

Terms of Reference

Project Number:	
Project Title:	National Programme for Sub-National Democratic Development (PP-SNDD) Third 3-Year Implementation Plan (IP3-III)
Position:	National Safeguards Adviser
Location:	The Secretariat of NCDD, Project Management and Support Division, with frequent travel to the provinces
Duration:	12 months, with possibility of extension

Background

The Royal Government of Cambodia (RGC) has approved a 10-year National Programme for Sub-National Democratic Development (NP-SNDD) in May 2010. The third three-year implementation plan, known as IP3-III, began in 2018. The Secretariat of the National Committee for Sub-National Democratic Development (NCDD-S) is responsible for overall programme management and coordination.

Within the framework of the NP-SNDD, sub-national administrations (SNA) at Capital/Province; Municipal / District / Khan and Commune/Sangkat levels receive funds for project investments through the Commune / Sangkat Fund (S/S Fund), the District / Municipal Fund (D/M Fund), from other budget revenues and from stand-alone projects. In particular, the C/S Fund, the D/M Fund and a number of stand-alone projects finance small-scale infrastructure investments such as roads and road structures, irrigation works, community buildings and water supplies.

NCDD has adopted its Policy on Environmental and Social Safeguards for Sub-National Democratic Development (“the ESS Policy”) to avoid any harmful impacts on the society and environment which may arise out of projects for development at the sub-national level. The ESS Policy applies to all levels of SNA as well as to any other projects under the democratic reforms at sub-national level.

The ESS Policy promotes eight Strategies. These Strategies are closely aligned with the eight Performance Standards of IFC which are widely adopted internationally. The eight Strategies of the ESS Policy are:

1. Assessment and Management of Environmental and Social Risks and Impacts;
2. Labour and Working Conditions;
3. Resource Efficiency and Pollution Management;
4. Health, Safety and Welfare of the Community;
5. Land Acquisition and Involuntary Resettlement;
6. Biodiversity Conservation and Sustainable Management of Living Natural Resources;
7. Indigenous Peoples; and
8. Cultural Heritage.

Procedures for implementation of these Strategies in order to assess, avoid or manage environmental and social risks are integrated into Project Implementation Manual (PIM) for the C/S Fund, the D/M Fund and for stand-alone projects. Strategies 2 – 4 are mainly implemented through operational rules that apply to all projects, though exceptional risks related to specific projects can also arise. Strategies 5 – 8 require identification of risks and preparation of risk mitigation plans for each sub-project, particularly where (1) the sub-project requires land acquisition; (2) the sub-project is in an area that is important for conservation of the environment or of cultural heritage; or (3) the sub-project may negatively impact on indigenous minority groups.

NCDD-S has formed an Environmental and Social Safeguards team within its Programme Management and Support Division (PMSD) to support effective implementation of the ESS Policy including the eight Strategies. The ESS team consists of National Safeguards Officers (NSO) who are assisted by a National Safeguards Adviser (NSA). The NSA and NSO prepare and implement an annual work plan within the Annual Work Plan and Budget (AWPB) of the PMSD. NSA and NSO jointly prepare an Annual Environmental and Social Safeguards Report on implementation of the ESS policy.

Purpose and Scope of Work

The purpose of the task of the National Safeguards Adviser (NSA) is to assist NCDD-S to ensure effective implementation of the ESS Policy. This will include

- Development of Policy and Guidelines
- Identification of potential ESS risks in national level sub-programmes and projects, and preparation of risk mitigation plans;
- Capacity building for ESS risk management and mitigation at sub-national level;
- Monitoring implementation of the ESS policy by SNA.
- Investigation and resolution of complaints related to environmental and social safeguards;
- Reporting.

Development of Policy and Guidelines Identification of ESS Risks and Preparation of Mitigation Plans

The NSA supports NCDD-S to implement the Guideline for Managing Environmental and Social Risks in Projects in the Framework of the NP-SNDD, which is an annex to the ESS Policy. The Guideline applies to

- Stand-alone projects within the framework of the National Programme for Sub-National Democratic Development (NP-SNDD) that will transfer project funds or grants to many different sub-national administrations;
- Single projects of sub-national administrations with value more than 1 billion Cambodian riel.

In some cases, the Guideline will not be applied because ESS risk management is subject to the procedures of an external development partner (e.g. World Bank, IFAD), or subject to procedures of a different Ministry represented on NCDD.

For projects subject to the Guideline, the NSA will work with the project team and other relevant officers of NCDD-S to:

1. Screen project proposals and classify each project as High Risk (Category A); Medium Risk (Category B) or Low Risk (Category C);
2. For projects classified as High Risk, ensure that an Environmental and Social Impact Assessment is prepared by qualified specialist;
3. For project classified as Medium Risk, work with the project team to prepare an Environmental and Social Management Plan (ESMP);
4. Ensure that the ESIA or ESMP is publicly disclosed on the NCDD website;
5. Ensure that guidance based on the ESIA or ESMP, for identifying, mitigating and managing risks at sub-project level, is communicated effectively to the SNA responsible for implementing project activities.

Capacity Building

The NSA supports NCDD-S to:

1. Identify priorities for ESS capacity building, which may be (1) changes to the ESS Policy and Guidelines; (2) weaknesses identified through ESS monitoring and evaluation activities;
2. Develop an annual ESS capacity building plan;
3. Prepare and implement capacity building activities for SNA and project staff to ensure there is good understanding of how to implement the ESS policy effectively;
4. Conduct the National Safeguards Refresher Workshop.

Monitoring Implementation of the ESS Policy

For sub-projects of SNA located in Communes and Sangkats on the Environmental Watch-List the NSA will support the NSO assigned to the relevant area to:

- Conduct prior review of Project Information Forms and Environmental Analysis for each project;
- In case that the environmental analysis is found not acceptable, report the findings to NCDD-S and the concerned provincial environmental focal point so that the projects receive an objection to any request for technical clearance until the EA is appropriately revised and approved by the NSO;

The NSA will review data on sub-projects of SNA that trigger actions under any of the Strategies of the ESS Policy. The NSA will select a random sample of these sub-projects for post-review in each area assigned to the responsibility of an NSO. With support from the NSA, the NSO will conduct a post-review of Project Information Forms, Land Acquisition Plans, Environmental Management Plans and other relevant documents. the NSO will visit selected sites to verify that:

- Safeguards procedures were properly followed.
- Whether any negative environmental or social impacts occurred
- Whether the local community and other stakeholders are satisfied with the implementation of safeguards;
- Whether there are any lessons that can be learned for future projects.

In any case where the ESS Policy Strategies were not correctly implemented, the NSA will support the NSO to:

- Investigate the reason for incorrect implementation of the ESMP or ESS;
- Investigate whether any serious negative impacts have resulted;
- Discuss with the SNA and with stakeholders and make recommendations to correct the problem, including redress to affected people where appropriate.

Where necessary, the NSA will recommend to NCDD-S to halt further project financing to the SNA until the problem is resolved and compliance with the ESS Policy and ESMP can be assured in future.

Investigation and Resolution of Complaints

In any case where a complaint relating to implementation of the ESS Policy is submitted to NCDD-S, either directly or through an SNA, NCDD-S will conduct an investigation and will make recommendations to resolve the issue to the Deputy Head of NCDD-S. In most cases, this investigation will be led by the NSA with the support of the NSO for the area.

Generally, the NSA and NSO should not be involved in investigating a complaint relating to any sub-project that he or she has been previously involved with (e.g. conducted Prior Review or Post Review). If the NSO has been previously involved, a different NSO may be assigned. If the NSA has been previously involved, a different officer or adviser within NCDD-S, with suitable capacity, may be

assigned to conduct the investigation. The NSA is responsible to ensure that NCDDS management is aware of any previous involvement by the NSA or NSO in a sub-project that is the subject of a complaint.

When assigned to investigate a complaint; the NSA will:

- Visit the sub-project site;
- Interview all stakeholders;
- Record all the facts of the case as clearly as possible;
- Discuss with stakeholders to find what could be a suitable solution;
- Present a report including all the facts and appropriate recommendations to the Deputy Head of NCDDS;
- Follow up to ensure that the decision of the Deputy Head of NCDDS is implemented.

In no case, when a complaint has been submitted and recorded, should the NSA try to resolve the case without first submitting a report to the Deputy Head of NCDDS.

Reporting

The NSA prepares a quarterly summary report and an annual report which consolidate reporting from the NSO and should include:

- Number, type and location of project activity sites inspected;
- Number of projects found compliant with the ESMP and ESS Policy;
- Number of projects where violations of the ESMP and ESS Policy were found;
- Actions taken to correct violations of the ESMP and ESS Policy;
- In the Annual Report only, general issues identified with implementation of the ESS Policy and recommendations, including for strengthening of the ESS Policy and this guideline, additional resources, training or other actions needed.

Supervision

The NSA is based in the NCDDS PMSD and is under the overall supervision of the Head of NCDDS and the direct supervision of the Director of PMSD. The NSA will work in close cooperation with the NSO, IP3 Advisers and Officials appointed as focal persons for natural resources and environmental management issues within their assigned regions. The NSA will be subject to annual performance reviews as established by NCDDS.

Qualifications

The following qualifications are required:

- A Master's degree in environmental management or a closely related field. A Bachelor degree may be acceptable in case of at least 8 years relevant professional experience;
- A minimum of 5 years professional experience including study of environmental impacts of infrastructure investments and project monitoring, working either with NGOs or the government sector;
- Must have previous experience or training in environment assessment and land tenure and acquisition issues;
- Demonstrated ability to work independently and to identify, analyze and solve problems;
- Excellent spoken and written Khmer.
- Good level of spoken and written English;

- Good level of computer skills; and
- Willingness to spend 60% of the time in the field.