Gender in EIA and Public Participation

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Content

Content 2
Acknowledgements 4
Executive summary 5
Abbreviations 6
List of Tables 7
List of Figures 7
List of Textboxes 7
I. Introduction 8
1.1. Background and research problem 8
1.2. Objectives 9
1.3. Limitations and scope of research 10
II. Literature review 10
2.1. Culture, norms, values and discourses regarding gender roles and status 10
2.2. Gender and public participation in Cambodia 11
2.3. Public participation in EIA process 12
III. Site selection and research methodology 12
IV. Social and environmental safeguards (SES) and legal frameworks in Cambodia 14
V. Findings: women in EIA and public consultation 20
5.1. Gendered impacts of dams and mitigation measures 20
5.1.1 Lower Sesan 2 (LS2) 20
5.1.2 Kamchay Dam 26
5.2. EIA public participation and information flow 28
5.2.1. Lower Sesan 2 28
5.2.2. Kamchay 34
5.3. Constraints and enabling factors in public participation of EIA and beyond 38
VI. Discussion and recommendations 41
6.1. Discussion 41
6.1.1. How does EIA implementation meet the requirement for public participation? 42
6.1.2. How do women participate in the process? To what level and extent? 43
6.1.3. What constrains women from participating in the EIA process? How do institutions constrain or enable women's participation? 43
6.2. Recommendations: guideline on inclusive participation in EIA 45

References 48

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Executive summary

Environmental Impact Assessment (EIA) in Cambodia has a poor track record, having consistently failed to properly implement three key principles: participation, transparency and accountability. Women's participation – a main catalyst for reducing negative impacts and improving implementation – is constrained by the many challenges they face. This study aims to trace and analyse constraints on women's participation in EIA, and to ascertain the benefits of their meaningful participation.

A qualitative approach is used to collect primary data from two selected sites: Lower Sesan2 in Stung Treng and Kamchay in Kampot. Key information interview, focus group discussion and in-depth interview are employed with two validation workshops conducted in Stung Treng and Kampot in September 2016.

Significant impacts of the dams on local communities including both positive and negative ones. However, for LS2, cultural and spiritual negative impacts are ignored. Moreover, the impacts are more serious on women household heads, considering the upheaval of resettlement and setting up home in a new place. Key findings claim that the EIA processes in these both cases are not inclusive and meaningful for both women and local people. There are four issues found in the EIA process: incomprehensible and insufficient information, gender-blind facilititation/process, representation, power in decision-making. These construct meaningful participation of women in the process, though there were many women participated in the EIA process, still they were just took it for granted without any inputs regarding their concerns and opinions. They also face many challenges: traditional gender stereotypes and cultural conceptions, illiteracy and limited knowledge, lack of confidence, as well as atmosphere/process/facilitation.

The entry point where women are included in the EIA process in Cambodia are those of public participation process, illustrated in the draft guideline of public participation developed by Department of Environment of Ministry of Environment in collaboration with Vishnu Law Group, in which five levels of public participation are required. However, the question remains on how to improve and enhance women's meaningful participation in the EIA process, in which their engagement is required intensively. The following are the team's recommended considerations that will guide gender-responsive public participation in the EIA process.

- Gender and social inclusion expert should be included in the EIA team to make sure gender sensitive approach is employed for greater involvement of women
- Prior-to-EIA meeting activities in which language used, literacy level of participant, sensitivity towards livelihoods and domestic responsibilities; as well as consultation and cooperation with local NGOs/CSOs
- Language and information should be in local dialect and accessible for all stakeholders
- Venue and meeting space should be where women accessible and comfortable for women with consideration to their dual roles
- Women quota should be applied to ensure their representation
- Facilitator should be knowledgeable on gender-sensitive approach

Abbreviations

CSO	civil society organisation
EIA	environmental impact assessment
FGD	focus group discussion
FPIC	free, prior, informed and consent
KCC	key consultant Cambodia
KII	key informant interview
LS2	Lower Sesan 2
NGO	non-governmental organisation
PAP	project affected people
RCC	River Coalition of Cambodia
SAWAC	SAWAC Consultants for Development Company

List of Tables

Table 1: Number of interviews and discussions 13
Table 2: Public participation spectrum in EIA stage 19
Table 3: Roles of women and men within household 24
Table 4: Number of participants in the first public consultation, stage 1 28

List of Figures

Figure 1: EIA principles and stages 15
Figure 2: Public consultation Srekor (left) and key local leaders discuss the map of Krabey Chrum village (right) 29

List of Textboxes

Box 1: Draft EIA law, public participation process
Box 2: Draft Prakas on Public Participation in Environmental Impact Assessment
Box 3: Beliefs of ethnic minorities
Box 4: Local women's representatives/groups/networks

Gender in EIA and Public Participation

I. Introduction

1.1. Background and research problem

Supporting women's involvement in decision-making processes is very important for family livelihoods and the society as a whole. This is because women represent 51 percent of Cambodia's total population. The literature review shows how women are very patient, hardworking, doing both paid and unpaid jobs, and participate in household decision making. Yet women remain constrained by poor education and technical skills, heavy housework burdens, weak health, poor self-belief, lack of confidence, and low participation in society (Hour et al. 2011) as well as in the workplace with its complex rules, rights and roles (Resurreccion 2006). Women's equal participation and representation in social, political and economic life still matters (Rai 2005). Furthermore, women are valued less than men and gender power imbalances and conservative traditional customs trap them in poverty, illiteracy and discrimination, effectively undermining their potential contribution to Cambodia's development (Asia Foundation 2013). Legislators and decision makers in setting policy agendas that aim to increase women's involvement and representation in decision making acknowledge the need for multi-stakeholder approaches that include the involvement of men and youth. Multi-stakeholder networks for gender equality include women's engagement at national and subnational levels in political parties, civil society, academia and the media; expansion of the common agenda to promote women's participation in public and political life; and regular networking opportunities as a mechanism to exchange information and share lessons learned, including new communication channels.

Environmental Impact Assessment (EIA) in Cambodia has a poor track record, failing to properly implement three key principles: participation, transparency and accountability (NGO Forum 2013). Open Development Cambodia (2014) points out that the significance of EIAs is not fully recognised, and that they are often not fully completed as local communities are not informed of environmental and social impacts, citing Kamchay dam as an example. To date, little heed has been paid to the requirements for public participation set out in the Sub-Decree on Environmental Impact Assessment Process (Article 1) and the Law on Environmental Protection and Natural Resource Management (Article 8) (Baird and Frankel 2015).

Underlying low public participation in the EIA process is the fact that the importance of women's involvement has been largely underestimated, as reflected in a lack of provision to ensure equal representation of women in EIA deliberations. Women's greater involvement can "minimize the long term cost of impacts and help to mitigate conflict by creating meaningful roles and responsibilities to facilitate the effective implementation of the project by having inclusive representative public participation from the initial phases of the EIA".[1]

1. Laxmikoiralapandit. 2014. "Requirements of Gender Friendly Public Participation in Environmental Impact Assessments." Blog. https://mastereia.wordpress.com/2014/03/27/requirements-of-gender-friendly-public-participation-in-environmental-impact-assessments.

There remain a number of challenges to women's participation at all levels of decision making in Cambodia. Women's role in society is often imperfect. They are hidden by social norms, their own capacity and the institution. Women are obliged to fulfil their productive and reproductive roles in households, but not much else beyond those boundaries (Nang and Ouch 2014). Apart from cultural norms, women are perceived as having limited capacity and skills to participate (Nang and Ouch 2014). Also, lack of political will, weak institutions and resulting corruption are a critical hindrance to better water governance, especially oversight of hydropower projects (Öjendal and Ros forthcoming). Local participation and gender mainstreaming are popular concepts that are often incorporated into government and donor policy on sustainable energy development, but in practice these notions prove elusive.

However, the Ministry of Environment (MOE) in collaboration with the Vishnu Law Group is drafting a declaration on Public Participation in Environmental Impact Assessment Process (prakas) and the Guideline on Public Participation in Environmental Impact Assessment Process. The prakas and its guidelines are to improve the participation of affected people in the EIA process, in which women's participation is also mentioned.

1.2. Objectives

The key objectives of the research project are to trace and analyse constraints on women's participation in EIA, and to ascertain the benefits of their meaningful participation. To achieve these aims, the study addresses the following research questions:

- How does EIA implementation meet the requirement for public participation?
- How do women participate in the process? To what level and extent?
- What constrains women from participating in EIA processes? How do institutions constrain or enable women's participation?

"Gender" in this study refers to the roles, attitudes and values assigned by culture and society to women and men and which define the behaviours of women and men and the relationships between them. They are created and maintained by social institutions such as families, governments, communities, schools, churches and the media. Because of certain gender roles, traits and characteristics are assigned or ascribed distinctly and strictly to women or to men. Gender can be changed but sex cannot. The term now is not only used to describe the biological characteristics by which we identify females and males, but also encompasses the socially defined sex roles, attitudes and values which communities and societies ascribe as appropriate for one sex or the other (MOWA 2006, 8).

Another term is "public participation", which refers to the practice of involving members of the public in the agenda-setting, decision-making and policy-forming activities of the organisations and institutions responsible for policy development (Rowe and Frewer 2005, 251). In the context

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of Cambodia, however, the MOE's Department of EIA has defined the term in relation to EIA processes – as participation by stakeholders in the consultation regarding a development project. The stakeholders include ministries/institutions, local authorities, government departments, company owner(s), consulting firm(s), representatives of the affected population, and representatives of NGOs involved in the project area (MOE 2012, 26). The revised definition in Cambodia's draft national guidelines on public participation in the EIA process, dated 7 June 2016, includes other stakeholders who are also interested in the project (MOE 2016a, 10). Towards improving the quality of public participation, Nadeem and Fischer (2011) developed an evaluation framework to assess the effectiveness of public participation in the EIA process in Pakistan. The framework consists of eight components: legal requirements, methods and quality of information, timing and venue of public consultation, composition and awareness of the public involved, methods and framework for consultation, consideration of public concerns in the EIA report, incorporation of public concerns into the final decision, and transparency of decision making (Nadeem and Fischer 2011).

In this study, "gender" and "public participation" are operationally defined as the involvement of men and women in EIA-related meetings and the constraints on their involvement, as understood within both social relationships and socio-cultural contexts. "Involvement" for the purpose of this research refers to various stages of the public consultation process including prior notice and invited attendees, language used, venue and time, and time allowed for comment; information shared and obtained related to project impacts and mitigation measures; incorporation of comments into the EIA report and responses; the decision-making process and its transparency; and challenges to public involvement.

1.3. Limitations and scope of research

This research draws on two case studies of hydropower dams in Cambodia, the EIA for which were conducted in 2008 and 2010. Hence the discussion and findings mainly refer to the EIA process for hydropower development, specifically where compensation and resettlement schemes are available.

II. Literature review

The literature review starts by looking at the culture of Khmer society and societal expectations of women and how should they behave in public. Then the problems around women's participation in the public sphere are illustrated based on various research findings in Cambodia.

2.1. Culture, norms, values and discourses regarding gender roles and status

> *Gender relations in Cambodia have been described as relatively equal; however, significant gender inequalities were a feature of traditional society*. (MOWA 2008, 4)

In Khmer society men are traditionally assigned higher status than women. Married women are primarily responsible for home and family, and their time is entirely devoted to household

chores, looking after children, cooking for husband and family, cleaning the house, fetching water and so on. Women are considered reliable for the small things while men are trusted to handle major jobs in the family. It is the husbands who make decisions in the family while wives follow in their footsteps. Women do not participate equally in public decision-making processes and this is also a feature of traditional society in Cambodia. The traditional codes of conduct for women or *chbab srey* specify idealised gender roles and behaviours which prompt women to respect their husband and accept their behaviour, be shy and gentle as well as modest and obedient. Moreover, women are also expected to advise their husband but never question them in public, and to manage family finances. Young unmarried women are also expected to be shy and demure. For men, the codes of conduct or *chbab bros* press men to be the household head with legitimate authority (Ledgerwood 1990, 1992, 1996).

In today's Cambodian society, most people follow timeworn traditional practices, the inherent perceptions of which continue to affect girls' education and their participation in society. This traditional mindset impels parents to prioritise the education of boys rather than of girls: there is no need to let daughters go to school because when they are married their husband will take all the responsibility in the family. Some girls quit or dropout of school after completing primary school, often because they have to help with their family's work, both non-income and income jobs, such as agricultural work, household chores and so on. Many women now migrate to work in garment factories in urban centres or abroad. Lack of education is the root cause of women's inability to acquire worldly knowledge, access information and participate in public affairs. Without sufficient information, women have a weak voice in society, even in family decision making, meetings and other events (Brickell 2011).

2.2. Gender and public participation in Cambodia

Research on women's issues in Cambodia has focused on political and decision-making processes. Women's representation in public decision-making processes from commune to national level is found to be very limited, though it has increased gradually (MOWA 2014b). This low representation may be because of direct and indirect discrimination due to gender stereotypes that are deeply rooted in society. The barriers that hamper women from participating in public decision-making include sociocultural, institutional and political factors. With respect to sociocultural factors, traditional cultural attitudes and strongly different values placed on gender roles prevent women from achieving gender equality. Traditionally women are mostly engaged in household duties and family caregiving which are common obstacles to their participation in formal meetings/discussions that promote politic and economic opportunities. The hierarchical social structure is another barrier that impedes women from occupying top jobs. Institutional factors comprise gender-specific gaps in national laws and barriers to decision-making processes in key sectors, while at subnational level women face several challenges to participating in public and political spheres. These factors are associated with the social perception of women as weak and less educated. As for political factors, there is no temporary mechanism to fast track women's involvement in public decision making (MOWA 2014b).

The situation of women who are not in leadership roles and are underrepresented in public participation is not well documented. Women's participation in the public sphere is also found to be limited due to their roles as caregivers and mothers as well as cultural gender stereotyping (Dersnah 2016).

2.3. Public participation in EIA process

Public participation in EIA benefits both project proponents and local communities through open consultation, clear communication, acknowledgement of local concerns as well as prior information about proposed projects and potential socioeconomic impacts (Lohani et al. 1997). However, eliciting public participation in EIA faces several challenges (Baird and Frankel 2015). Although required as part of the EIA process, public participation is mostly enouraged but not mandatory, leaving implementation in the hands of project proponents. In addition, legal provisions tend to neglect the need for mandatory grievance mechanisms. Next is lack of guidelines and standards for the implementation of public participation including how the EIA process is publicised and at which stage public participation should be initiated. Also, there is no institutional or legal requirement for public concerns and comments to be incorprated into the EIA report; instead only a list of comments from the public is attached in an annex, without any indication of whether these comments were rejected or accepted or followed up. Moreover, access to EIA and project-related information is limited, diminishing the effectiveness of consultation. Even the information that is shared among affected communities is often ambiguous at best, particularly in Cambodia. Lastly, that public consultation and participation comes to an abrupt end once the environmental compliance certificate is endorsed is an institutional flaw.

III. Site selection and research methodology

3.1 Site selection

Lower Sesan 2 (LS2) hydropower dam is under construction, making it an appropriate choice for case study research to investigate women's participation in EIA. The dam is a joint project of Cambodia's Royal Group, China's HydroLancang International Energy, and Electricity of Vietnam. One local company, Key Consultants Cambodia, and one Vietnamese company, Power Engineering Consulting Joint Stock Company No. 1, conducted an EIA (Seang et al. 2013).

The project directly affects communities in Srae Kor, Plouk, Ta Latt and Kbal Romeas, which were selected as research sites for several reasons. First, local people are dissatisfied with the EIA report owing to non-participatory data collection and inaccurate evaluation for mitigation measures, compensation payments and resettlement eligibility (Baird 2009). Second, minimum standards for public participation have not been met: information was collected from only those living in the reservoir area, available information and discussion was insufficient, and participation in the project was said to be closed (i.e. by invitation only) and controlled (Baird 2009; Seang et al. 2013).

Kamchay dam is the first large-scale hydropower project in Cambodia. Located in Bokor National Park, it is a 44-year build-operate-transfer project, an agreement between the Cambodian government and Sinohydro Corporation. The dam affects five communes in Teuk Chhu district of Kampot province: Mak Prang, Kompong Kraeng, Prey Khmum, Prey Thnong and Andong Khmer (SAWAC 2011). It is a good subject for case study, for several reasons: EIA was approved seven months after the dam was inaugurated; many impacts affect men and women differently; and consultations were held in an "ad-hoc and patchy" manner[2] (Grimsditch 2012; NGO Forum 2013). Further, the project raised "important questions to transparency, accountability, public participation and the incorporation of adequate environmental and social safeguards";[3] secrecy and fear surrounding the EIA process made obtaining the final EIA report impossible (NGO Forum 2013).

3.2 Research methodology

A qualitative approach was used to collect data, including 37 key informant interviews (KIIs), 4 focus group discussions (FGDs) and 14 in-depth interviews (IIs) to acquire personal narratives (Table 1). KIIs were held with representatives from NGOs working on hydropower and livelihood issues, subnational authorities and commune councillors, and members of the Indigenous Women's Network. The KIIS provided information on women's needs and constraints to participation, as well as their perceptions of participating in EIA and public consultation processes. The IIs captured women's insights and a more detailed breakdown of their perceptions, needs and constraints in participating in EIA processes. The FGDs also collected similar information but in an interactive process facilitated by the researchers. FGDs allowed the team to gather a large amount of information in a short time on women's participation in both public and EIA processes, and verify experiences and views on the issue of participation. After consolidating the findings, the team organised two validation workshops to verify and complement the information and key findings.

Table 1: Number of interviews and discussions

Informant/discussant	**KII**		**II**		**FGD**	
	M	**F**	**M**	**F**	**M**	**F**
Ministry	3	2				
Provincial department	4	1				
Commune and village chief/councillor	11					
Local people				14		4*
NGO/CSO	10	4				
EIA consultant	2					
Total	**30**	**7**		**14**		**4**

Note: Each FGD involved four participants.

2 International Rivers. 2013. Hydropower Dams in Cambodia. www.internationalrivers.org/campaigns/cambodia
3 www.phnompenhpost.com/national/pm-opens-kamchay-dam

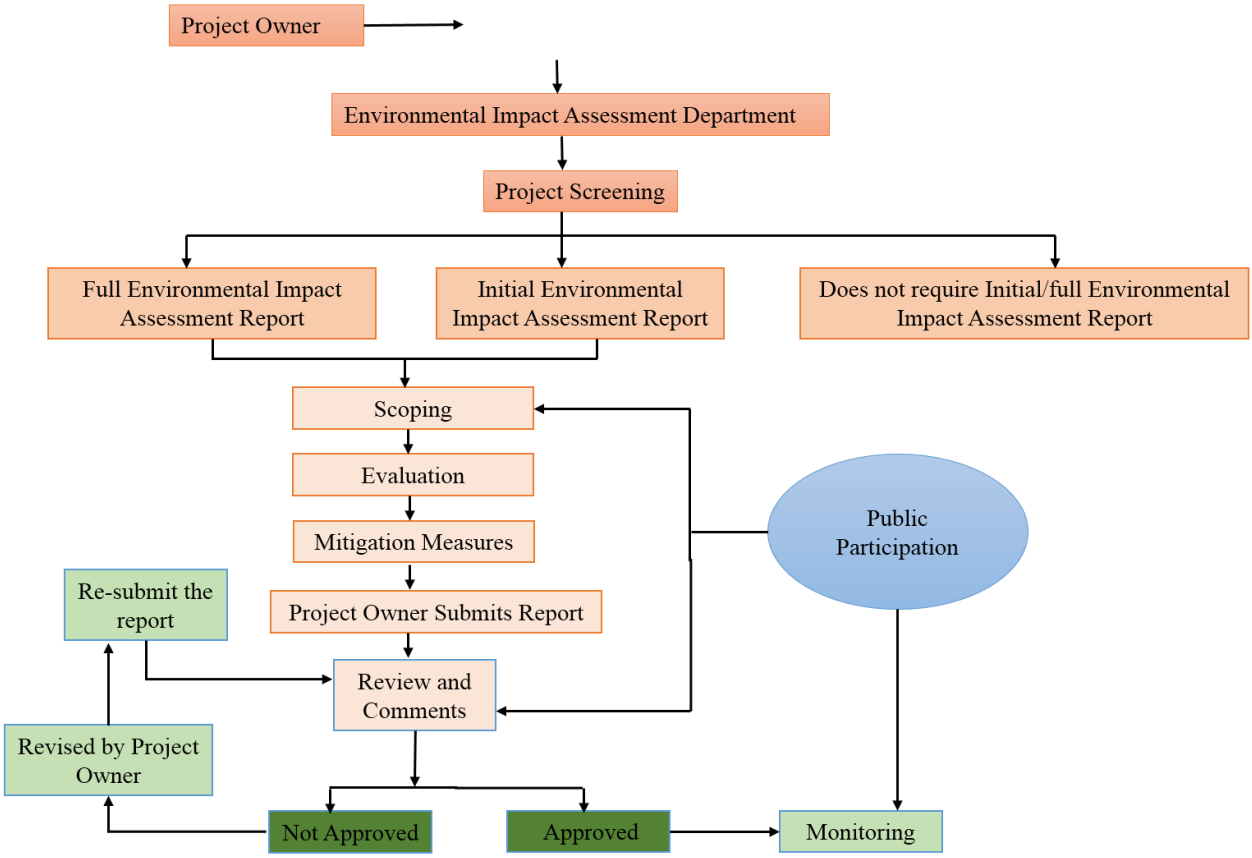
The first visit to Stung Treng province in June 2016 was to collect preliminary information, inform local people about the project and engage their participation. Data was collected from July to August 2016 in both Stung Treng and Kampot provinces. One validation workshop was organised in Stung Treng in September and local communities, commune representatives and local NGOs were invited to attend. Another workshop held in Phnom Penh was participated in by representatives of the Ministry of Environment, Ministry of Industry, Mines and Energy, NGOs working on hydropower dams, and Kampot subnational government.

IV. Social and environmental safeguards (SES) and legal frameworks in Cambodia

Figure 1 illustrates the nine principles and stages of the EIA process in Cambodia (MOE 2012). The many provisions relating to EIA are detailed in Annex 1.

For public participation, Article 16 of the Law on Environmental Protection and Natural Resource Management states "The Ministry of Environment, following a request from the public, shall provide information on its activities and shall encourage public participation in environmental protection and natural resource management" (MOE 1996, 1280); and Article 1 of the Sub-Decree on Environmental Impact Assessment Process states "… to encourage public participation in the implementation of the EIA process and take into account their input and suggestions in the process of project approval" (MOE 1999, 1352). The declaration or prakas on General Guidelines for Preparing Initial Environmental Impact Assessment and Full Environmental Impact Assessment Report released in 2009 stipulates that EIA reports include a chapter on public participation. This chapter is to describe in detail the results of public participation and comprises three elements: introduction, public participation and conclusion. The public participation section requires detailed descriptions of four processes: dissemination of information about the proposed project to local authorities and communities; feedback from the ministries, institutions, organisations and local authorities concerned; feedback from NGO representatives; and survey of the people and communities affected. Besides these statements, there were no other guidelines on how to foster public participation nor at which stage of the EIA process to initiate it until 2012 when MOE's EIA department with the support of the NGO Forum published the Guidelines on EIA Process in Cambodia. These guidelines recommend that public participation be conducted at three stages of the EIA process: project scoping, EIA report review, and project monitoring (MOE 2012).

Figure 1: EIA principles and stages



Cognisant of the need to update the legal framework, the MOE with the Vishnu Law Group started to draft the EIA law in 2011 (Schulte and Steeser 2014). The draft law was developed in consultation with subnational and national stakeholders, development partners, academia, NGOs and CSOs, and the private sector. In total, seven consultations[4] have been conducted since 2012.[5] The aim stated in Article 2 of the draft law is "to promote public participation and the rights of the public to receive information about development project that may cause impacts on

4 They are:

- National Workshops: 1st National Consultation Workshop, Phnom Penh, Nov 2012; 2nd National Consultation Workshop, Mar 2015
- Regional Workshop: 1st Regional Consultation Workshop, Siem Reap, Dec 2013; 2nd Regional Consultation Workshop, Sihanoukville, May 2014; 3rd Regional Consultation Workshop, Mondulkiri, July, 2014; 4th Regional Consultation Workshop, Battambang, Oct 2014
- Special Workshop: Private Sector Workshop, Phnom Penh, Dec 2014; Workshop on Experience Sharing on Environmental Challenges and Guidelines: Focus on Penalties of New EIA Law, Phnom Penh, Sep 2015 (judges and prosecutors invited) (Danh 2016).

5 https://opendevelopmentcambodia.net/topics/environmental-impact-assessments

environment, health, economy, society, and culture; and to ensure that EIA is conducted in an effective, transparent, and equitable manner" (MOE 2015, 2). It claims that public participation and information disclosure are "the integral component of EIA process" (Schulte and Steeser 2014). The draft law is on hold while MOE develops the Environmental Code.[6] Articles 37 to 40 in Chapter 5 of the draft EIA law, presented in Box 2, set out the public participation process.

Box 1: Draft of Public Participation Process (as of 5 February 2015)

CHAPTER 5

PUBLIC PARTICIPATION PROCESS

ARTICLE 37

The main objective of public participation is to ensure that project-affected persons and relevant stakeholders are well informed about the project, have the opportunity to be involved in the discussion and decision-making process related to the project, and have the opportunity to participate in the project monitoring.

Project Proponents that are required to conduct an EIA shall include public involvement and consultation from local administrations, civil society, community representatives, the project-affected persons and other relevant stakeholders in the EIA process during project planning in order to identify areas of significance of environment, economy, society and culture; collect opinions of stakeholders and integrate such opinions into the decision making process; review the project proposal and explain impacts on environment, economy, society, and culture; consider a wider range of alternatives and mitigation measures.

The public participation process in the stage of studying, consulting and reviewing the EIA report and project monitoring shall be determined by Prakas of MoE.

ARTICLE 38

The EIA Report shall: record the public participation and the Project Proponent shall take this into account during the planning and conduct of EIA; focus on the issues raised by women and those most vulnerable potentially impacted by the proposed project; include the details of the project impacts on the public and the acceptance or rejection of the requests of the public; provide clear reasons why those concerns are rejected.

ARTICLE 39

6 After the second national consultation workshop on 17-18 Mar 2015, a pre-consultation workshop coordinated by the NGO Forum with other CBOs/NGOs was conducted to incorporate the latest comments in the last draft EIA law; six points were discussed:

1. Inclusion of the principle of free and prior informed consent (FPIC) as understood in the international legal sphere, which means the right of Indigenous peoples to give or withhold consent to development activities, not only consent to mitigation measures proposed to them.
2. Clarification of the role of commune councils in following up and monitoring EIA reports.
3. Provision of funding by investment companies to Ministry of Environment (MOE) or independent institutions to seek an independent reliable company or consultant to conduct the EIA and write the report.
4. Strengthening the quality of EIA reports through open discussion with and feedback from stakeholders.
5. Making space for community representatives to comment on EIA reports.
6. Scheduling that allows enough time to involve all stakeholders in EIA process especially comments on the final EIA draft.

The public participation process shall ensure that the consent of the project-affected communities to the proposed mitigation measures is based on the free, prior, and informed consent principle (FPIC).
In the mitigation measures, the Project Proponent shall: identify measures to improve the livelihood and to assist project affected persons; ensure that project-affected persons are involved in any resettlement planning to minimise the adverse effects of resettlement, to ensure that compensation for lost assets is fair, suitable and acceptable as equivalent to the market price and that the mitigation measures are appropriate and sustainable.
In cases where the project-affected community disagrees with the mitigation measures proposed by the Project Proponent, the development project still continues; however, the Project Proponent shall seek other appropriate mitigation measures or provide resolution of the impacts to the affected community.
The procedure of resettlement and solution of compensation to the affected community shall be determined by Sub-decree.
The formalities and procedures of payment of compensation to the impacted community shall be determined by an Inter-Ministerial Prakas between MoE and the Ministry of Economy and Finance.

ARTICLE 40
MoE shall ensure that IEE and EIA reports and related documents, including the EIA Approval Letter and Certificate and EMP, shall be made publically available, and that stakeholders and project-affected communities have access to clear and sufficient information.
At a minimum the Project Proponent shall make available on publically accessible website copies of the IEE or EIA, any EMP for the project, maps and plans of the project and all proposed mitigation measures for the project.
The procedures for public participation and access to information shall be determined by a Prakas of MoE.

Also mentioned in the draft law is "procedure of resettlement and solution of compensation to the affected/impacted community", though this needs further development (Schulte and Steeser 2014). The draft Prakas on Public Participation in Environmental Impact Assessment Process, now at consultation stage (Box 2), is to implement the Guideline on Public Participation in Environmental Impact Assessment. The guideline has been developed based on input and feedback gathered at many workshops participated in by subnational and national stakeholders including local communities, NGOs and CSOs with support from various development partners. The participants' contributions should help improve the effectiveness of the guidelines in enhancing public participation. The outcomes of public participation are described in Annex 2.

Box 2: Draft Prakas on Public Participation in Environmental Impact Assessment Process (as of 26 June 2016)

This Prakas or declaration is "to promote public participation in the EIA process and to provide for access to information in the EIA Process" with four key guidelines on Principle of Public Participation, Principle of Access to Information, Principle of Access to Effective Remedies, and Principle of Gender Equality in Public Participation.

The public participation is included in the six steps prior to operation of the proposed investment project. Project affected people and other stakeholders are identified within both political and natural boundaries including local people, CSOs, authority and vested interest groups. In each step, methodology and scope, time frame and results are presented.

1. *Project screening*: the project proponent (PP) has to inform the key project affected people (PAP) through small scale and full-day meeting, suggested to be conducted one to three time; and submit the development document as well as situation of environment and society to MOE to decide whether an initial or full EIA is needed. The decision is also made public. In this step, initial feedback on the proposed investment project is also collected.
2. *Project scoping*: three-stage meetings are requested, in which women and indigenous people require special attention. Women representation is inevitable but on an equitable term. A female facilitator is also mentioned to enhance women participation. The project proponent is also required to submit a scoping report containing Term of Reference (TOR) referring to "description of all works needed to be done when carrying out environmental impact assessment, in accordance with the scope of the study for assessing environmental impact"; and a public participation plan. The public participation plan is designed with consultation of project affected people and stakeholders. The stakeholders in this steps include local CSOs and relevant local authorities.

   In this step, the first meeting with PAP and stakeholders is to inform about the proposed project and EIA process. Then another meeting will be taken place to collect feedbacks/ideas to develop ToR and the participation plan. Lastly, a meeting is conducted to present the draft ToR to the PAP and stakeholders plus other vested interest groups. The meetings are to be conducted by the EIA consultant in cooperation with representatives of local communities. The Prakas also states the outline of the presentation made by the consultant on the proposed project to inform the PAP and stakeholders.

3. *Project investigation step and preparation of EIA report*: this step requires at least two meetings with PAP and stakeholders. However, there are four kinds of meeting presented. One is the informing meeting on TOR which approved by MOE/DEIA and the participation plan. Another is the consultation meeting with PAP and stakeholders to collect information on local environment as well as present early and ongoing findings and then get feedbacks. Besides meeting as a group, individual survey and discussion are also conducted to get the information for development of EIA report. And then a meeting of draft of EIA is convened to present the findings for the EIA report to PAP and stakeholders and collect their feedbacks. Compensation scheme is also presented in this meeting. The last meeting is to present about the final findings of EIA report as well as Environmental Management Plan (EMP).
4. *MOE-review-and-assessment*: DEIA is not required to hold a meeting with PAP but required to visit the proposed project location in order to be able to review the EIA report. There are two kinds of this internal review: within MOE and between inter-ministries.
5. *MOE approval*: the approval of EIA report is done by Minister of MOE through recommendations made by DEIA. Then EIA report, EMP and its relevance documents are made public and accessible.
6. *Project Monitoring and Compliance*: PP is to ensure public participation in the whole process of the project, from construction till close of the project.

The guidelines for public participation are based on four principles: public participation, access to information, access to effective remedies, and gender equality (MOE 2016b). The principle on gender equality states that "EIA for development projects and environmental management plans will include mechanisms to effectively assess the impacts on women, while public participation processes will include strategies to facilitate substantive contributions by women in ways that transcend existing gender-based power dynamics" (MOE 2016a, 7). The guideline also adopts the International Association for Public Participation (IAP2)'s spectrum of public participation which comprises five levels: inform, consult, involve, collaborate and empower. "Inform" is the lowest level of the spectrum while "empower" is the highest. The draft guidelines include public participation at all stages of EIA (Table 2). It also mentions the principle of free, prior and informed consent with respect to indigenous peoples, though this element is not included in the prakas.

Table 2: Public participation spectrum in EIA stage

EIA stage	Level of participation expected	Purpose of participation
1. Screening	Inform (minimum) Consult (preferable)	**Inform:** to provide the public with information and the process of the institution that makes decision **Consult:** to receive from and take into account public input **Involve:** to work directly with the public and collect their input for decision making **Collaborate:** to have public input directly in decision-making **Empower:** to create programmes that allow the public to make decisions
2. Scoping	Consult (minimum) Involve (preferable)	
3. EIA investigation and preparation of the EIA report	Consult and Involve (minimum) Collaborate (preferable)	
4. Review of the EIA report and EMP	Consult (minimum)	
5. Decision making on the EIA report and EMP	Inform (minimum) Empower (if following free prior and informed consent for indigenous communities)	
6. Project monitoring, compliance and enforcement	Anywhere on the spectrum, depending on the project	

Source: MOE 2016a

Besides EIA legal framework there are various social and environmental safeguards (Annex 3). Policy aimed at supporting women's participation in public decision making is stated in laws and strategies.[7] Neary Rattanak IV 2014-18 is the key strategy for empowering women in public leadership, economy, attitudinal change and education (MOWA 2014a).

7 They include:

- Constitution of the Kingdom of Cambodia (1993)
- Neary Rattanak III 2009-13
- Law on Land (2001)
- National Policy on the Development of Ethnic Peoples (2009)
- Policy on Registration and Right to Use of Land of Ethnic Communities in Cambodia (2009)
- Sub-Decree on Social Land Concessions (2003)

V. Findings: women in EIA and public consultation

5.1. Gendered impacts of dams and mitigation measures

5.1.1 Lower Sesan 2 (LS2)

The ecosystem services and resources of the Mekong River and its tributaries are critical to local livelihoods. Dam construction on the Sesan and Sre Pok rivers not only threatens livelihoods but also the cultural and spiritual values of ethnic minority groups. Ecological, environmental and social impacts are predicted for LS2 dam including hydrological change, degradation of downstream water quality, loss of wildlife habitat and obstructions to fish migration, inundation of farmland, forest and residential areas, and job losses specifically for boat drivers (KCC 2008; Baird 2009; Ham et al. 2013). Local people's perceptions also focus on the negative impacts of dam construction, mainly on their livelihoods including loss of farmland, fisheries and access to nearby forest for NTFP collection, and on cultural and spiritual places including villages and ancestral graves. Positive impacts are also acknowledged, including access to electricity, infrastructure development such as roads and health centres, and local employment.

Many sources of income and food are available in the study communes. Rice is cultivated once a year during the rainy season, a medium-term variety that takes around 5 months to grow from ploughing till harvesting. Perennial and cash crops – banana, cashew, corn and cassava – are also grown, but on separate plots of land from rice. Spices and vegetables are produced along the Sesan River and used for both household consumption and income generation. People also raise buffalo, pigs and chickens for farming and selling. NTFP including liquid resin, mushrooms, wild flowers and vegetables are collected based on availability throughout the year. One edible mushroom in particular can fetch a high price and local people can earn a lot from selling it. However, at the time of study (2016), mushroom availability was very low, possibly because of the 2015-16 drought that affected the whole country. Selective logging is another source of income, specifically in Srekor commune where some carpenters have set up shop. Of course, local people also cut trees to construct their houses; hunting for food is another activity.

The LS2 reservoir has inundated agricultural land, to be compensated for either with cash or replacement land. However, these two options are not welcomed by those affected because their land has been undervalued and the replacement land is not suitable for lowland agriculture. Good quality agricultural land is limited and scattered, and it takes two to three years before land can retain enough water and produce high yields (Baird 2009). Each eligible household receives 5 ha of agricultural land which is allocated through ballot. As part of the compensation, the LS2 company also provides milled rice for a whole year after people move to the resettlement site; each person gets 20 kg per month. However, at the time of study, some resettled people had almost used up the 12-month rice provision but the replacement land had still not been cleared

- National Water Resources Policy (2004)

for cropping. Regarding agricultural land compensation, people complained that the replacement land is not suitable for rice farming, but rather for other crops.

> *The agricultural land provided is not suitable for rice farming because it is too stony and only cassava and cashew can be grown.* (FGD, Sre Sronok village,[8] Stung Treng, July 2016)

Local forest, apart from being a source of timber and NFTP, is also grazed by domesticated livestock. Yet no compensation is provided for this loss (Baird 2009). Cultural sites attached to the forest are also lost. But the EIA report ignores the cultural and spiritual values of the ethnic people residing there, claiming there are no cultural sites at the project site. Local people's beliefs, especially of those residing along the Sesan, Sre Pok and Sekong rivers, are detailed in Box 3. Moreover, the EIA report fails to record the long-held cultural practice of forest burial. The report only mentions disturbance caused by dam construction workers and encroachment on places of worship within the forest. The compensation scheme covers community forest and burial land in the inundated area. In addition, the new resettlement site will put pressure on the remaining forest.

Box 3: Beliefs of ethnic minorities

Ethnic people in Cambodia, specifically Highlanders of the Northeast, believe in guardian spirits or territorial deities called *Neak Ta* in Khmer. They combine animism with Buddhism as they also celebrate Khmer ceremonies including Khmer New Year and Phchum Ben. Residents of Sre Kor and Kbal Romeas communes perform spiritual practices to take care of and connect with the guardian sprits assigned to protect the nearby forests. These rituals are usually undertaken twice a year, praying for physical health and cultural and spiritual protection of the community.



Local people in their annual spiritual practice

Source: RFA 2016

Many spiritual and blessing ceremonies have been performed asking the guardian spirits to halt the construction of the dam.

- 28 February 2011: representatives from Kbal Romeas and Srekor communes of Stung Treng and six districts of Ratanakiri held the traditional *Kor La Kann* prayer ceremony at Kor La Kann rapids on the Sesan River, which is 20 km from Srekor commune. They beseeched the guardian spirit to grant them good health and happiness, and to make the government stop the development of the dam.
- 28 February 2012: people from Srekor and Kbal Romeas communes and from Ratanakiri gathered to pray to *Neak Ta Krohom Kor* to halt the development.
- 28 February 2013: people living along the Sesan, Sre Pok and Sekong rivers gathered to pray to *Neak Ta Krohom Kor* to protect the river and happiness of the community.

8 Some people of Sre Sronok village moved there in mid-2015 and others arrived in late 2015 to early 2016.

- 28 February 2015: people affected by the dam performed a spiritual ceremony to curse the dam developer.
- February 2016: people gathered for the annual celebration at *Neak Ta Krohom Kor* to make the government focus on compensation.

As set out in a joint statement by the affected communities on 3 October 2014, local people are suffering the loss of their cultural identity and traditions as well as their daily life because of the development of LS2.

> *These natural resources also have very strong connections with our culture, traditions and daily life, which are indispensable to us. We arrange prayer ceremononies to Kro Harm Kor Spirit every year at Kro Harm Kor Spirit house on the bank of Sesan River to request happiness for our community and to ask the spirit to protect our environment and natural resources, especially to protect/keep our river's natural flow for our generation. Kro Harm Kor spirit is important for us to connect with our ancestors. If we lose this spiritual place to LS2, we will lose our culture and traditions. Once we lose these natural resources and our culture and traditions, it will be impossible to recover them.*

Source: 3 S Rivers Protection Network 2011;[9] RFA 2015;[10] *Cambodia Daily* 2012;[11] Ecojesuit 2013;[12] RFA 2016

Fishing is conducted along the Sesan and Sre Pok rivers. Fish accounts for 95 percent of household daily protein intake, equivalent to USD200-400 a year if they have to buy it (KCC 2008). Besides household consumption, some local people sell their fish catch for income. LS2 dam across the Sesan River will effectively block 150,000 tonnes[13] of fish from moving downstream through the project area to the Tonle Sap and the Mekong Delta. The KCC (2008, 99-100) mentions livelihood restoration by way of compensation for fisheries loss:

> *The compensation [for fisheries loss] may be given in terms of livelihood improvement initiatives but full annual compensation will be given by the project owner until it can be shown that any livelihood initiatives are being successful and are sustainable. This determination shall be made by an independent evaluator*.

The livelihood restoration programme is focused on providing skills and technology through training in three separate programmes: animal husbandry, cropping and aquaculture. Importantly, there is no cash compensation for fisheries loss.

Access to water is also a major impact of the dam. People used to use water from the Sesan and Sre Pok rivers for cooking, bathing and gardening. Wells, ponds and a water basin are provided

9 www.3spn.org/wp-content/uploads/2011/10/Living-Rivers-Newsletter-Edition-4-Eng.pdf
10 www.rfa.org/english/news/cambodia/dam-03022015173133.html
11 opendevelopmentcambodia.net/news/prayer-ceremony-held-in-attempt-to-stop-dam-construction/
12 www.ecojesuit.com/seeking-neak-ta-krohom-kor-the-spirit-with-a-red-neck/5495/
13 https://wle.cgiar.org/research/annual-report/2015/from-conflicting-demands-to-constructive-solutions-in-the-greater-mekong-region

within the resettlement site. Although rainwater can be harvested through ponds and the basin in the wet season, water supply in the dry season is problematic due to intense pressure on well water and water often has to be bought. Even so, the provision of various water sources is considered an improvement.

Water quality poses problems for both resettled and downstream people. Decaying vegetation and graves submerged in the reservoir will pose water quality problems for at least the first three years of dam operation, affecting those in the resettlement area. Not only is this is a public health concern, but it also threatens environmental health both aquatic and terrestrial. Downstream people stand to be affected by changes in water quality and flow regimes from the start of dam construction and during dam operation; impacts might span up to five years, with a risk of fluctuating river levels and sudden flood (KCC 2008).

In response to public health concerns, the LS2 company is to construct health centres in each resettlement area, which is seen as a positive impact of the project, easing people's access to primary healthcare. Other local infrastructure is to include commune offices, police stations, schools (kindergarten, primary and secondary), pagodas and spiritual places.

A critical issue that has arisen during the resettlement and compensation process and which has not been noted in the EIA report is conflict between those opposing resettlement and those who are not. The long-held unity and strong solidarity among local people owing to shared culture and traditions is starting to break up. Another kind of conflict concerns allocated replacement land. The allocation of farmland by ballot means that people have to accept what they are allotted; however, in some cases it turns out that some people opposed to resettlement have already encroached on that land. A committee responsible for overseeing compensation and resettlement is working with subnational government to deal with this issue.

The cumulative social and environmental impacts of planned and built hydropower dams in the region as well as developments in the area are still not well understood. Such information would be very useful for the environmental management plan and the resettlement and compensation scheme (Baird 2009).

Impacts of the dam affect women more seriously, given their productive and reproductive roles and community responsibilities (Oxfam Australia 2013). Table 3 shows the roles of men and women within the household. Men are more involved in income-earning activities which mostly entail heavy work such as logging far away from home. Women seem to be more involved in nearly all household activities be they productive, reproductive or community.

Table 3: Roles of women and men within household

Role	Woman/girl	Man/boy	Remark
			Productive roles
Ploughing		x	Women are involved in most of the reproductive activities within their families, mainly because their husbands are away in the forest earning money. Women household heads are more responsible for these roles as there is no one to share the burden.
Transplanting	x		
Harvesting	x		
Herding livestock	x	x	
Weeding	x	x	
Clearing for farm	x	x	
Home gardening	x		
Fishing	x	x	
Collecting NTFP	x	x	
Hunting		x	
Logging		x	
Selling produce	x		
			Reproductive roles
Childcare	x		These are perceivably and actually women's roles.
Cooking	x		
Collecting water for home use	x		In some cases, men might collect water.
			Community work
Training	X	x	Men reportedly attend few if any village meetings and they always ask their wives to attend. During daytime, men always go to the forest or somewhere else to earn money, so only women are free to attend meetings or training.
Meeting	X	x	
Religious activities	X	x	

Source: Focus group discussion, Srekor commune, September 2016

The dam negatively affects women in various ways: labour, food, income, physical and mental health. The loss of good quality agricultural land means that women have to put more time and labour into enriching the soil. Women also have to set up a new home garden. Loss of access to NTFP and depletion of fish concerns women the most as they are responsible for cooking and the family's nutrition. Limited access to NTFP resulting from inundation of local forest obstructs women's income-earning opportunities. Physical health is affected by pollution from dam construction and degradation of water quality. As women are in closer contact with water then men, public health issues caused by dam construction and operation affect women the most. Stress and mental ill-health related to work, limited access to primary sources of income and health issues take their toll on women. Another source of mental distress which mostly affects those opposing resettlement is attachment to the old place. This is evident in Srekor and Kbal Romeas villages where those who are not leaving feel upset, and tension between those who leave and those who stay is rising.

The following transcripts illustrate some distinct points of view, though these were possibly influenced by the time scale of resettlement.

> *The agricultural land provided is not suitable for rice farming because it is too stony and only cassava and cashew can be grown. We cannot always access clean*

water either and then we have to buy water which costs 16,000 riels [USD4] for 2000 litres. Well water tastes brackish and is rich in calcium carbonate. (All women FGD, Sre Sronok village,[14] Stung Treng, Jul 2016)

No one would like to move from their village, but because we can't beat them [LS2 company] we should spend the time working on the farmland provided instead. […] regarding the way of life, if we are industrious, there is no problem at all. Here [new resettlement site] we can also access key resources for income generation such as land for rice and crop farming, fish and forest resources. For water, we are provided pumping wells and the company will dig a pond for each household. Here roads are accessible and we can go anywhere easily. (Female villager, Kbal Romeas resettlement site, Stung Treng, Sep 2016)

The first statement was relayed by women who were relocated before the woman who made the second one. Based on our observations of the two resettlement sites in 2016, conditions have changed. Inadequate provisions were made for the first move – nothing was sufficient. Lessons learned meant that better terms were negotiated for the second move. The problems found in the first move were validated by the committee for compensation and resettlement of the LS2 company, and it seems that it takes time for people to get used to a new environment. To deal with issues concerning agricultural land, the LS2 company intends to provide training on agricultural technology as a part of the livelihood restoration programme. And to resolve concerns about water quality a control measure is in place to ensure water safety. From the second quote it seems that local people have no voice in decision making about the dam and no choice but to follow the government's decision. Also, different stakeholders hold divergent views about the impacts of LS2 hydropower dam. Those at local level and NGOs who are working in dam-affected areas and on livelihood improvement seem to focus more on the negative aspects. In contrast, those from national and subnational governments are more positive, pointing to the socioeconomic benefits from improved energy access; a member of the compensation and resettlement committee for the LS2 dam stated:

The positive impacts of the dam include the provision of 5 ha of agricultural land to each household. This helps men because most of them are rural workers and do illegal logging and fishing and do not possess any land. For women, firewood and water are the major problems. But the dam will provide positive results on these two issues. Children can also go to school […] The dam will improve basic amenities for local people in the new resettlement site including sanitation, infrastructure, water sources, ponds, school, health centre and pagoda […] The negative impacts are that the new resettlement site is far from the river where men go fishing and that men can no longer clear the forest like they used to. There are always positive

14 Some people of Sre Sronok village moved there in mid-2015 and others in late 2015 or early 2016.

and negative impacts but this dam will provide a lot of positive benefits. (Male, provincial department representative, Stung Treng, June 2016).

However, the views reflected above conflict with the perceptions of local ethnic people. Key informants from provincial level perceive that local people's living conditions are below standard; for example, local people do not use toilets and live with the smell and mud coming from pig pens. Hence, in their eyes, the construction of the dam is a very important development for local people, regardless of what local people themselves think. On the other hand, local people are content with their way of life with respect to their own distinct culture and spiritual values, as a local woman claimed:

When we move to live in the new resettlement site we will have to buy water and pay for electricity. And when we are sick we will have to pay money for medicine. But we can get medicine from the forest. […] Living like today [in the old village], I am very happy. I can just grow rice and raise cows. (Female villager, Kbal Romeas commune, Stung Treng, July 2016)

5.1.2 Kamchay Dam

At the Kamchay hydropower dam site, the negative impacts are mainly the loss of agricultural land, loss of access to NTFP-bamboo, depletion of fisheries, loss of livelihood from vending at Teuk Chhu tourist site, erratic water supply and degraded water quality, inundation of forest and harm to wildlife (NGO Forum 2013; SAWAC 2011). The compensation scheme was established to offset these losses including farmland, rice fields, durian orchards and other fruit trees affected by dam and road construction and transmission line instalment. Regarding bamboo collection, based on a study conducted by the NGO Forum in 2013, accessible bamboo groves are now farther away meaning that it takes more time to reach them; and instead of transporting bamboo by bicycle people need to use motorbike, car and ferry. The higher cost of collecting bamboo means lower income for collectors, which has negative consequences for women in particular (NGO Forum 2013). Because men must spend more time collecting bamboo, women have to spend more time taking care of children and making bamboo baskets. In stark contrast, in interviews and consultations, representatives of provincial departments of environment and of mines and energy, which are represented on the compensation committee, opined that access to bamboo is easier than before and thus attracts more collectors, in large part due to roads built as part of the dam construction. Fisheries are also expected to decline as the dam will obstruct the movement of fish, damage habitats and decrease dissolved oxygen (SAWAC 2011). Another concern are the power transmission lines, specifically the safety of those living near electricity pylons, an issue that was raised during an interview in mid-2016:

I am so scared of the power transmission line. When it rains, the line makes a high-pitched buzzing sound. (Female villager, Kompong Kraeng commune, Kampot, July 2016)

Based on the EIA report for Kamchay dam, people living near transmission lines and underneath the grid are at risk when the air is moist and it is raining. The Kamchay company, in line with mitigation measures to avoid or reduce health and safety impacts of dam construction and operation, is to disseminate accident prevention information. Nonetheless, people are still worried as mentioned in the above quote.

There are also positive benefits. During construction, the dam developer created many jobs for local people. And now that the dam is operational, local people can have their homes connected to an electricity supply. Other benefits acknowledged by local people are flood control and infrastructure development.

> *After the dam was built, I noticed that floods didn't come as usual and were less heavy than before. And with the electricity, I now can cook rice without worrying about collecting enough firewood. The price [of electricity] is also cheaper. And I can access water. (Female villager, Kompong Kraeng commune, Kampot, July 2016)*
>
> *I am so happy with the dam. I have access to electricity and roads. (Female villager, Kompong Kraeng commune, Kampot, July 2016).*

The two case studies identify both negative and positive impacts of hydropower dam development. Positive impacts are cheaper and reliable electricity; livelihood improvements through new or improved schools, health centres, water sources, roads and bridges, sanitation and hygiene, and agricultural diversification; and improved water supply and flood control. Negative impacts are inadequate compensation and resettlement processes, disregard for cultural heritage and traditional way of life, and ecological and environmental damage. The problems are more serious for women household heads, considering the upheaval of resettlement and setting up home in a new place, dealing with detachment from familiar environment, and finding new means of livelihood. Mitigation measures for those negative impacts as set out in the EIA reports are not enough and there are no monitoring schemes to track the actual implementation of those measures. The cultural impacts of the loss of ancestral graves and spiritual places are not mentioned in the reports, though they were taken into account later on. Local people and NGOs find this unacceptable as their decisions and comments are barely taken into account. The monitoring scheme which is supposed to track the implementation of the mitigation measures is ineffective; for example, annual cash compensation for loss of fisheries is recommended, but only the livelihood restoration programme is in place. Cambodia has not established national standards or guidelines for compensation and resettlement, even though government bodies involved in projects led by development partners such as the Asian Development Bank have to follow the standards of that institution. Against this backdrop of little to no experience in compensation and resettlement, lessons learned are sought and play a critical role in informing and shaping resettlement procedure and determining appropriate compensation levels for individuals and communities.

5.2. EIA public participation and information flow

Because there was no guidance on the public participation process, the EIA consultants for both dams conducted public participation only in the scoping stage and with a select group of stakeholders including the ministries and NGOs concerned in the review stage. Key Consultant Cambodia (KCC) was the consultant for LS2 and SAWAC Consultants for Development for Kamchay.

5.2.1. Lower Sesan 2

5.2.1.1. Consultation for EIA

The EIA for LS2 used three consultation methods: public hearing, public opinion survey, and interviews with key stakeholders. These consultations were conducted at various levels of governmental administration as well as with NGOs/CSOs and local affected communities. KCC conducted the public consultation[15] with local communities from 1 to 4 February 2008, the aim of which was to share information about LS2 and review the expected environmental impacts (ECC1 and KCC 2009). The consultation took place in two stages. The first stage comprised two consultations: the first was a public hearing participated in by affected communities and individuals and for which KCC was responsible; the second was a public opinion survey undertaken by Power Engineering Consulting Joint Stock Company 1 (PECC1 and KCC 2009). Before going ahead with the first consultation, the KCC team had organised meetings with just three key informants.[16]

Table 4: Number of participants in the first public consultation, stage 1

Commune	Total population (2008)	% of people affected at FSL 75m (by PECC1)	Total participants		Place of consultation
			No.	%	
Srekor 1 & 2	1512	100	136	8.99	Srekor pagoda
Krabey Chrum	830	95	127	15.03	Krabey Chrum pagoda
Khsach Thmey	1300	100	98	7.53	Commune office
Phluk	900	65	106	11.77	Phluk pagoda
Phum 1,2 & 3	1714	N/A	146	8.51	Sre Angrong pagoda

Sources: ECC1 and KCC 2009; NCDD 2016; KCC 2008
Note: FSL=full supply level

[15] This includes Krabey Chrum of Kbal Romeas commune, Srekor 1 and Sre Kor 2 of Srekor commune, Phluk and Khsach Thmey of Phluk commune, Stung Treng province; and Phum 1, 2 and 3 of Sre Angrong commune, Ratanakiri province. However, residents of Kbal Romeas, Sre Sronok and Chrob villages of Kbal Romeas commune that had been or were prepared to be relocated were not consulted during the EIA process, possibly owing to a change in the dam design. Importantly, the English version of the EIA report done by KCC in October 2008 provides clear information that these non-consulted villages were expected to be submerged given the reservoir's planned capacity of 75 metre at full supply level (KCC 2008).

[16] This included district governor of Sesan, commune chief of Kbal Romeas, and head of 3S River Protection Network.

The agenda of the consultation was as follows:

- Registration
- Introduction to the KCC team, objectives
- Project information disclosure and distribution of project map and brief in Khmer
- Seeking participants' opinions about the project
- Getting opinions and noting questions and comments
- Closing the meeting and information on the household socioeconomic survey (ECC1 and KCC 2009).

The participants in the stage 1 were not identified as male or female. However, based on the photos obtained from KCC, a lot of women participated (Figure 2). Because most of the participants felt more comfortable speaking their ethnic language, the KCC team asked a few local leaders to come to the board to explain the project map and the submergence zone. After the disclosure of the project information, the KCC team asked the question "What is your opinion on the proposed project development?" as listed under "Questions for Discussion" on the programme (in Khmer and English) distributed to all participants. Perceptions aired at the meeting of stage 1 were then grouped and presented in the EIA report. However, only those from national and subnational government as well as a few NGOs involved in the inter-ministerial review meeting were illustrated. Local people's perceptions only featured as to whether or not they agreed to the development project going ahead. In the case of LS2, the NGO Forum, River Coalition of Cambodia (RCC) and international experts provided written comments on the EIA report in August 2009. These comments focused on "key EIA deficiencies", notably the scope of public participation, claiming that "no public consultations were done beyond the area that will be submerged or partially submerged by the project; this effectively excluded tens of thousands of project affected people from the EIA process" (NGO Forum 2009,. 5). In addition, the review also mentioned that public consultations were done as "a one-time token exercise", rather than throughout the project cycle (NGO Forum 2009). Also, dissatisfaction was expressed about the time allowed for reviewing and incorporating comments into the EIA report (KII 2016). Indeed, the time provision was not sufficient enough for NGOs to review the report properly and only a few comments were taken into account.

Figure 2: Public consultation in Srekor village (left) and key local leaders discuss the map in Krabey Chrum village (right)



Source: KCC 2008

According to FGDs, the reason why many women participated in the public consultation was because their husbands were away from home during daytime, mostly collecting NTFPs or farming. Back in 2008 when the EIA team consulted the local people for the first time, women were shy and lacking the self-confidence to express their ideas and concerns, according to the interviews with local NGO representatives from My Village and Culture and Environment Preservation Associations. Below are some excerpts from interviews with key informants in Stung Treng.

> *It was very difficult. Whenever the family was invited, only women participated while men refused to attend. And they just simply came to listen – they made no comments. Khmer and Lao are the same. They do not care to comment or express their ideas. Or they just talk in their local way, not formal at all.* (Male, former village chief, Krabey Chrum, Stung Treng, July 2016)

> *Women dare not comment or speak up because they are shy plus their knowledge is limited. And if they are poor and uneducated, they also dare not speak up.* (Male, commune chief, Stung Treng, July 2016)

> *Women participated in the EIA public consultation and they raised their concerns in a small group rather than to the whole meeting. There were only a few women who were active and dared to speak up.* (Male, NGO representative, Stung Treng, July 2016)

Based on the observation of an informant from a local NGO who had witnessed the first consultation in stage 1, it seems that the meeting was designed to impart technical information rather than collaborate with local people, with little consideration given to their ethnic language, knowledge and culture. In figure 2, the right image illustrates the way information was relayed from the consultant to a few local key leaders who could converse in the languages spoken locally. Those leaders then relayed the very limited information they had received to villagers, but without proper knowledge of the locality.

Local people's grasp of the project information shared with them was also constrained by their lack of education and they had little chance of understanding the technical terms about dam construction used during the consultation. Based on interviews and observations conducted in Srekor and Kbal Romeas communes, ethnic people are comfortable speaking their own language and only a few understand Khmer, which was the language used by the conveners at the meetings and for the meeting documents.

> *In 2008, I could understand Khmer but I just couldn't understand what they wanted to do.* (Female villager, Srekor commune, Stung Treng, September 2016.

> *Most of them didn't know the Khmer alphabet at that time [first consultation in 2008]. And most of them didn't understand the language because they are ethnic Lao […] there were a few women who argued strongly and they said they would rather die in their village because it is their birthplace.* (Male, former commune chief, Srekor commune, Stung Treng, September 2016)

The effect of language barriers was confirmed during the validation workshop in September 2016 at which local women claimed that they did not understand the impacts of the LS2 dam on their communities.

The second consultation was conducted by PECC1 in 2008. During that year, people in three affected communes – Srekor, Kbal Romeas and Talat – were visited by the PECC1 team consisting of one Vietnamese who could speak a little Khmer and a Khmer-Vietnamese translator (Baird 2009). The purpose of the visit was to conduct the asset survey for resettlement and compensation documentation. People were asked to show the team their assets, which the team then recorded in a hand-written document and against which householders placed their thumbprint to confirm their agreement with what the assessor had written down. Some people were reportedly forced to put their thumbprint and did not have enough time to check the details carefully, plus the documents were written in Vietnamese and Khmer (Baird 2009). It is also reported that before the asset survey or inventory took place in Sre Kor commune, the team asked local people for their thoughts about the dam (Baird 2009), an exercise which was supposed to be done as part of the public opinion survey. Yet the EIA report contains no corresponding list of respondents for this second consultation of stage 2. Further, there are ambiguities in the EIA report concerning the number of respondents who agreed to project implementation.

Besides the consultation which was found to be ineffective in communicating with the affected communities, the information shared during the process itself was very limited and confusing and focused more on compensation and resettlement rather than the project itself. Plus the consultation were done only twice (KIIs 2016; Monash University et al. 2013). Moreover, it seems that the people consulted were not keen on listening (NGO Forum 2014).

After the consultation organised by KCC, follow-up consultations on the development of LS2 were conducted. Participants at the Stung Treng validation workshop held in September confirmed

that it was not until 2013 that people began to understand clearly what was going on related to the dam development. In their 2013 study, the NGO Forum reports that 75 percent of total respondents knew about the construction of LS2 but they are were not so clear about the timeframe. Their main sources of information were local authorities (34 percent), rumour (31 percent), Vietnamese company[17] (16 percent) and NGOs (16 percent) (NGO Forum 2013). The timeline of the consultation within the EIA process and beyond is displayed in Annex 4. People slowly started to get more information about LS2 after the EIA process was finished or in compensation and resettlement negotiations, in which both local authorities and NGOs played a very major role in information sharing. River Coalition of Cambodia (RCC) first got involved in the EIA process for LS2 in December 2008 when it was hired to conduct a study on best compensation and resettlement practices. From then onwards, people began to familiarize themselves with news about LS2 and the various platforms for bringing local voices to national level through interventions and support from the RCC and others (Annex 5).

The overall decisions about the LS2 project were made at the national level with approval from the Council of Ministers in 2012 (Ham et al. 2013). Up until April 2015, local communities sent many statements to key stakeholders expressing their concerns over the LS2 hydropower dam. Their key message was to halt dam construction and then to ensure compensation and resettlement scheme/conditions (Annex 6). These statements illustrate unhappiness and confusion regarding the decision to go ahead with LS2 and the flaws in the compensation and resettlement process. In 2014, NGOs working in community and environment protection in Cambodia and the region released a statement asking for a new EIA process for LS2. However, there have been no visible attempts by government to halt the project or reconduct the EIA process. The government through its subnational committee on compensation and resettlement (detail in section of 5.2.1.2) has tried to negotiate with local affected people and encourage them to accept the compensation offered and relocate to the designated resettlement areas.

5.2.1.2. Consultation for compensation and resettlement

Development of the compensation scheme and process involved the conduct of many meetings in both case studies. The public meeting method was used. Those affected by dam construction were invited to participate, their opinions on the compensation scheme sought and many times agreement was reached. The compensation scheme and process involved the project owner, local authority and provincial departments as a compensation committee. The EIA consultant was not involved in the process because of hardship and complication the consultant expect.

With respect to LS2, according to local informants, many consultations were conducted for resettlement and compensation (see Annex 7 for detailed description). The process lacked transparency, access to information was limited as was participation, participation of vulnerable groups was uneven, and no attention was paid to payment for ecological services as a worthwhile

[17] Vietnamese company or EVN were withdrawn from the LS2 in 2012 when the Royal Group of Cambodia and China's Huaneng Group replace it (Bair, 2016).

topic for deliberation and discussion. People claimed that they did not get clear information about compensation in 2013 (Ham et al. 2013). The two teams led by the Provincial Department of Rural Development and Provincial Department of Agriculture face many challenges to "handling complaints or communicating information with the affected people" (Ham et al. 2013). Also, confusion over compensation resulting from insufficient and tardy information has heaped immense pressure on local people. Based on interviews with local people in September 2016, people still hear news about compensation through rumour. Although the commune chief has very clear information about the compensation package, the local people under his jurisdiction do not.[18] Not only that, information about the possible impacts of the dam also remains vague. Residents of Krabey Chrum village, which was initially expected to be inundated by the proposed reservoir, are still doubtful about the possibility of flooding as they know that their village usually floods every year anyway, even without the dam. People there have still not had a clear explanation of why their village will flood. The same applies to the negative impacts of the dam as a whole. And this is in spite of two statements made by Srekor and Kbal Romeas communities in September 2014 asking for more information on the updated and revised design plan which had been approved by the government and the LS2 company. With respect to women's participation in the compensation process or in negotiation for specific compensation, women speak up more than they used to. This is because of improved Khmer language skills resulting from training provided by many NGOs, and family and community support, as mentioned by a local woman who is opposed to the dam development (KII 2016). Women are more active today than in the public consultation during the EIA process. Also emerging are local women representatives/activists willing to confront the government and company.

> *At that time [first consultation in 2008], I didn't know how to speak Khmer […] Neither men nor women knew how to argue. We didn't understand until the NGOs trained us on human rights so we could speak up.* (Female villager, Srekor commune, Stung Treng, September 2016)

> *Every meeting related to compensation is always attended by women and they make decisions on their own [wife is the decision maker regarding compensation] […] and they dare to speak up, maybe due to globalisation pushing women's braveness, or the need to improve their livelihoods, or because of the dissemination and mainstreaming conducted by the Provincial Department of Women's Affairs through local agents and NGOs.* (Male representative of provincial department, Stung Treng, June 2016)

[18] A specific example is the case of a separated nuclear household which will get 2 ha of agricultural land and a plot for house construction. But fact seems to have been distorted by rumour. It was reported that local people believe that those who agree to compensation after the ultimatum will get the items which in fact are for the separated nuclear household.

I speak up because no one else would talk for me. So, when I'm not happy with something, I say so. (Female villager, Kbal Romeas resettlement site, Stung Treng, September 2016)

The structure of local women's representation/support group is presented in Box 4. Although women are more active than before, some still do not have the self-confidence to speak their mind, especially if they have had little to do with public forums before, like those who have joined the NGO network, for instance. However, local women representatives often collect ideas from those with less confidence to express their opinions and relay their concerns. Another reason why women voice their thoughts and opinions more than before is because the communities think that if women take the lead in protesting or negotiating, the government and company will take a softer approach.

Box 4: Local women's representation/support group/network

For Kbal Romeas commune, My Village (Mvi) has established a women's network called the "Indigenous Women's Network" which has three layers: village, commune and provincial. The focal persons at each level have clear roles and responsibilities. Through this network, women receive capacity building on advocacy, allowing them to better express their needs and interests (Kong, n.d).

In Srekor commune, there is no formal group or network but there is an informal group consisting of both men and women. It started in 2004 when there were only two activists including the current commune chief of Srekor who used to be involved with Cambodia Human Rights and Development Association (ADHOC), focusing on protecting forests. At the time they cooperated with 3S Rivers Protection Network (3SPN) during the 2010s, specifically with respect to LS2. Then they started to invite more members. In 2011 there was a very strong protest against LS2. This informal group has attended many training and public events regarding human rights, natural resource management, advocacy and river protection. In 2012 the group leader was elected to commune chief, and a woman in the group was selected to replace him; by then the group had five members (KII with commune chief, 2016).

5.2.2. Kamchay

5.2.2.1. Consultation for EIA

As for LS2, the public consultation process for Kamchay dam was also conducted from local to national level, using three participation techniques. Local people reportedly engaged in the public consultations conducted by the SAWAC Consultant team in 2010 and 2011. An initial EIA report was drafted in 2006, followed by a meeting participated in by only governmental officials. The reason why local people were not invited was because of meeting room was too small (Grimsditch 2012). The public opinion survey of 233 local people was conducted through public meeting and survey, but participants were not recorded as being male or female (SAWAC 2011).

However, many local people[19] reportedly did not participate in the meeting about the dam as it was "reserved mainly for government stakeholders" (Grimsditch 2012; NGO Forum 2013, 63). Moreover, the EIA failed to provide a clear description of how the public consultation process was to be carried out. Based on the interview with the SAWAC team, the process consisted of three stages, with attention to using plain language and avoiding technical jargon.

- *Stage 1.* A public hearing bought a large group of affected people together to inform them about the project and its positive impacts. SAWAC handed out booklets illustrating the impacts of the project on residential areas and the natural resources they rely on such as forest, fish and others. The consultant also explained the benefits they would obtain from the project. Mostly local people expressed many concerns about the compensation the dam builder should pay them. SAWAC invited those who were decision makers in the family though they must be in good physical and mental health, either the household head or a family member over 18 years old but not too old. Further, anyone under the influence of alcohol was not allowed to attend the consultation, as it forms an important step of EIA. SAWAC acknowledged that more women participated in the public consultation as most men worked away from home during the day.
- *Stage 2.* A public opinion survey conducted each individual households to collect information on socioeconomic profiles and local feedback, concerns, suggestions and recommendations for the proposed project.
- *Stage 3*. A follow up to the public hearing/enquiries involved a meeting to discuss further the impacts of the project and agreement on the compensation scheme (land size, and number of trees), signed by a thumbprint on the agreed document.

The last public hearing was conducted at the provincial level in March 2011, invited to which were MOE officers, provincial departmental officers, private sector stakeholders, RCC, and commune and village authorities considered representatives of local people. The consultant also conducted interviews in 2010 with commune and provincial authorities and provincial departments. The EIA report presented subnational government's and local people's perceptions of both the positive and negative impacts of the dam. Negative impacts on forest, fisheries, water quality, livelihoods and the environment were listed, as were compensation issues and the health effects of living near transmission lines. SAWAC also provided mitigation measures for each problem raised in the report. Based on the study conducted in March 2011 and August-September 2012; they claimed that local communities and NGOs did not get access to useable information about Kamchay dam, specifically on its impacts and the mitigation measures to deal with them. The project brief and other documents were posted on a public notice board, but these did little to arouse interest on the matter among local people given the pervasive low literacy rate (Grimsditch 2012; NGO Forum 2013). However, in September 2011, an inter-ministerial meeting organised at short notice was participated in by just one local woman who

[19] Up to 95 households of 100 surveyed depended on tourism and bamboo collection, according to the NGO Forum (2012).

depended on NTFP and NGOs.[20] But not allowing time was allowed for participants to review the report let alone provide comments (Grimsditch 2012).

The consultation process for Kamchay dam was the same as for LS2. For the stakeholders, it involved a subnational team comprising the project owner, local authorities and provincial departments which formed the compensation committee, and the EIA consultant.

The Department of Mines and Energy and local authorities facilitated the compensation process between the dam builder and affected people. Compensation was made for agricultural land, farmland and fruit trees. Similarly to the LS2 compensation scheme, a subnational compensation committee is responsible for negotiations and providing compensation to local people. Representatives of the committee seemed to view the compensation process positively, but some local people who were to receive compensation claimed that they were not happy with the process owing to limited access to information.

> *I used to ask my village chief about compensation for my fruit trees which were destroyed to make way for the transmission line. But he didn't respond so I stopped asking about it. Also, I've never been invited to attend meetings about the compensation scheme.* (Female villager, Prey Khmum commune, Kampot, July 2016)

Women's participation in the Kamchay dam compensation process is reported to be very active as most of them live in the town, plus they have benefited from NGOs' efforts.

> *For dam related affairs, it's mostly women who participate because they can think and decide very quickly. Perhaps it's the training provided by NGOs that's encouraging women to speak up.* (Male representative of provincial department, Kampot, July 2016)

> *Unlike before, women these days are very knowledgeable. They clearly know how to talk with the authorities. This might be because they've received training from NGOs. They dare to express their own opinions of dam construction impacts as well as the compensation rules.* (Male representative of provincial department, Kampot, July 2016)

To be brief, public participation in the EIA processes for the two dams is not inclusive in engaging all stakeholders. Indeed, the case studies highlight many issues regarding public participation. First, the multi-stage EIA process is not enabled as it does not take into account location-specific factors such as language, local knowledge and level of participation of local people. This is well illustrated in the case of LS2 where local people are challenged in voicing their opinions and in obtaining proper information – what information they do manage to get hold of is often

20 Adhoc and the NGO Forum.

incomprehensible and incomplete. In addition, the frequency of meetings is totally insufficient with just one in each affected village or commune. The apparent negligence of local people during the process might be because they did not recognise the benefit of participation as public consultations per se do not provide visible advantages to local people, or because the consultants neither provided sufficient prior-notice nor informed people properly about the objective of consultation.

Second, limited access to project-related information does not allow local people to decide wisely. Information, including about the impacts of the project, especially negative ones, is not well shared. And even when information is shared, it is in highly technical language which local people who cannot read find difficult to understand. As in the case of LS2, local people did not understand Khmer because they belong to ethnic groups. Also, the first EIA consultation with local people, which was supposed to be about their agreement or disagreement with the proposed project plan, turned out to be an informing session mainly about relocation rather than the negative impacts of dam construction. Information aimed at local people should cover the benefits, negative impacts and related mitigation measures, and their roles in monitoring the implementation of mitigation measures as they are the ones who stand to suffer and lose the most.

Third, equitable participation of vulnerable population groups including women, the elderly and people with disabilities in project activities is not promoted. Usually, only those whom the local authority and/or EIA consultant think are affected are invited to attend the meeting on a household basis, ignoring equitable participation of vulnerable groups. In both cases, there were no guidelines from DOE directing the EIA consultant to ensure participation from women or female-household heads or representation of people with disabilities. Moreover, in the case of Kamchay, local authorities are treated as the representatives of local people but they do not always represent those who are affected by the dam. In addition, the public consultation is only conducted with invited (i.e. selected) people including local affected people and the EIA report is reviewed by DOE, NGOs and ministries concerned, not the public.

Lastly, local participation does not form part of the decision-making process. From the two cases, local people are just informed about the project rather than asked for their permission, even though they are the ones who will suffer any negative impacts. In addition, their opinions and suggestions regarding the project are not included in the EIA report. An objective of Article 1 in the EIA sub-decree states that “to encourage public participation in the implementation of [the] EIA process and take into account of their conceptual input and suggestion for re-consideration prior to the implementation of any project” (MOE 1999, 1352). For ethnic people, the concept of free, prior and informed consent (FPIC) is defined as “acknowledgement of indigenous peoples’ legitimate decision-making authority to approve or disapprove of activities proposed by outsiders on the land to which their culture and identity is intrinsically bound” (NGO Forum 2012, iii). The many statements published by affected communities demanding a halt to dam construction and a new EIA seem to have fallen on deaf ears, as the government seemingly ignores these requests and perseveres using the same process though with more focus on negotiation with local people.

5.3. Constraints and enabling factors in public participation of EIA and beyond

The case studies reveal many challenges to local men's and women's participation in EIA processes and deliberations. Counterintuitively, the process itself and the frequency of consultations are found to not favour local participation. The process seems to aim for mere compliance with EIA procedural and information requirements as opposed to comprehensive consultation with local people and consideration of their opinions. And consultation is usually conducted only once per EIA, which is far from enough for local people to get a clear understanding of the issues and decide wisely. Next is facilitation in the consultation process. Explanation about the project and its impacts plus the technical language used are also found to be highly inappropriate if the objective is to enable local people's understanding. In the case of LS2, official Khmer is a challenging language for local people who are mostly from indigenous groups, yet documents are distributed in Khmer, confusing those consulted and muddling their understanding.

Cambodia is a hierarchical society. Local people consider those who hold authority or who work in the city to have high social status. Local people can feel scared or intimidated, or tend to shift to automatic deference, in the presence of such people at public meetings and therefore dare not express their ideas and opinions openly. Women seem to be particularly sensitive in this regard; and at public events they express or voice their needs and interests less than men. Many challenges debilitate women's full and active participation in the EIA process, specifically the problems besetting public consultation. The challenges are interrelated and include:

Traditional stereotypes and attitudes: women in Khmer society are traditionally expected to be submissive and defer to men, thus their opinions and interests are not prioritised. Women then do not express themselves; and even when they do, men seem to take little notice of their ideas and opinions. These stereotypes and attitudes can create a psychological barrier, leading women to think they are not equal to men in decision making or preventing them from expressing their views in public. Men tend to think that if the meeting is just a simple affair or unimportant, it is not worth their while attending, leaving women to attend instead. In some cases, men interrupt women who speak up, worsening the likelihood of women's participation. The trait of "shyness", whether real or expected, was commonly raised in interviews with those who do not speak up.

Even so, thanks to education and training, and family and community support, some women are now very active in that they express themselves more and can better negotiate their interests and needs. Box 5 illustrates the confidence, frustration and feelings of a woman who is resisting relocation.

Box 5: Frustration, fear and confidence

Ms Srang Lanh, 39 years old, lives with her husband, two daughters and one son in Kbal Romeas village. Having completed grade 4 only, her reading and writing ability is poor. As a farmer, her

main occupation is growing rice. She also grows fruit trees around her house and collects NTFP from the forest to sustain her family's livelihood.

In the initial EIA process in 2008 she did not attend any consultation meetings. But in 2014-15 she attended several meetings on compensation and resettlement. The last meeting was on 2 June 2015. The provincial governor, district and commune-level officials and the dam company's staff were also there. Each meeting took about two to three hours and covered the development of dam and the prosperity that electricity will bring. Although there was little opportunity for attendees to talk or ask questions, she managed to speak up by interrupting or raising her hand. However, her concerns and suggestions have not been considered.

> *They [the committee] just pretended to listen to me but never responded or took my requests into consideration – douch chak teuk leu kbal tea [like pouring water on a duck's head]. For instance, I and other villagers asked for $20,000 to $30,000 as compensation for resettlement but the committee just paid $5,000 or $6,000 per family.*

The committee did not care about her concerns. She also asked them to repair the road, which was damaged by the company transporting resettlement stuff from the village to the new resettlement sites. She is not frightened to speak up or complain to the authorities even though she has been warned that she might be detained.

I am not scared anymore, even though there are only 5 or 6 of us. I will talk and raise my own concerns with the provincial governor. No one can talk for me and I can't rely on the authority [village chief or commune chief]. During the meeting the authority brought along a truckload of military police armed with long guns. Of course, I have to complain because I am fed up with the very low compensation offered – only $150 for my ancestral grave and just $5 or $6 for each fruit tree. It is totally unreasonable because the ancestral grave is central to my spiritual belief. That is not an animal corpse like a dog, cat, cow or a bull. Even a person who is injured in a traffic accident – in a severe case – would receive up to $2000 or $3000 for treatment and compensation. I planted trees and it was almost 8 to 10 years before they produced a harvest and I earned $100 to $150 a year from selling fruit. However, the committee agreed to pay just $5 per tree.

Source: In-depth interview, Stung Treng, November 2016

Although women today are much more active than before, most of them are still trapped inside traditional gender stereotypes and barriers.

> *Previously, women's community work was not supported by their families because of stereotyping that labels women who travel a lot as not good and neighbours talk badly behind their backs.* (Male representative of local NGO, Stung Treng, June 2016).

> *There are many barriers to women's participation in development, especially shyness and lack of support from other women and their families as well as the community and local authorities. Women tend to think that some work is for men, not them. The typical stereotype expects women to always stay at home and take care of children.* (Male representative of provincial department, Kampot, July 2016).

Lack of confidence: women are not used to speaking up and so lack the self-confidence to express their ideas and opinions at public events. "Fear of speaking wrongly" obstructs women completely. In the case of LS2, this characteristic lack of confidence was exacerbated by the language barrier as they are comfortable speaking their own indigenous languages rather than Khmer. Some women build their self-confidence through exposure to more confident, independent women role models at public events.

> *I am always hesitant to comment [at meetings] because I have very little understanding of matters and language is a barrier. I understand some words but cannot converse in Khmer … but then I am scared to talk in Khmer.* (Female villager, Srekor commune, Stung Treng, July 2016)

> *The more exposure I have to public events, the more self-confidence I have to express my ideas.* (Female villager, Srekor commune, Stung Treng, July 2016)

Literacy and knowledge: women who are less educated than men or who cannot read or write struggle to find the confidence to discuss and express their needs and interests. Most of the local women interviewed put their lack of understanding down to their limited education and felt it was beyond their capacity to discuss the matter.

Atmosphere/process/facilitation: the process and facilitation play very important roles in improving participation at the local level. Facilitation without knowledge of the affected communities is ineffective. In both case studies, local people do not get full and clear information about the project. The truncated consultation process is far too short for local people to absorb the information and decide wisely. Facilitators' failure to consider gender roles and attitudes does not encourage an atmosphere of "speaking up". Because of stereotyping and low self-confidence, some women will not express their ideas in a big group but would do so in a small one. Local NGOs working closely with the local people are knowledgeable in this matter and they have their own guiding principles to encourage women to speak up. Local women and men said they felt more comfortable meeting with NGOs rather than government representatives.

> *Women gather together and collect their comments. Then a few women representatives will raise those comments at the meeting. Most women only express their ideas to women representatives and local authorities, not to outsiders.* (Focus group discussion with women's network, Stung Treng, June 2016)

Dual burden: women have many roles including productive and reproductive roles. They reported having limited time to attend public events due to their reproductive roles. This stresses the importance of the right timing and place in enhancing their participation.

Confusion about gender: there is still confusion about the word "gender" at the local level. People mistakenly think that gender refers to only women and particularly link it with domestic violence, not with the roles and responsibilities assigned by society. With this perception, addressing gender issues is not a top priority, effectively discouraging women from participating more actively in the EIA process.

Factors that enable women's participation include knowledge and education, affiliation with NGOs, and a gender-sensitive facilitation approach. Educated and knowledgeable women seem to have more self-confidence to express their ideas at a public event. However, this is also a matter of the EIA consultants sharing information with local people and women. As long as the information shared is understandable, unbiased and sufficient, people might find it easier to discuss their ideas and inputs as well as make good decisions for themselves. In addition, if people are more aware of the benefits of participation, they might be keener to take part in meetings and discussions.

Affiliation with NGOs can also provide local women with many opportunities; for instance, through training they can build their capacity and self-confidence to express their opinions. These women also play a role as local representatives who collect opinions and ideas from other women who do not speak up.

Hierarchical norms mean that meetings facilitated by local authorities tend to make local people feel uncomfortable as they fear causing offence. However, if NGOs convene the meeting, with their gender-sensitive approach, women are encouraged to speak and generally have a better chance of being heard. Because NGOs receive support from international development partners, they have to follow the gender agenda which requires them to focus more on women's participation at the local level; some NGOs even define a quota for women's participation at each meeting.

VI. Discussion and recommendations

6.1. Discussion

Hydropower development in Cambodia provides benefits at both local and national levels including access to electricity and hard infrastructure development. At the same time, negative impacts including socioeconomic and ecological consequences especially threaten local people. Unless the compensation process and implementation of mitigation measures are inclusive, that is, with the participation of all stakeholders from local to national levels in the EIA process, the negative impacts cannot be properly mitigated. Given their roles in family and society, women are disproportionately vulnerable to the negative effects of dam construction. This section answers the research questions to summarise the findings in relation to women's participation in EIA public consultation processes.

6.1.1. How does EIA implementation meet the requirement for public participation?

Public participation in the EIA process and report development is not inclusive and utterly insufficient. Despite some dissatisfaction, compensation and resettlement procedures seem to be more acceptable, though they typically entail many meetings and negotiations. The EIA's public participation is considered as "a cornerstone of the EIA process" or "an essential and integral component of EIA", providing "robust and defensible EIA studies and reports" (UNEP 2004, 28; Nadeem and Fischer 2011, 36). In Cambodia, the legal requirement for public involvement in the EIA process is stated in the 1999 EIA sub-decree; however, there are no guidelines for achieving this involvement (Schulte and Steeser 2014). In both cases, the processes for developing the EIA reports do not meet the objective of encouraging public participation. This is because of many shortfalls including incomprehensible and insufficient information and gender-blind facilititation/process, representation and power in decision-making. These shortfalls were observed in the region, notably: that "meaningful public participation is still lacking" is found to be a "universal finding"; information sharing limited to invited people and does not reach the general public; no official complaint mechanisms; low representation of local people; and lack of monitoring and evaluation of mitigation measures implementation (Wells-Dang et al. 2016, 41). The disemmination of mitigation measures and associated information among stakeholders in both cases are also found to be limited. The draft guidelines consider the issues of process, inclusive participation especially of local affected people and information sharing, yet representation and decision-making processes are still not clear.

The public participation guideline sets out the requirements for many meetings aiming at informing, consulting, involving, collaborating and empowering project affected people (PAP) in the whole EIA process. But there are ambiguities about whether the same PAP should attend those meetings and what percentage of PAP should be invited. With respect to women and indigenous groups, the guideline states that "specific attention should be made to include women and vulnerable groups" (MOE 2016a, 26). Yet there is no specific guidance on how to engage women and indigenous groups meaningfully. On the other hand, the guideline is likely to address some of the challenges including frequency of meetings/consultations, women-only group, interpreter, and Khmer-only documents and materials, and feedback on the TOR and EIA report. Still, many missing points have to be considered taking into account the challenges women face. The right time and venue are particularly important prerequisites for women to be able to attend. Another is the distribution of readily understandable information that takes into consideration users' level of education and literacy.

With respect to representation, the percentages of women and people from vulnerable groups to be invited to public consultations are not mentioned in the draft guideline. Although they are identified as PAP, there is no guidance on how to improve their representation. Representation should be "inclusive and effective, reaching out to representatives of the full range of relevant stakeholder interests regardless of race, color, national origin, sexual orientation or income" (EPA

2016[21]). After identifying PAP, the EIA report should detail how the impacts of the proposed project are expected to affect them in case the actual impacts affect them differently. In both EIA reports, there is no information on how the impacts might affect women and women household heads with regard to water and income generation activities. Although many women attended the consultations, their experiences in the first informing process clearly show that that they were not given enough notice or sufficient reliable information to discuss their opinions. Hence, effective representation should be ensured through an enabling process and clear procedure for obtaining equal and balanced representation. Another issue that is not precisely addressed in the draft guideline is lack of local power in the decison-making process. PAP are to be consulted and their comments incorporated in the EIA report rather than depend on the reasons given by EIA consultants and project proponents. Moreover, there is no requirement for PAP's consent nor is a percentage stipulated in the draft guideline. It seems that PAP's participation in the process serves as an input for decision makers rather than playing a role in decision making. However, according to the principle of free, prior, informed and consent, the consent of ethic minorities is to be obtained.

6.1.2. How do women participate in the process? To what level and extent?

Many women have participated in the EIA process in that they have been present, but the extent to which that participation has been meaningful in the sense of engaging and empowering women in decision making is questionable. Women have been actively involved in negotiating compensation, but they were not as vocal in the initial stages when it was important that they voiced their opinions about the project. Women attending the first meeting came up against language barriers and general lack of knowledge about the implications of dam construction, resulting in most of them not expressing their opinions and concerns and limited access to information. They simply attended and listened silently. Despite their engagement in compensation negotiations, limited access to reliable information and weak negotiation skills deprived them of a fair chance to have reasonable demands met. In consultations convened by government and EIA consultants or NGOs, women have most affiliation with NGOs. There is a local network of NGOs, thus women have plenty of chances to participate in the process. They are also provided capacity building in human rights and advocacy, building their self-confidence to express their ideas in public forums. Other women who are not affiliated with NGOs find it hard to attend such meetings, thus limiting their chances in the process.

6.1.3. What constrains women from participating in the EIA process? How do institutions constrain or enable women's participation?

There are many constraints on Cambodian women's participation in the EIA process. Traditional gender stereotypes and cultural definitions of a woman's place in society have placed women as

21 Environmental Protection Agency. 2016. https://www.epa.gov/international-cooperation/public-participation-guide-introduction-public-participation

subordinate and discriminate against women taking greater roles in public and political life (MOWA 2014b). Women who belong to ethnic minorities or other marginalised (the poor, widows, disability, elderly) groups are much more vulnerable and confront multiple barriers, but there is no specific study on these aspects nor are there any supportive policy responses (MOWA 2014d, 12). However, due to the efforts of both government and NGOs/development partners, men and women are becoming more accepting of equal rights and gender representation, though changing perceptions of gender is time consuming. The dual burden limiting women's participation should be taken into consideration by setting appropriate time and place for consultation. The confusion about gender being associated with domestic violence can be explained by traditional societal perceptions. It might also relate to limited and ineffective gender mainstreaming and dissemination to the public. NGO's working on women's issues mainly focus on sexual and domestic violence, not other issues resulting in low progress on gender equality in Cambodia.[22] The focus has now shifted beyond domestic violence[23] but not on local specific issues affecting women's participation in development.

Illiteracy and limited knowledge are constraints that also obstruct women's participation in public events and undermine their self-confidence. Social norms that prioritise boys' over girls' education mean that girls' access to education and completion rates are still low (MOWA 2014d, 5; MOWA, 2014c). Social norms also make women undermine their own capacity, with most of them thinking that the right to express opinions does not belong to them (MOWA 2014d, 14). Lack of confidence as a result of illiteracy, limited knowledge and lack of role models in the public sphere constrain women from expressing their opinions and concerns. However, this situation can be improved through sensitive facilitation that takes into account the particular challenges women face and pays attention to acknowledging women's opinions and concerns. Ironside (2009) has found that indigenous women who engage fully with their productive and reproductive roles and interact less with outsiders than men do lack confidence concerning market, plus they cannot read or speak Khmer and are shy.

Building the confidence of women and local people is a must so that their contribution in development is significant and meaningful. The findings clearly confirm that women and others who have affiliation with NGOs have a better chance of receiving such support. NGOs serve as a bridge between local people and national government, ensuring that local voices are heard; however, in the case of LS2, an agenda of those NGOs also plays another sensitive role. Based on Baird (2016), there are two types of NGOs: one advocates cancellation of the project while the other focuses on compensation and resettlement. The first one keeps trying to support local people in resisting project implementation through capacity building on human rights and advocacy (Baird 2016). However, these NGOs are reported to be behind the resistance to relocation to resettlement sites (KIIs 2016). The second type of NGO is reported to have not followed local people's perceptions of their consent to the project, but put efforts into

22 https://www.cambodiadaily.com/archives/index-shows-little-progress-in-gender-equality-4777/

23 They include gender mainstreaming, relations and attitudes, economic empowerment, education and vocational training, health, HIV, public decision-making and politics, vulnerability and climate change (MOWA 2014e).

compensation and resettlement assuming that the project cannot be cancelled and that local people have no say in the decision about whether or not project implementation goes ahead (Baird 2016). However, whatever their agenda, they are also key actors in bridging local level to national level. Their roles are acknowledged and they are included in the draft guideline. What is missing is their role in facilitating local consultations, as discussed in the next paragraph.

Atmosphere, process and facilitation play very important roles in empowering women, whether or not they express their ideas and opinions. The findings suggest that the way non-governmental institutions facilitate meetings makes local people and women feel more comfortable. Hierarchical norms and the respect people hold for those in power means that the convening of meetings presided over by government officials or authority figures create an uncomfortable atmosphere where local people and women are reluctant to speak their minds. NGOs are mandated to work towards achieving gender equality through women's quota and distinct ways of promoting women's participation, thus their ways of communication and facilitation are cultural and gender sensitive. This enables local people and women to participate actively in meetings and consultations.

6.2. Recommendations: guideline on inclusive participation in EIA

The entry points where women are included in the EIA process in Cambodia are those of public participation process, illustrated in the draft guideline, in which five levels of public participation are required. However, the question remains on how to improve and enhance women's meaningful participation in the EIA process, in which their engagement is required intensively. The draft guideline has already confirmed that women need special attention in each spectrum of public participation but how are those public participation spectrum be gender-sensitive? Based on the process, extent of women's involvement and their challenges, it would be better if in each way of engaging with women and ethnic minorities in meeting or workshop, gender-sensitive approach is applied. The following are the team's recommended considerations that will guide gender-responsive public participation in the EIA process.

Gender and social inclusion expert: the expert is needed in order to fully identify the impacts of the project on both men and women as well as their relations, needs and contexts. As many informants have suggested, the expert would play a major role in the process of engaging and collaborating with women as they are knowledgeable on how to improve women's participation, taken into account their challenges. They know how to provoke women's needs and interests which are embedded in their lives and that it is quite hard to obtain with just a normal/regular question. The expert is needed throughout the EIA process to make sure that impacts and mitigation measures in EMP are gender-sensitive and that everyone is equally considered. Perhaps a NGO representative together with a MOWA representative could work together to ensure that the EIA process includes the voices and interests of women. They should work hand in hand with the independent consultant and plan for informative and dialogical engagements

with the local communities on the prospective project. All technical details of the project should be fully understood as well by the gender and social inclusion team.

Prior-to-EIA meeting activities: before the meeting with local women takes place, it would be more effective if the consultant conduct a field reconnaissance in order to grasp the socio-cultural-economic condition of the PAP, engage local people randomly and meet with a few knowledgeable key informants on how to achieve the widest possible participation. Through this, knowledge on how to engage with women as well as indigenous group would be obtained so that it would input to the way to facilitate the meeting as well as discussion. What the consultant should look at include:

- Language used: if they are indigenous, a translator is needed but to make sure the relayed information is correct, the consultant has to well cooperate with the translator;
- Literacy level of the PAP: this would help the consultant on the way they provide the information including talking and document distributed;
- Sensitivity towards people's livelihoods and domestic responsibilities: this is to ensure the participation of women and men, relating to time and roles as if they are mostly housewives, time for meeting should be made with regards to cooking and care for the families as well as venue for the meeting;
- Consultation and cooperation with local NGOs/CSOs: as they are working in the areas, they are quite familiar with the area the most so that how to engage local people would be very best to collect from them. More importantly, as local people are quite close to those local institutions, they are more open and collaborative, it is best to involve those NGOs/CSOs in each and every meeting with PAP as well as women.

Language and information: obtaining pre-information from the previous activities, language used and how the information should be shared are identified. The translator is always needed especially for women from indigenous group, to make sure that PAP and women absorb the information shared and consulted. The clearer the information shared, the more effective and precise the decision made by the people. Accessibility of project-related information regarding to its impacts, mitigation measures, and contact person should be also made available. The guideline has mentioned this through internet and in hard copy with appropriate language and on timely and continuous basis. The IAP public participation spectrum has provided many tools employed to reach the five goals including website, factsheet, open house, survey, focus group, public meeting, participatory decision-making, ballot, as well as delegated decision24. However, these are not panacea techniques, they should be depending local-specific conditions as having been mentioned in the prior activities.

Venue and meeting spaces: venue for meeting with women and PAP should be within their residential area and time should be made clear with consideration of their household chores. It would be good if the consultation with local NGOs/CSOs also considers this point as based on this

24 http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf

research, with a very formal setting, people might be intimidated and will dare not to express their ideas/opinions.
Women quota: the quota for women participation which is a way to increase women representation as recommended by Convention on the Elimination of All Forms of Discrimination Against Women[25] (CEDAW 2016). There is no quota system for women in EIA process mentioned in the guideline. However, the informants suggest to be 50% and one of the local NGO who is adopting the CEDAW as well, define women quota in each local meeting to 40%. The quota system is absolutely needed but the extensive and detailed discussion as it might be different from case to case.

Facilitator: women facilitator would work best with female participants. She should familiarise herself with the socio-cultural-economic profiles of the women participants so that the facilitation of the meeting is effective. Some women might work well within the small group or among their neighbors and friends, this should be obtained from local NGOs/CSOs who are working in the area.

Besides, the women consideration within the public participation of EIA process, public-awareness raising and capacity building are also required absolutely and urgently. As most of the informants have been suggested, these are really important to improve the common women stereotypes, not only for men but women themselves as well. Ministry of Women Affair and her provincial departments have played quite a critical role in disseminating, mainstreaming, and building capacity to women in both provincial and subnational levels, though constraints of technical and financial resources keep obstructing their activities. Donors and NGOs who are striving for gender equity are also the main actors in supporting the raising and capacity.

Additionally, in preparation for the EIA assessment and mitigation measure development, the Gender Impact Assessment (GIA) tool is very effective. Its manual was published in Oct. 2013 by Oxfam Water Governance Regional Programme to "avoid, minimize, mitigate and compensate negative impacts; ensure hydropower respects the rights of men and women; promote women's empowerment and participation; and Increases equitable access to and control over benefits." (Simon, 2013, p. 6). It should be adopt and adapt to collect data and identify both impacts and mitigation measures which support both men and women of the PAP.

25 Cambodia ratified this universal declaration of human rights and CEDAW in 1992. There are many vulnerable groups of women identified by the CEDAW committee, in which women from ethnic minorities are identified as the vulnerable group (MOWA, 2014c).

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