry out detailed examination and assessment of the impact, the Inter-Ministerial Resettlement Committee shall organize a forum attended by relevant local authorities at all levels instead of the ordinary meeting with the Inter-Ministerial Resettlement Committee. The purpose of the forum is to disseminate basic information about the project, resettlement policy, project's technical design and to build the capacity of officials at the sub-national level	Partial equivalence The Law on Expropriation 2010 and the Sub-Decrees on Social Land Concessions and Economic Land Concessions require consultations with affected communities and residents. The more recent Circular on Resettlement only requires informing local officials so that they can then inform residents. The Law on Environmental Protection and Natural Resource Management 1996 and the EIA Sub-Decree 1999 mention public participation, but the EIA Sub-Decree does not have a provision on consultation or public participation and there does not appear to be any other legal instrument that provides for consultation generally or with respect to Indigenous Peoples.	

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	<p>for resettlement policy and procedures. 10- In all phases of the implementation of development project resettlement plan such as the detailed measurement survey, the negotiation to enter into contract and provision of compensation or allowance, the Inter-Ministerial Resettlement Committee shall hold discussion meetings and meetings to disseminate the information in an extensive manner to the affected people by the development projects.</p> <p>Law on Expropriation 2010 Chapter 4 Expropriation Procedures Section 1: Procedures for Prior Expropriation Article 16: ...In conducting this survey, the Expropriation Committee shall arrange a public consultation with the authorities at capital, provincial, municipal, district, khan levels, and with the commune and sangkat councils and village representatives or the communities affected by the expropriation in order to give them clear and specific information and to have opinions from all concerned parties about the proposal for a public physical infrastructure project...</p> <p>Sub-Decree No. 146 ANK/BK on Economic Land Concessions 2005 Article 4 An economic land concession may be granted only on a land that meets all of the following five criteria:...</p> <p>5. Land for which there have been public consultations, with regard to economic land concession projects or proposals, with territorial authorities and residents of the locality.</p> <p>Article 35 After receiving the development of detailed</p>	<p>The legal regime specifies categories of vulnerable individuals who may not be denied the opportunity to participate in social land concession programs, but there does not appear to be a legal requirement to ensure the participation of Indigenous Peoples in consultations concerning proposed projects that may affect them.</p>	

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	<p>economic land concession project document or detailed unsolicited proposal, the Contracting Authority shall organize public consultations with territorial authorities and representatives of local residents...</p> <p>Sub Decree on Social Land Concessions No. 19 ANK/BK/ March 19, 2003 Chapter 2. Local Social Land Concession Programs Article 7. ...In initiating a national social land concession plan, there shall be participation from the concerned Provincial/Municipal Land Use and Allocation Committee, commune councils and area residents....</p> <p>Chapter 4. Necessary Requirements for Social Land Concession Planning Article 9. The requirements for social land concession planning include:...</p> <p>(e) Detailed information about the application process, including the place where applicants filed applications, the person who was responsible for publicizing the application process and the person who was responsible for posting the names of applicants, the place where the notices were posted and other administrative details of the application process.....</p> <p>Article 10.... No person may deny the right of participation in a social land concession program to head of family who is a female, a person with a disability... a veteran with a disability... or a demobilized soldier.</p> <p>Article 12. The notice of the application process for social concession land shall be open and this work shall be publicized at least thirty (30) days prior to the deadline for making applications in one or more</p>		

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	<p>public places in the concession land area....</p> <p>Article 13. A list of all applicants shall be posted in a public place at least thirty (30) days before the applications are evaluated. The posting places shall be defined in the social land concession plan....</p> <p>Law on Environmental Protection and Natural Resource Management 1996 Article 17 The procedures for public participation and access to information on environmental protection and natural resource management shall be determined by Sub-decree following a proposal of the Ministry of Environment.</p> <p>EIA Sub-Decree 1999 Article 1: This Sub-decree has the objectives to:.... - Encourage public participation in the EIA implementation in order to take ideas and suggestions into consideration for project approbation.</p>		
<p>Key element (2): The scope of consultations includes design, implementation and monitoring of measures to avoid or otherwise minimize, mitigate or compensate for adverse impacts.</p>	<p>Sub Decree on Social Land Concessions No. 19 ANK/BK/ March 19, 2003 Chapter 2. Local Social Land Concession Programs Article 5. A commune council is an initiator of a local social land concession program by preparing a social land concession plan in accordance with the requirements for social land concession plans as stated in Chapter 4 of this sub-decree. One or more citizens or organizations working with or on behalf of citizens in a commune, may initiate a local social land concession program, that shall be done through the commune council, in which the social concession land is located, by preparing a social land concession plan...</p>	<p>Partial equivalence</p> <p>See Policy Principle 3, Key element 1. In the specific case of social land concessions, there is a legal requirement for consultations at the planning stage only.</p>	

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	<p>Article 8. A National Social Land Concession Program that has already been approved shall be implemented by the ministry or institution or proposer as specified in the National Social Land Concession Plan, in coordination with the Provincial/ Municipal Land Use and Allocation Committee, commune council and residents in the involved area, unless the approved National Land Concession Program states otherwise...</p> <p>Chapter 4. Necessary Requirements for Social Land Concession Planning Article 9. The requirements for social land concession planning include:...</p> <p>(e) Detailed information about the application process, including the place where applicants filed applications, the person who was responsible for publicizing the application process and the person who was responsible for posting the names of applicants, the place where the notices were posted and other administrative details of the application process.....</p>		
<p>Key element (3): The Scope of consultations includes tailoring project benefits for affected Indigenous Peoples communities in a culturally appropriate manner.</p>	<p>No corresponding legal provision</p>	<p>No equivalence</p>	
<p>Key element (4): Enhance Indigenous Peoples' active participation in projects affecting them will provide for culturally appropriate and gender inclusive capacity development.</p>	<p>No corresponding legal provision</p>	<p>No equivalence</p>	
<p>Key element (5): Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the Indigenous Peoples' concerns.</p>	<p>See Policy Principle 4, Key element 2. Constitution Article 39 Khmer citizens have the right to denounce, make</p>	<p>Partial equivalence See Policy Principle 4, Key element 2. The legal regime provides for dispute resolution</p>	

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	<p>complaints, or file claims for reparations of damages caused by any breach of law by state and social organizations or by staff of those organizations. The settlement of complaints and the reparations of damages are of the competence of the courts.</p> <p>Law on Expropriation 2010 Chapter 3 Expropriation Mechanism Article 14: A Complaint Resolution Committee shall be established and led by representatives of Ministry of Land Management, Urban Planning and Construction, and representatives of other concerned ministries/institutions shall be involved. The organization and functioning of the Complaint Resolution Committee shall be determined by a separate sub-decree.</p> <p>Chapter 4 Expropriation Procedures Section 1: Procedures for Prior Expropriation Article 17: With the government's approval, the Expropriation Committee shall issue a declaration of the expropriation project to the owners and/or the rightful owners about the immovable property which is the subject matter of the expropriation, and the purpose of the deprivation of ownership over or right to the immovable property shall be clearly set out, according to the following legal processes:... - set a deadline for complaint;...</p> <p>Article 18: After receiving this declaration of the expropriation project, the owner and/or the rightful owner can file a complaint for an investigation to find out if the expropriation is required for a real public and national interest or if it can be moved to other locations.... After receiving the declaration on an expropriation</p>	<p>in the case of expropriation of property and in planning for social land concessions.</p> <p>The EIA Sub-Decree 1999 does not provide for dispute resolution and does not require project design to include a grievance redress mechanism.</p>	

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	<p>project, the complaint shall be filed in a written form within 30 working days with the Complaint Resolution Committee... The main content of the complaint shall include:</p> <ul style="list-style-type: none"> - name of the owner and/or the rightful owner; address and telephone number; - reason for the complaint; - description of the legalities regarding the land; and - payment to owner and/or the rightful owner of the land to be expropriated. <p>However, the owner and/or the rightful owner of the immovable property cannot file a complaint for an investigation into the requirement for big development projects such as national roads, bridges, railroads, connection and distribution of water and electricity systems, kerosene pipes, sewage pipes, drainage systems or main drainage systems and irrigation systems.</p> <p>Within 30 days after completion of the investigation, the Complaint Resolution Committee shall write a report with recommendations and proposals for the government's review and approval.</p> <p>Section 2: Expropriation Procedures Article 19: ...The expropriation remains able to be exercised, even though the resolution of a dispute has not been completed. The owner and/or the rightful owner who has already received compensation from the Expropriation Committee still has the right to continue their complaint...</p> <p>Chapter 6 Dispute Resolution Article 32: The Expropriation Committee and the Complaint Resolution Committee are authorized to review and resolve complaints.</p>		

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	<p>Article 33: The owner and/or the rightful owner who do not agree with a decision by the Expropriation Committee can bring their complaint to the Complaint Resolution Committee.</p> <p>Article 34: If there is a disagreement with the decision on the complaint by the Complaint Resolution Committee, the owner and/or the rightful owner may bring their complaint to the competent court, concerning expropriation procedures carried out improperly, the expropriation which is not for public and national interest, and the compensation which is not fair and just. The formalities and complaint procedures shall be determined by sub-decree.</p> <p>Sub Decree on Social Land Concessions No. 19 ANK/BK/ March 19, 2003 Chapter 4. Necessary Requirements for Social Land Concession Planning Article 14. An applicant, whose name does not appear in the social land concession plan, and who believes that his application was not interpreted in conformity with the land law or other laws, may request review by the Provincial/Municipal Land Use and Allocation Committee or National Social Land Concession Committee by filing a written letter of request within twenty (20) days after the decisions to approve or disapprove applications are posted.... The Provincial/Municipal Land Use and Allocation Committee or National Social Land Concession Committee shall investigate and take appropriate action on the request within thirty (30) days after the Provincial/Municipal Land Use and Allocation Committee or National Social Land Concession Committee approves the relevant social land concession plan.</p>		

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<p>Policy Principle 4: Ascertain the consent of affected Indigenous Peoples communities to the following project activities: (i) commercial development of the cultural resources and knowledge of Indigenous Peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of Indigenous Peoples. For the purposes of policy application, the consent of affected Indigenous Peoples communities refers to a collective expression by the affected Indigenous Peoples communities, through individuals and/or their recognized representatives, of broad community support for such project activities. Broad community support may exist even if some individuals or groups object to the project activities.</p>			
<p>Key element (1): Consent of affected Indigenous Peoples communities is required for project activities that would include commercial development of cultural resources and knowledge of Indigenous Peoples.</p>	<p>No corresponding legal provision</p>	<p>No equivalence</p>	
<p>Key element (2): Consent of affected Indigenous Peoples communities is required for project activities that would include physical displacement of Indigenous Peoples from traditional or customary lands.</p>	<p>Constitution 1993, amended through 2008 Article 44 ...Expropriation of ownership from any person shall be exercised only in the public interest as provided for by law and shall require fair and just compensation in advance.</p> <p>Law on Expropriation 2010 Chapter 1 General Provisions Article 2: This law primarily aims to: ... - Ensure a fair and just compensation in advance...</p> <p>Article 4: Key terms used in this law are: Expropriation refers to confiscation of ownership of, with fair and just compensation in advance, immovable property or the real right to immovable property...</p> <p>Chapter 4 Expropriation Procedures Section 2: Expropriation Procedures Article 19: The expropriation of the ownership of immovable property and real right to immovable property can be exercised only if the Expropriation Committee has paid fair and just compensation to the property's</p>	<p>Partial equivalence</p> <p>The Land Law 2001 stipulates that decisions related to land use are to be made according to community custom and that no authority outside a community may acquire rights to immovable property.</p> <p>Circular No. 2, 2007, appears to contradict the Land Law 2001. It specifies that traditional land may be reclaimed and registered as state land.</p> <p>The Law on Expropriation 2010 provides that property may be expropriated only after compensation has been paid in advance, which may or may not indicate consent on the part of Indigenous Peoples who are being displaced from customary lands.</p> <p>There is no legal provision requiring the consent of Indigenous Peoples before physically displacing them from traditional lands.</p>	

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	<p>owner and/or rightful owner in advance...</p> <p>Land Law 2001 Article 25 The lands of indigenous communities are those lands where the said communities have established their residences and where they carry out traditional agriculture. The lands of indigenous communities include not only lands actually cultivated but also includes reserved necessary for the shifting of cultivation which is required by the agricultural methods they currently practice and which are recognized by the administrative authorities....</p> <p>Article 26 Ownership of the immovable properties described in Article 25 is granted by the State to the indigenous communities as collective ownership. This collective ownership includes all of the rights and protections of ownership as are enjoyed by private owners... The exercise of all ownership rights related to immovable properties of a community and the specific conditions of the land use shall be subject to the responsibility of the traditional authorities and mechanisms for decision-making of the community, according to their customs, and shall be subject to the laws of general enforcement related to immovable properties, such as the law on environmental protection. The provisions of this article are not an obstacle to the undertaking of works done by the State that are required by the national interests or a national emergency need.</p> <p>Article 28 No authority outside the community may acquire any rights to immovable properties belonging to an indigenous community.</p>		

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	<p>Circular No.02.SR on Measures against Illegal Holding of State Land, 26 February 2007 (Circular No. 2 Illegal Holding of State Land 2007) 6.3- In case of involving indigenous people whose traditional authority asserted that the land parcel or part of the land parcel which is the subject of reclaim is under a collective use in accordance with their traditional practice, in such case land reclaim must be postponed until the land is registered as state land (not land of an indigenous community)....</p>		
<p>Key element (3): Consent of affected Indigenous Peoples communities is required for project activities that would include commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of Indigenous Peoples.</p>	<p>No corresponding legal provision</p>	<p>No equivalence</p>	
<p>Policy Principle 5: Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected Indigenous Peoples communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and that their benefits are equitably shared.</p>			
<p>Key element (1): Project design avoids, to the maximum extent possible, any restrictions on Indigenous Peoples' access to, and physical displacement of Indigenous Peoples from, protected areas and natural resources.</p>	<p>No corresponding legal provision</p>	<p>No equivalence</p>	
<p>Key element (2): Where avoidance is not possible, project designs ensure that the affected Indigenous Peoples communities can participate in the design, implementation, and monitoring and evaluation of management arrangements for such protected areas and natural resources.</p>	<p>No corresponding legal provision</p>	<p>No equivalence</p>	
<p>Key element (3): Where avoidance is not possible, project designs ensure that affected Indigenous Peoples communities share equitably in</p>	<p>No corresponding legal provision</p>	<p>No equivalence</p>	

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project benefits.			
Policy Principle 6: Prepare an Indigenous Peoples plan (IPP) that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected Indigenous Peoples communities. The IPP includes a framework for continued consultation with the affected Indigenous Peoples communities during project implementation; specifies measures to ensure that Indigenous Peoples receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures.			
Key element (1): When Indigenous Peoples communities are present in the project area, or are likely to be affected by project activities, an Indigenous Peoples Plan (IPP) is prepared.	No corresponding legal provision	No equivalence	
Key element (2): The IPP is based on social impact assessment and is prepared by qualified experts.	No corresponding legal provision	No equivalence	
Key element (3): The IPP draws on indigenous knowledge and participation by the affected Indigenous Peoples communities.	No corresponding legal provision	No equivalence	
Key element (4): The IPP includes a framework for continued consultation with the affected Indigenous Peoples communities during project implementation.	No corresponding legal provision	No equivalence	
Key element (5): The IPP includes specific measures to ensure that Indigenous Peoples communities receive culturally appropriate benefits.	No corresponding legal provision	No equivalence	
Key element (6): The IPP identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts.	No corresponding legal provision	No equivalence	
Key element (7): The IPP includes a culturally appropriate grievance redress mechanism.	No corresponding legal provision	No equivalence	
Key element (8): The IPP includes arrangements for monitoring during project implementation and for evaluation of results.	No corresponding legal provision	No equivalence	

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Key element (9): The IPP includes a budget and time-bound plan for implementing all required actions.	No corresponding legal provision	No equivalence	
Policy Principle 7: Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected Indigenous Peoples communities and other stakeholders. The final IPP and its updates will also be disclosed to the affected Indigenous Peoples communities and other stakeholders.			
Key element (1): A draft IPP (including documentation of consultations with Indigenous Peoples communities and social impact assessment results) is publicly disclosed in a timely manner before project appraisal.	No corresponding legal provision	No equivalence	
Key element (2): The disclosed draft IPP is accessible to, and in a form and language(s) understandable to, affected Indigenous Peoples communities and other stakeholders.	No corresponding legal provision	No equivalence	
Key element (3): The final IPP (and any subsequent updates) also are disclosed to affected Indigenous Peoples communities and other stakeholders.	No corresponding legal provision	No equivalence	
Policy Principle 8: Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that Indigenous Peoples have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.			
Key element (1): Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves activities that are contingent on establishing legally recognized rights to lands and territories that Indigenous Peoples have traditionally owned or customarily used or occupied.	Land Law 2001 Article 25 The measurement and demarcation of boundaries of immovable properties of indigenous communities shall be determined according to the factual situation as asserted by the communities, in agreement with their neighbors... Article 26 Ownership of the immovable properties described in Article 25 is granted by the State to the indigenous	Partial equivalence The Land Law 2001 provides generally for demarcating land belonging to Indigenous Peoples, but there is no legal requirement for a proposed project to prepare an action plan for legal recognition of customary rights to land.	

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	<p>communities as collective ownership. This collective ownership includes all of the rights and protections of ownership as are enjoyed by private owners. But the community does not have the right to dispose of any collective ownership that is State public property to any person or group.</p> <p>The exercise of all ownership rights related to immovable properties of a community and the specific conditions of the land use shall be subject to the responsibility of the traditional authorities and mechanisms for decision-making of the community, according to their customs, and shall be subject to the laws of general enforcement related to immovable properties, such as the law on environmental protection.</p> <p>The provisions of this article are not an obstacle to the undertaking of works done by the State that are required by the national interests or a national emergency need.</p>		
<p>Key element (2): Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves involuntary acquisition of such areas.</p>	<p>No corresponding legal provision</p>	<p>No equivalence</p>	
<p>Policy Principle 9: Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP monitoring. Disclose monitoring reports.</p>			
<p>Key element (1): Monitor implementation of the IPP using qualified and experienced experts.</p>	<p>Circular on the Resettlement Implementation Procedure for Development Projects, No. 006 MEF, 2016</p> <p>C. Post implementation of resettlement plan 4- ...Upon receipt of this circular, the Chief of Cabinet, the Secretaries-General, the Directors-General of all General Departments, and the Inspectors-General of the General Inspectorates under the supervision of the Ministry of Economy and Finance, as well as the he Inter-Ministerial Resettlement Committee and he Resettlement Sub-Committees shall effectively implement this circular</p>	<p>Partial equivalence</p> <p>There is no legal requirement to prepare an IPP or equivalent, but the legal regime does have requirements to monitor implementation of resettlement, social and economic land concessions, and environmental management plans.</p>	

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	<p>and...shall report the outcome of implementation of which to the Ministry of Economy and Finance.</p> <p>Sub-Decree No. 146 ANK/BK on Economic Land Concessions 2005 Chapter 4: Management and Amendment of Concession Contract Article 25 The Contracting Authority shall be responsible for ensuring that a Concession Contract is enforced by establishing mechanisms and procedures for monitoring contract performance and for reporting on the management of the contract...</p> <p>Chapter 5: Administration and Implementation Mechanism Article 30 Contracting authorities have the following roles and duties:... Monitor Concession Contract performance;...</p> <p>Article 32 The Technical Secretariat has the duties to provide comments to the Contracting Authority:... Monitor performance of economic land Concession Contracts;...</p> <p>Sub Decree on Social Land Concessions No. 19 ANK/BK/ March 19, 2003 Chapter 2. Local Social Land Concession Programs Article 5. ...The commune council shall annually review the social land concession plan...</p> <p>Chapter 6. Administration and Implementation Article 20. ...The National Social Land Concession Committee shall have the following duties and tasks: - Monitor the granting of social land concessions and</p>		

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	<p>adjust policies and other provisions if necessary.... - Monitor the progress in the implementation of the use of social concession land....</p> <p>Article 22. This Secretariat General of National Social Land Concession Committee shall...have the following duties and tasks:...</p> <ul style="list-style-type: none"> ▪ Develop principles to monitor grants of social land concessions and to adjust policies and other provisions submitted to the National Social Land Concession Committee for review and approval.... ▪ Stimulate the monitoring and evaluate the implementation of national social land concession programs and prepare regular reports on the outcome and submit to the National Social Land Concession Committee.... <p>EIA Sub-decree 1999 Chapter 2: Institutional Responsibilities Article 3: The Ministry of Environment shall have the following responsibilities:...</p> <p>b. follow up, monitor, and take appropriate measures to ensure a Project Sponsor will comply the Environmental Management Plan (EMP) during project construction, implementation, and closure as described in the approved EIA report.</p> <p>Chapter 3 Environmental Impact Assessment Requirements for the Proposed Projects Article 11: The Project's Owner must pay the service for...monitoring the project implementation.</p>		
Key element (2): Include arrangements for participatory monitoring whenever possible.	No corresponding legal provision	No equivalence	
Key element (3):	No corresponding legal provision	No equivalence	

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Assess whether IPP objectives and desired outcomes are achieved, taking into account baseline conditions and monitoring results.			
Key element (4): Monitoring reports are disclosed.	No corresponding legal provision	No equivalence	

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