

# **LAO PDR DISASTER RISK MANAGEMENT PROJECT - ADDITIONAL FINANCING (LDRM-AF)**

**PROJECT NUMBER: P170945**

## **ETHNIC GROUPS ENGAGEMENT FRAMEWORK**

*Prepared by:*

**DEPARTMENT OF WATERWAYS**  
MINISTRY OF PUBLIC WORKS AND TRANSPORT  
LANXANG AVENUE  
VIENTIANE, LAO PDR

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## LIST OF ACRONYMS

<b>ADRIF</b>	Asia Disaster Resilience Insurance Fund
<b>ARAP</b>	Abbreviated Resettlement Action Plan
<b>CBO</b>	Community Based Organizations
<b>CSO</b>	Civil Society Organizations
<b>DDMCC</b>	Department of Disaster Management and Climate Change
<b>DMH</b>	Department of Meteorology and Hydrology
<b>DONRE</b>	Department of Natural Resource and Environment
<b>DoPC</b>	Department of Planning and Cooperation
<b>DoR</b>	Department of Road
<b>DOW</b>	Department of Waterways
<b>DPWT</b>	Department of Public Works and Transportation
<b>DRM</b>	Disaster Risk Management
<b>DRR</b>	Disaster Risk Reduction
<b>ECoP</b>	Environment Code of Practice
<b>EGEF</b>	Ethnic Groups Engagement Framework
<b>EMO</b>	Ethnic Minority Organizations
<b>ESIA</b>	Environmental and Social Impact Assessment
<b>ESMF</b>	Environmental and Social Management Framework
<b>ESMP</b>	Environmental and Social Management Plan
<b>GoL</b>	Government of Lao PDR
<b>GRC</b>	Grievance Redress Committee
<b>IDA</b>	International Development Association
<b>MOF</b>	Ministry of Finance
<b>MoICT</b>	Ministry of Information, Culture and Tourism
<b>MONRE</b>	Ministry of Natural Resources and Environment
<b>MPI</b>	Ministry of Planning and Investment
<b>MPWT</b>	Ministry of Public Works and Transport
<b>NSEDP</b>	National Socioeconomic Development Plan
<b>OP/BP</b>	World Bank Operational Policies
<b>PAH</b>	Project Affected Households
<b>PAP</b>	Project Affected People

<b>PDO</b>	Project Development Objective
<b>PONRE</b>	Provincial Department of Natural Resources and Environment
<b>PDR</b>	People's Democratic Public
<b>PIU</b>	Project Implementation Unit
<b>PMU</b>	Project Management Unit
<b>RPF</b>	Resettlement Policy Framework
<b>SEA DRM</b>	South East Asia Disaster Risk Management
<b>SIA</b>	Social Impact Assessment
<b>SMMP</b>	Social Management and Monitoring Plan
<b>USAID</b>	United States Agency for International Development
<b>WB</b>	World Bank
<b>WBG</b>	World Bank Group

## PREFACE

This document is called the Ethnic Groups Engagement Framework (EGEF<sup>1</sup>) for the Lao Disaster Risk Management Additional Financing Project (LDRM-AF or the Project) and it will be applied to all investments to be financed by the World Bank (WB) that involve ethnic groups that meet the WB's definition of Indigenous Peoples as defined by the WB safeguard policy OP/BP 4.10. The EGEF is an update of the EGEF of the original project taken into account the proposed activities to be financed under the AF. The EGEF is connected to the overall mitigation instrument namely the Environmental and Social Management Framework (ESMF) for the LDRM-AF.

The Project Management Unit (PMU) of the Department of Waterworks (DOW) of the Ministry of Public Works and Transport (MPWT) and the respective Project Implementation Units (PIUs) of Provincial Department of PWT Waterway Sector with the support and technical assistance from Environmental Research and Disaster Prevention Division of the Public Works and Transport Institute (EDPD/PTRI) which are responsible for implementation of specific components are responsible for ensuring compliance with the EGEF and the ESMF, including keeping proper documentation in the project file for possible review by the World Bank.

This document is considered a living document and could be modified and changed in line with the changing situation or scope of the activities. This EGEF has been consulted with the respective Ethnic Groups located in the project area. Close consultation with the World Bank and clearance of the revised EGEF will be necessary.

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<sup>1</sup> It was called as Ethnic Group Development Framework under the parent project. As per the recent discussion with EDPD/PTRI, it is renamed as Ethnic Group Engagement Framework (EGEF) under the DRM AF.

## 1.0 INTRODUCTION

### 1.1 BACKGROUND

The South East Asia Disaster Risk Management Project for Lao PDR (Lao-DRM or the Project) is being implemented with financing from the World Bank (WB) with an aim to reduce the risk of flooding and enhance disaster risk financing capacity of Lao PDR. The Project was approved on July 6, 2017 and became effective on 11 October, 2017, with a commitment amount of US\$30 million. The Project Development Objective (PDO) is to reduce the impacts of flooding in Muang Xay of Oudomxay (ODX) Province and enhance capacity of the Government of Lao PDR (GoL) to provide hydro-meteorological services and disaster response. The Project consists of 5 components.

#### **Component 1 – Integrated Urban Flood Risk Management (US\$13.5 million).**

Under this component, the project is helping to pilot the concept of integrated urban flood risk management in Muang Xay and strengthen the institutional capacity of the implementing agencies for resilient planning. Component 1 is implemented by the Department of Waterways (DOW) of Ministry of Public Works and Transport (MPWT).

#### **Component 2 – Hydromet Modernization and Early Warning Systems (US\$10 million).**

To support preparedness and help avoid unnecessary damage and losses, the project supports the modernization of hydromet and early warning systems on national level, with physical installations including in the Nam Ou River Basin, where Muang Xay is located. Both types of investments will serve as examples for other cities and river basins in the country. Component 2 is implemented by the Department of Meteorology and Hydrology (DMH) of the Ministry of Natural Resources and Environment (MONRE),

#### **Component 3 – Financing Planning for Disaster Resilience (US\$5 million).**

To strengthen financial protection, the project helps to devise a comprehensive approach to the disaster risk financing and insurance (DRFI), to develop a national DRFI strategy and enable access to sovereign disaster risk insurance under Component 3, implemented by the State Reserve Department (SRD) in the Ministry of Finance (MOF).

#### **Component 4 – Knowledge and Coordination (US\$1.5 million).**

Implemented by the Department of Planning (DOP) of MPI, Component 4 supports overall project coordination and management, studies for mainstreaming DRM in planning and investment, and supporting day-to-day implementation.

#### **Component 5 – Contingent Emergency Response Component (US\$0).**

Component 5 allows for a reallocation of credit proceeds from other components to provide emergency recovery and reconstruction support following an eligible crisis.

This component will be developed in cooperation with MOF and line ministries to ensure effective horizontal coordination at the national level for disaster preparedness and response. There is no cost to this component.

In 2018, Lao PDR experienced widespread floods, which significantly impacted its people and economy. To help reduce the financing gap and augment the response efforts, additional financing (AF) of about \$25 million is being proposed for Component 1 to implement similar activities in 2 additional provinces i.e. Luang Prabang (LPB) and Borikhamxay (BKX). Description of Component 1 of the AF is provided in Section 1.2 below.

## 1.2 DESCRIPTION OF THE COMPONENT 1 OF THE AF

Component 1 will absorb the AF US\$25 million to strengthen flood protection and resilient urban planning, expanding parent project activities in Oudomxay Province, and adding flood protection investments two additional provinces, Luang Prabang and Borikhamxay. Changes are to **Component 1 – Integrated Urban Flood Risk Management** are as follows:

- (a) *Component 1.1 Structural Investments:* This component will be revised to finance further support for the construction of river bank protection, climate resilient rehabilitation of flood protection infrastructure and embankments including those damaged by the 2018 floods in the following provinces:
  - (i) In **Luang Prabang Province**, The AF will finance the construction of river bank protection along the lower part of Nam Khan (right and left bank) for a total of three kilometers and installation of four water gates and associated pumps.
  - (ii) In **Oudomxay Province**, the flood risk management infrastructure is planned to be upgraded to 1 in 20 years return period design standards. Building on flood risk management analytics conducted Parent Project preparation, which considered a range of high benefits solutions, the AF will supplement planned structural investments including riverbank protection, dredging, and urban livability such as river-walkways and tree planting..
  - (iii) In **Borikhamxay**, limited and urgent non-regret investments will be covered, comprising of approximately 0.8km of river bank protection in the Mekong River in Pakxan City.. In addition, a detailed flood risk assessment will be conducted to lay the foundation for larger flood risk management investments in the future, outside the scope of this project.

(b) *Component 1.2: Non-structural investments:* Technical studies and surveys related to flood risk management and disaster resilience will be conducted identifying potential structural (engineered) and non-structural (non-engineered) solutions in an integrated manner. **Studies on Vientiane and Borikhamxay:** Technical studies and surveys related to flood risk management and disaster resilience will be conducted identifying potential structural (engineered) and non-structural (non-engineered) solutions in an integrated manner. **Nature-based and green infrastructure solutions** will be integrated into the design of infrastructure improvements for all investments under the AF, with a feasibility study on renovation of wetlands in urban areas in Luang Prabang. **Infrastructure system and data collection:** Support will be provided to DOW to upgrade the current basic asset inventory to an asset management system with automatic functionalities and condition information. **Urban planning:** Technical studies to review current urban planning policies and frameworks, and inform planning in provinces of Oudomxay and Borikhamxay, including preparation of a GIS base map with all available layers of previous maps, spatial assessment, a zoning map with codes; and infrastructure plans. **Flood monitoring and warning mechanisms** and equipment, and contingency planning: Per needs identified, technical equipment can be financed, along with institutional capacity-building to better prepare, manage, and recover from disasters. A consultancy will be engaged under the parent project Subcomponent 1.2. which will identify specific gaps and needs.

Under this subcomponent, the AF will also support the pilot activities that can be carried out by local authorities with active engagement of local communities on the use of nature-based/green infrastructure solutions which can be designed and implemented under Subcomponent 1.1 and/or under this subcomponent depending on the nature and cost of the proposed activities. This sub-component (1.2) will support the activities that can promote participatory planning processes (workshops, local surveys/data collection, study visits, etc.) to identify priority needs and development of an action plan as well as implementation of small investments that can be carried out by local community for demonstration. Strong support from the private sector and active participation/leadership of key mass organizations such as Lao Women's Union (LWU), youth groups will be encouraged. In Muang Xay, 2-3 local communities along the left bank of Mao-Khor Rivers will be engaged to establish an action plan to prohibit discharge of wastes (solid and liquid) directly into the rivers as well as to implement the river bank protection using nature-based and green infrastructure. In Luang Prabang, it is anticipated that 2-3 pilot areas will be selected to demonstrate the use of nature-based/soft-green infrastructure solutions for river bank protection. Efforts will also be made to reduce waste generation and discharge of waste (liquid and solid waste) directly into the river.



To avoid, minimize and mitigate potential negative impacts on these ethnic groups and to comply with the World Bank's safeguard policy on Indigenous peoples (OP/BP 4.10), an Ethnic Groups Engagement Framework (EGEF) has been developed to ensure that these indigenous peoples would be sufficiently and meaningfully consulted leading to their broad community support to project interventions, that they will receive culturally appropriate project benefits and that any potential negative impacts are properly mitigated. The EGEF will form a basis for project implementation and for monitoring and evaluation of how the project deals with indigenous peoples issues. The EGEF follows Government of Lao PDR (GoL) regulations, and WB's indigenous people's policy (OP/BP. 4.10).

## **2.0 APPLICABLE WORLD BANK SAFEGUARD POLICY: INDIGENOUS PEOPLE (OP/BP 4.10)**

The WB's OP/BP 4.10 (Indigenous Peoples) requires that special planning measures be established to protect the interests of ethnic groups with a social and cultural identity distinct from the dominant society that may make them vulnerable to being disadvantaged in the development process.

The Policy defines that ethnic groups can be identified in particular geographical areas by the presence in varying degrees of the following characteristics:

- (a) a close attachment to ancestral territories and to the natural resources in these areas;
- (b) self-identification and identification by others as members of a distinct cultural group;
- (c) an indigenous language, often different from the national language; and presence of customary social and political institutions.

As a prerequisite for Project approval, OP/BP 4.10 requires the borrower to conduct free, prior and informed consent (FPIC) with potentially affected ethnic groups and to establish a pattern of broad community support for the Project and its objectives. It is important to note that the OP/BP 4.10 refers to social groups and communities, and not to individuals. The primary objectives of OP/BP 4.10 are:

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

## **3.0 LEGAL AND REGULATORY FRAMEWORK CONCERNING ETHNIC GROUPS**

### **3.1 LEGAL FRAMEWORK CONCERNING ETHNIC GROUPS**

#### **3.1.1 Constitution of the Lao PDR (amended 2015)**

Lao PDR does not have specific legislation for its ethnic groups. However, the former 1991 Constitution and current adjusted Constitution of 2015 (chapter four, articles 34-51) guarantee that all Lao people have fundamental rights and obligations to develop the country. The Constitution defines Lao PDR as a multi-ethnic State, with equality among all ethnic groups.

Article 8 states that:

*The State pursues the policy of promoting unity and equality among all ethnic groups. All ethnic groups have the right to protect, preserve and promote the customs and cultures of their own tribes and of the nation. All acts of creating division and discrimination among ethnic groups are forbidden. The State implements every measure to gradually develop and upgrade the economic and social level of all ethnic groups.*

Article 13 states that the country's economic system is for the purpose of improving the living standards, both materially and spiritually, of Lao PDR's multi-ethnic people.

Article 19 emphasizes the importance of building schools to provide education for all, especially in areas inhabited by ethnic minority groups.

Article 35 guarantees that Lao citizens are all equal before the law irrespective of their gender, social status, education, beliefs and ethnic group.

#### **3.1.2 Ethnic Minority Policy (1992)**

The Resolution of the Political Bureau Concerning the Affairs of Various Minorities, especially the Hmong Minority (Hmong Policy 1981) adapted in 1981 was the first explicit statement of policy on ethnic groups since the founding of the Lao People's Democratic Republic in 1975. The policy also attempted to improve the living conditions of Hmong people, and to increase national security for the country as a whole. In 1992, the policy was adjusted and developed into a resolution of the Administrative Committee of the party to become The Ethnic Minority Policy under the Resolution on Ethnic Affairs in the New Era, which applies to all ethnic groups throughout the country. There are no specific articles in it, rather it is an agreement on the principles that all ethnic groups should have improved access to services and that all discrimination must be eradicated.

The general policy of the GoL concerning ethnic groups was designed to:

- Build national sentiment (national identity);
- Realize equality between ethnic groups;

- Increase the level of solidarity among ethnic groups as members of the greater Lao family;
- Resolve problems of inflexible and vengeful thinking, and economic and cultural inequality;
- Improve the living conditions of the ethnic groups step-by-step; and
- Expand, to the greatest extent possible, the good and beautiful heritage and ethnic identity of each group and their capacity to participate in the affairs of the nation.

The policy calls for protection against and eradication of dangerous diseases and to allow ethnic groups to enjoy good health and a long life. The GoL is expected to provide appropriate investments to enlarge the health care network by integrating modern and traditional medicine.

The collection of data on the ethnicity of government employees, retired ethnic officials, the handicapped, and families of those killed in action is another activity called for in the policy.

Disseminating information in the remote areas is mandated, through many methods, especially, radio broadcasting in minority languages. The plan calls for engagement of specialist officials who speak minority languages and who possess knowledge of science, production, and socioeconomic problems. The question of where these persons are found is not addressed.

The Ethnic Minorities Committee under the National Assembly is charged with the responsibility to draft and evaluate proposed legislation concerning ethnic groups, lobby for its implementation and implementation of socioeconomic development plans. Ethnic groups' research is the responsibility of the Institute for Cultural Research under the Ministry of Information, Culture and Tourism (MoICT). The lead institution for ethnic affairs is the mass (political) organization, the Lao National Front for Construction, which has an Ethnic Affairs Department.

### **3.1.3 The 8th National Socioeconomic Development Plan (2016-2020)**

The overall objective of the 8<sup>th</sup> National Socioeconomic Development Plan (NSEDP) is to ensure that Lao PDR graduates from Least Development Country status. It is designed with three outcomes, and each with a set of Performance Targets.

As part of the rural development and poverty reduction strategy, one focus of the 8<sup>th</sup> NSEDP is to consolidate and convert villages in remote areas inhabited by ethnic groups into small towns, and link these areas with roads and improved infrastructure. It states that tailored interventions are needed for the poorest groups, where the lack of access to infrastructure, markets and services remain barriers to growth and poverty reduction. Social welfare policy and poverty reduction must be tailored to ethnic people's specific needs and capabilities, and to address gender issues among various ethnic groups in order to improve the human capital of future generations.

The 8<sup>th</sup> NSEDP emphasizes the importance of continuing to improve and develop the information and culture sector by actively enhancing heritage and cultural values on the basis of the cultural diversity of the different ethnicities, and to share these traditions with the international forum. This five-year plan also promotes equality among multi-ethnic people, by promoting a sense of pride of the historical characteristics of various ethnic groups, and to rely on elders and leaders at the grassroots level of various ethnic groups to promote unity among ethnic group members as a means to ensure development.

### **3.1.4 Land Law (2013)**

The formal law governing land rights in Lao PDR includes the 2003 Constitution, the 1990 Law on Property, the 2004 Law on Protection and Development of Women and the 2005 Law on Heritage and Basis of Inheritance, and the revised 2013 Land Law.

The Constitution guarantees that the State will protect property and inheritance rights of individuals and organizations. It also declares all land to be a “national heritage” and that the State will ensure use, transfer and inheritance rights to land as defined by law. The 1990 Law on Property establishes and defines five forms of property, including: State property; collective property; individual property; private property (property belonging to a private economic unit other than an individual or collective); and personal property (items for personal use). It also establishes that ownership of all land, underground resources, water, forests and wild animals is vested in the State, though the State may grant rights of possession, use, transfer and inheritance to other entities (GoL Constitution 2003; GoL Property Law 1990).

All land in Lao PDR belongs to the population as a whole, and the State must safeguard long-term rights to land by ensuring protection, use, usufruct, transfer and inheritance rights. The Land Law lays out categories of land (agricultural, forest, water area, industrial, communication, cultural, national defense and security and construction) and defines the scope of use rights for each. It also establishes the basic organization of land-use management authorities and framework for land registration. The Land Law provides the basis for registering land rights and defines land certificates and land titles. Individuals and organizations access land through land-use rights. Recent land titling programs have formalized permanent land-use rights in urban and peri-urban areas, and land allocation programs have formalized temporary land-use rights for agricultural and forest land. Communal tenure, which is common in rural areas, has not been formalized.

The Land Law provides that land titles shall constitute evidence of permanent land use rights, and establishes a system of temporary land use certificates for agricultural and forest land, allowing rights to such land to be passed by inheritance, but not transferred, leased or used as collateral. The Land Law also does the following: allows Lao citizens to lease land from the State for up to 30 years; allows the State to lease out land or grant land concessions to non-citizens; prohibits land speculation; and guarantees compensation for State takings of land use rights. The Land Law provides for settlement of land disputes before the local land-management authority or before the People’s Court.

Many ethnic groups practice a system of land use and resource management which is uniquely adapted for upland areas. This has developed over generations (i.e. is traditional), and is underpinned through ritual and customary practices (Mann and Luangkhhot 2008). These customary systems of land management and allocation exist alongside the formal system, with initiatives in recent years to integrate some traditional practices into the formal law. In many rural areas of Lao PDR, communities control common property, such as forests or pastureland, and have devised local customary rules for the management of land resources and allocation of land to group members. The 1990 Property Law recognizes cooperative or communal property rights generally. The Prime Minister's 2006 Decree 88 on Land Titling and the 7<sup>th</sup> NSEDP included provisions to issue communal land titles for land allocated by the government to village communities (United States Agency for International Development [USAID] 2013). Many ethnic communities have traditionally recognized certain areas of forest as sacred forest sites, or spirit forests, and this is an important cultural aspect which should be respected.

Under customary or informal rules in rural areas, local communities often control common property, including upland areas, grazing land, village-use forests and sacred forests. All community members are entitled to use communal land, and village authorities may grant similar use rights to those from surrounding villages. Communal tenure systems have evolved over a long period and vary from village to village. There is no formal registration process for communal tenure, though it remains an important part of the cultural, political, social and economic frameworks of rural communities (World Bank 2006; Mann and Luangkhhot 2008).

Rural families may also hold land use rights under informal or customary rules. These land use rights are usually attributed to family plots, paddy land or land for swidden agriculture. These land use rights may be allocated by customary local authorities under local rules, and varies from village to village. The village chief (i.e. Nai Ban) may issue a Village Heads Certificate on Land Ownership, which while not valid on its own, may be used by local authorities to resolve disputes or used by the family as additional proof of ownership when applying to the state for a land survey certificate (World Bank 2006; Mann and Luangkhhot 2008; GTZ 2009).

The Land Law also stipulates that, in case public infrastructure development projects cause damages to trees, crops or buildings of the private owners, the land owners have the rights to be compensated for the damages.

### **3.1.5 A national guideline on consultation with ethnic groups**

The guideline on consultation with ethnic groups was launched by the Lao Front for National Development (LFND formerly known as LFNC), in 2013, in line with the National Guideline on Public Involvement, 2012. It aims to ensure that all ethnic groups who benefit from or are adversely affected by a development project, without regard to the source of funding, are fully engaged in a meaningful consultation process at all stages from preparation into implementation. The guideline also aims to ensure that the potentially affected ethnic groups are fully informed of project objectives, as well as their potential positive and adverse impacts on their livelihood

and their environment, and provided with opportunities to articulate their concerns. The guidelines provide principles and processes to carry out meaningful consultations with, and obtain free, prior and informed consent (FPIC) of all ethnic groups affected by developments projects in a culturally sensitive manner. The guideline consists of: a) objectives and scope, b) consultation process with ethnic groups at respective stages of development projects, c) consultation approaches and methods for different ethnic groups in a cultural sensitive manner, d) expected outcomes of consultation at each stage, and e) implementation arrangement and responsibility.

Gender mainstreaming has been included by the Lao government’s National Assembly during as indicated in its National 8<sup>th</sup> Five-year National Socio-Economic Development Plan 2016-2020 (NSED) Ensure gender equality and empower women in politics, economics, sociocultural affairs and family decision-making; reduce considerably discrimination and violence against women. These includes recommendations of the Committee on the Elimination of Discrimination against Women (CEDAW) and Implementation of the national action plan for prevention and elimination of violence against women and children by 2020.

### 3.1.6 Relevant International Instruments

The Constitution of Lao PDR has been amended to incorporate human rights principles outlined in the international treaties and conventions of which Lao PDR is a signatory party. Chapter four, articles 34 to 51 explain the basic rights of Lao citizens. In addition, basic rights as delineated in international instruments are included in many other national laws, such as the law on the protection of the rights and the interests of children, 2006 (see Table 1). The GoL set up the National Human Rights Research Centre in Vientiane, whose main objective is to support, encourage, and implement human rights within the country. Its mandate also considers the carrying out of research on ethnic groups. The Centre was approved by decree, No. 95, dated 11/07/06 and by Prime Minister’s decree, No. 137, dated 24/07/2006. The Lao PDR has been a member of the International Labour Organization (ILO) since 1964. Though the country has ratified a total of eight ILO Conventions, including five of the eight ILO core Conventions, Convention 169 on Indigenous Peoples has not been ratified.

**Table 1 International treaties and conventions in Lao PDR.**

No	Name of Convention	Date of Signature	Date of Ratification/ Accession
1	International Covenant on Civil and Political Rights	7 December 2000	29 September 2009

2	Convention on the Rights of Persons with Disabilities	15 January 2008	29 September 2009
3	International Convention for the Protection of All Persons from Enforced Disappearance	29 September 2008	Not yet ratified
4	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Not yet signed	Not yet ratified
5	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	21 September 2010	26 September 2012
6	Convention on the Rights of the Child		8 May 1991 (a)
7	Convention on the Elimination of All Forms of Discrimination against Women	17 July 1980	14 August 1981
8	International Covenant on Economic, Social and Cultural Rights	7 December 2000	13 February 2007
9	International Convention on the Elimination of All Forms of Racial Discrimination		22 February 1974 (a)
10	UN Convention Against Corruption	10 December 2003	29 September 2009
11	UN Declaration on the Rights of Indigenous Peoples		13 September 2007

## 4.0 ETHNIC GROUPS IN LAO PDR

In Lao PDR, there are 49 EGs that are officially recognized by the government. They are categorized according to four ethno-linguistic families. The Tai-Kadai family includes Lao, Lue, Phoutay, and other lowland groups, and account for 67% of the national population. The Mon- Khmer family includes groups such as the Khmu, Khuan, and Samtao that account for 23% of the population. The Hmong, Yao, and other Hmong-Tien groups account for 7%, and the SinoTibetan groups account for 3% of the national population. Nationally, EGs make up approximately 34% of the total population of Laos. The four main ethno-linguistic families are often re-categorized according to three topographic locations reflecting the traditional and preferred environments in which they live, and these three terms are commonly used by both government workers and civil society when describing the classification of the non-Lao EGs (although use of these three categories is now officially discouraged, they remain the most widely used in practice):

(i) Lao Tai (majority Lao groups traditionally living in the lowland, valley floor regions of the country that historically have cultivated paddy, practiced Buddhism, and are integrated into the national economy. These correspond to the Lao-Tai group and represent approximately 65% of the population.

(ii) Mon-Khmer groups– Upland (slope) Dwellers traditionally dominating the middle hills and for the most part practice swidden agriculture (rain fed upland hill rice, maize), many raise cattle, most are reliant on forest products, and to some extent are isolated from the dominant lowland culture. Many groups exhibit varying degrees of assimilation and adaptation to Tai-Lao culture. These groups are the original inhabitants of Southeast Asia and consist of the Austro-Asiatic or Mone-Khmer ethnic groups (approximately 25% of the population).

(iii) Sino-Tibetan Burma and Hmong-luwmen groups dwelling in the highland areas practicing swidden agriculture growing mainly hill rice, maize, and traditionally, many have grown opium. Many of these groups are historically relatively recent arrivals from Southern China and Vietnam and form about 10% of the population.

The poverty rate is still highest among the Mon-Khmer (42.3%) and Hmong-luwmen (39.8%) groups. The large Lao-Tai group have substantially lower poverty incidence than the other ethnic groups (15.4%). The Mon-Khmer have poverty incidence more than two and a half times the rate of the Lao-Tai and have seen a relatively slow decline in poverty incidence compared to the Lao-Tai (lowland dwellers).

## **5.0 POTENTIAL PROJECT IMPACTS ON ETHNIC GROUPS**

It is expected that investments will have both positive and negative impacts that could ensue as a result of sub-project implementation of the proposed riverbank protection, drainage canal reparation, dike and flood gates, and riverside park(s) infrastructure. Urban flood risk management sub-project activities will be beneficial for the majority of residents whose properties and livelihoods will be largely uninterrupted because of the proposed infrastructure investments. It is expected that construction and installation of urban flood risk management infrastructure investment will bring socioeconomic, health and ecological benefits, such as, protecting the river from siltation and sedimentation as a result of runoff and riverbank erosion, and reducing the loss of lives and/or livelihoods caused by flooding. The project will help create an environment of safety, health and well-being for the majority of people who have suffered from the effects of flash flood events in the past.

Environmental and social effects and impacts will differ markedly depending upon the type and scope of the particular urban flood risk management sub-project and its location. For construction of new infrastructure, it is likely that for most people, the potential negative (adverse) impacts will be moderate and localized, although cumulative effects cannot be discounted. However, for people living in the areas identified for the construction of two riverside park(s), major impacts due to



resettlement and/or the loss of riverine land may result. During the preliminary community consultations in the provincial capital, it was determined that some households living in the areas identified for the riverside park(s) are from ethnic groups (Khmu, Phou Noi, and Kar Mouk).

## **6.0 IMPLEMENTATION ARRANGEMENTS FOR THE EGEF**

The project's positive impacts will depend upon the degree to which it is successful in ensuring the inclusion of vulnerable groups, including ethnic groups, women, elderly and youth/children. This requires a participatory approach in the design and planning process and safeguards to overcome economic and cultural barriers.

The construction of two parks and flood mitigation sub-projects might involve potential land acquisition and/or resettlement, with potential for adverse impacts for ethnic groups and other vulnerable groups. An important component of the EGEF is to ensure that social safeguard policies protecting ethnic groups are implemented in conjunction with the existing processes for local planning and engagement with the communities.

Implementation of the EGEF for sub-projects funded in areas where ethnic groups reside requires that (a) the WBG screens to identify whether ethnic groups are present in, or have collective attachment to, the project area; (b) the borrower undertakes a social impact assessment to assess potential impacts and identify culturally appropriate benefits; (c) the borrower conducts free, prior and informed consultations with affected ethnic groups leading to their broad community support for the relevant project activities; and (d) the borrower prepares and discloses an Ethnic Group Development Plan to address particular issues concerning ethnic groups, provide culturally appropriate benefits, and ensure the avoidance or mitigation of adverse impacts.

The level of detail necessary to meet the borrower's requirements specified in paragraph (b), (c), and (d) is proportional to the complexity of the proposed project and commensurate with the nature and scale of the project's potential effects on the ethnic groups, whether adverse or positive.

### **6.1 SCREENING FOR THE PRESENCE OF ETHNIC GROUPS**

The World Bank has undertaken a screening process early in the Project preparation phase, and determined that ethnic groups are present in, and have a collective attachment to, the project area. This was based on the technical judgement of qualified social scientists with expertise on the social and cultural groups in the area.

Therefore OP/BP 4.10 is triggered and the procedures described in this EGEF will be followed by the client for investments taking place where the ethnic groups identified in the screening process are present in locations where sub-projects will be implemented. This includes the requirement that the borrower undertakes a site specific social assessment to evaluate the project's potential positive and adverse

effects on the ethnic groups, to examine project alternatives where adverse effects may be significant, and to develop an ethnic group development plan that specifies measures to mitigate adverse effects, and deliver culturally appropriate benefits.

## **6.2 SOCIAL IMPACT ASSESSMENT**

A Social Impact Assessment (SIA) is the process of identifying and reviewing the social effects of current or proposed infrastructure projects and other development interventions. According to the International Association for Impact Assessment, this includes the processes of analyzing, monitoring and managing the intended and unintended social consequences, both positive and negative, of planned interventions (policies, programs, plans, projects) and any social change processes invoked by those interventions.

The breadth, depth, and type of analysis in the social assessment are proportional to the nature and scale of the proposed project's potential effects on the ethnic groups, whether such effects are positive or adverse. The SIA should be integrated into the sub-project's Environmental and Social Impact Assessment (ESIA) as described in the ESMF and results used to develop the Social Management and Monitoring Plan (SMMP).

In the case where the screening process described in Section 5.1 identifies the presence of ethnic groups in the sub-project areas, a dedicated process of social assessment will be undertaken in accordance with the principles outlined in OP 4.10. This will be in addition to the broad process of SIA to be conducted for sub-projects. Key elements of a social assessment dedicated to ethnic

- a) Depending on the scale of the sub-project, a review of the institutional framework applicable to ethnic groups living in the affected community. For example, are there communal authorities or decision making structures and what is their relationship with local authorities?
- b) Collection and analysis of relevant baseline information on the cultural, socio-economic and political characteristics of the impacted indigenous communities, and if relevant on the land and territories they traditionally occupy and natural resources they depend on. This may be particularly relevant if the livelihoods of ethnic groups are dependent on water resources that may be impacted by civil works financed by the project.
- c) Using this baseline information, key project stakeholders will be identified within the affected communities, and a culturally appropriate process for consulting with the ethnic groups during sub-project preparation and implementation will be identified with those stakeholders.
- d) An assessment, based on free, prior, and informed consultation, with the affected ethnic group communities, of the potential adverse and positive effects of the sub-project. This assessment should be sensitive to the unique vulnerabilities of ethnic group communities, considering their distinct

circumstances, ties to the land and natural resources, and potentially limited access to development opportunities compared to other groups.

- e) The identification and evaluation, based on free, prior, and informed consultation with the affected ethnic group communities, of measures necessary to avoid adverse effects, or if such measures are not feasible, the identification of measures to minimize, mitigate, or compensate for such effects, and to ensure that the ethnic group receive culturally appropriate benefits under the sub-projects.

### **6.3 FREE, PRIOR AND INFORMED CONSENT PROCESS**

The World Bank's policy on ethnic groups requires a free, prior and informed consent process leading to broad community support from ethnic groups benefiting from, or affected by, World Bank-financed sub-projects. The borrower needs to use consultative methods that are appropriate to the social and cultural values of the affected ethnic groups and their local conditions and, in designing these methods, gives special attention to the concerns of ethnic women, youth, and children and their access to development opportunities and benefits.

The usual platform for consultations are part of the SIA, and the scope of the consultations required will vary depending on the specific project and the nature of effects to be addressed. The methodology used will depend on the type of communities affected by the specific project (e.g., their vulnerability, language and ongoing interactions with the dominant society or neighboring communities).

The consultation process needs to ensure:

- Ethnic groups are not coerced, pressured or intimidated in their choices of development;
- Ethnic groups' consent is to be sought sufficiently in advance of any authorization or commencement of activities and respect is shown to time requirements of ethnic minority group consultation/consensus processes; and
- Ethnic groups have full information about the scope and impacts of the proposed development activities on their lands, resources and well-being. Information should be provided on the nature, size, pace, reversibility and scope of any proposed project or activity; the purpose of the project and its duration; locality and areas affected; a preliminary assessment of the likely economic, social, cultural and environmental impact, including potential risks; personnel likely to be involved in the execution of the project; and procedures the project may entail. This process may include the option of withholding consent.

Consultation and participation are crucial components of a consent process, and the consultation process must be documented. Consultations should be conducted in the relevant ethnic language(s) when needed and sufficient lead time (minimum two weeks) should be given to ensure that all affected ethnic groups are able to

participate in consultations fully informed of the sub-project and preparation of an EGEF.

Arrangements for consultations should be carefully considered and tailored to the sub-project context, the anticipated impacts and the context of the local communities. Consultation approaches may include:

- Community meetings, both with the community as a whole and with sub-groups;
- Focus group discussions and participatory planning exercises;
- Distribution of project information in both full format (project documents, assessment reports, etc.), simplified formats such as posters and brochures, and audio-visual material using local languages;
- Identification of contact persons within the communities (some training may be appropriate to enhance their ability to engage meaningfully in the consultation process);
- Involvement of the affected ethnic groups, Ethnic Minority Organizations (EMOs) if any, and other local civil society organizations (CSOs) identified by the ethnic groups; and
- Opportunities for consultation at each stage of project preparation and implementation.

## **6.4 PREPARATION OF AN ETHNIC GROUP ENGAGEMENT PLAN**

According to the World Bank OP/BP 4.10, when screening indicates that ethnic groups are likely to be present, the findings from the SIA and free, prior and informed consultation process will be used by the designated implementing agency to prepare an Ethnic Group Engagement Plan (EGEP) for the specific sub-project affecting ethnic groups. The EGEP will establish the measures through which the borrower will ensure that (a) ethnic groups affected by the project receive culturally appropriate social and economic benefits; and (b) when potential adverse effects on ethnic groups are identified, those adverse effects are prevented (avoided), minimized, mitigated, or compensated. The EGEP should be prepared in a flexible and pragmatic manner, and its level of detail will vary depending on the specific project and the nature of effects to be addressed. The borrower integrates the EGEP into the project design.

Where required, an EGEP should include the following elements, as needed (proportional to the scope, benefits, impacts and risks of the sub-project):

- a) Sub-Project description and summary description of issues relating to ethnic groups;
- b) A summary of the legal and institutional framework applicable to ethnic groups;

- c) A summary of the social assessment including baseline information on the demographic, social, cultural, and political characteristics of the affected ethnic groups, the land and territories that they have traditionally owned or customarily used or occupied, and the natural resources on which they depend;
- d) A summary of the results of the free, prior and informed consultation with the affected ethnic groups that led to broad community support for the sub-project;
- e) A framework to ensure free, prior, and informed consultation with the affected ethnic groups during the implementation of sub-project activities;
- f) Measures to ensure that the affected ethnic groups receive social and economic benefits that are culturally appropriate;
- g) A description of the institutional arrangements for the implementation of the EGEP;
- h) Measures to avoid, minimize, mitigate, or compensate for adverse effects;
- i) The cost estimates and financing plan for the EGEP;
- j) Grievance redress mechanisms accessible to the affected ethnic groups; and
- k) Monitoring, evaluating and reporting on the implementation of the EGEP, along with specific monitoring indicators (disaggregated by ethnicity).

## **7.0 IMPLEMENTATION ARRANGEMENTS**

The DOW MPWT with technical assistance and support from EDPD/PTRI is responsible for management of public works, urban development, and land and water transport, including management of domestic water supply and sanitation in urban areas. It is a relatively large ministry comprised of key departments and institutes, namely, the Department of Road (DoR), the DOW, the Department of Urban Development, among others. The DOW is responsible for riverbank protection and flood, port and navigation channels, waterways transport, inspection division and technical divisions. The Lao PDR DRM Project: Additional Financing will be implemented by a PMU and the Technical Division which will be responsible for planning and supervision of safeguards measures performance and compliance and related activities. The DOW PMU will be responsible for establishment of mutually agreed environmental and social safeguards procedures, supervision and training of safeguards for MPWT.

The Lao PDR DRM Project: Additional Financing will be implemented following GoL processes. MPWT will be the PMU through the DOW with technical assistance and support from the Environmental Research and Disaster Protection Division of the Public Works and Transport Institute (EDPD/PTRI). Overall management and coordination will be the domain of the Department of Planning and Cooperation (DoPC). The DOW will be responsible for planning and implementation of urban flood risk management related activities falling under the project Components 1, 2 and 3 through a dedicated project, namely, the project established with a mandate to coordinate an

urban flood risk management plan at central and local levels. The DOW will work in close coordination with and provide technical support to the Department of Public Works and Transportation (DPWT) Waterway Sector in the Provinces of Oudomxay, Luang Prabang and Borikhamxay with conducting the works and supervision. The DPWT Waterway Sector in the Provinces will establish a Project Implementation Unit (PIU) responsible for implementation and monitoring of environmental and social safeguards. The DOW will also be responsible for implementation of an urban flood risk management safety program to be implemented under the Lao PDR Project.

Depending upon training and professional experience in environmental and social safeguards implementation and monitoring, it is likely that DOW and cooperating department staff will require additional training and support. They should be supported by a technical assistance consultant team that will assist in the implementation of the ESMF requirements while building staff capacity to address safeguards issues. Table 2 presents key PMU and cooperating subnational government responsibilities at different stages of the project life cycle, particularly if it relates to ethnic groups.

The DOW PMU (under MPWT) will clarify tasks and responsibilities regarding implementation of the urban disaster risk management sub-project. The DOW will review screening reports prepared by the local DPWT PIU and prepare draft terms of reference for an environmental and social management plan (ESMP) and requirements to prepare an abbreviated Resettlement Action Plan (ARAP), if applicable, and EGEP, as necessary. The ESMP and planning documents (i.e., ARAP and EGEP) will be shared with stakeholders during consultations. Issues and observations noted from the consultations will be incorporated. The World Bank should review safeguard instruments prior to public disclosure.

The project management component (Component 3) of the Lao PDR DRM Project will support the management and implementation of the sub-projects, covering institutional support and capacity development for project management, coordination, technical and safeguards aspects, including implementation of the EGEF and measures included in the EGEP, monitoring and evaluation, and reporting. The ESMF implementation cost will include the development of the specific site-specific safeguards instruments, including staff costs, travel, consultation workshops, translation and trainings. The total indicative cost reviewed by the World Bank and DOW is estimated at USD (see ESMF section 9.4).

**Table 2 Key responsibilities for ESMF implementation.**

Subproject cycle	EDPD of PTRI	DOW-PMU	DPWT (as subproject owner)-PIU
Screening	Advise applicants and other stakeholders about environmental and social safeguard procedures. Review the concept note/idea and screen for potential safeguard issues, and advise applicants regarding the nature and content of the safeguard documents and measures to be prepared.	Actively participate in the process with EDPD	<ul style="list-style-type: none"> <li>• Assess potential safeguard issues early in the preparation process, including screening for the presence of indigenous peoples.</li> <li>• Describe potential safeguard issues in the safeguard screening form to be attached to the sub-project proposal</li> </ul>
Preparation	Advise applicants on safeguard issues, as needed. Recruit environmental and social safeguard consultants to support the preparation, implementation and monitoring of safeguard documents (such as ESMP, EGEP, ARAP).	Actively participate in the process with EDPD	<ul style="list-style-type: none"> <li>• Undertake safeguard preparation actions as required, such as consultations with local communities and/or collection of data.</li> <li>• Design safeguard measures and prepare documents,</li> </ul>

			<p>such as an ESMP/EMP, EGEP, etc. as agreed with EDPD/DOW. If applicable, disclose draft safeguard documents with the sub-project proposal to affected communities prior to final review of proposal by the EDPD/DOW.</p>
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	<ul style="list-style-type: none"> <li>• Review sub-project proposals for safeguard impacts and social risks.</li> <li>• Assess the adequacy and feasibility of safeguard assessment and consultation process. If needed, request further steps</li> <li>• Assess the adequacy and feasibility of safeguard measures and documents. If needed, request appropriate changes to these and reassess prior to final approval. If the Ethnic Group equivalent to WB OP 4.10) are affected, ascertain that they have provided their free, prior and informed consent to sub-project activities affecting them.</li> <li>• If applicable, publicly disclose safeguard related information on the website after sub-project approval</li> </ul>	Actively participate in the process with EDPD	<ul style="list-style-type: none"> <li>• Submit sub-project proposal with safeguard measures and documents as agreed. If requested by the EDPD/DOW takes additional steps to meet ESMF and safeguard policy provisions. Re-submit proposal with revised safeguard measures and documents, as needed. All national and local legislation and regulations will be complied with.</li> </ul>
Implementation	<ul style="list-style-type: none"> <li>• Supervise and review safeguard documents and issues during sub-project implementation. If needed, request changes to safeguard measures.</li> </ul>	Actively participate in the process with EDPD	Disclose final safeguard documents, if any, to affected communities.

	<ul style="list-style-type: none"> <li>Review and approve Plan of Actions that are required to be prepared during implementation of sub-projects.</li> </ul>		
Evaluation	Ensure inclusion and review of environmental and social safeguard issues and outcomes in mid-term and final sub-project evaluation and reporting, including concerning any lessons learned on the sustainability of each sub-project	Actively participate in the process with EDPD	Monitor and document the implementation of safeguard measures. When the ethnic groups (equivalent to WB OP/BP4.10) are affected, include them in participatory implementation exercises. Evaluate the implementation and outcomes of safeguard measures. When the ethnic groups (equivalent to WB OP/BP4.11) are affected, include them in participatory evaluation exercises.

## 8.0 MONITORING AND EVALUATION ARRANGEMENTS

Monitoring is a key component of the environmental and social safeguards performance during project implementation. Monthly, quarterly- and semi-annual monitoring reports will be undertaken as per specific activities in order to:

- Improve environmental and social management practices;
- Ensure the efficiency and quality of the environmental and social assessment processes;
- Establish evidence- and results-based environmental and social assessment for the project; and
- Provide an opportunity to report the results of safeguards, impacts and proposed mitigation measures' implementation.

In regard to implementation of the proposed sub-projects, the DOW PMU will conduct monitoring activities during the feasibility studies and ESMPs/EGEP/ARAP/RAP to determine the extent to which mitigation measures are successfully implemented. Monitoring will focus on three key areas, including:

**(i) Compliance Monitoring:** To verify that the required mitigation measures are considered and implemented. During the sub-project preparation phase, compliance monitoring activities will focus on ensuring effective ESMF implementation and respect of procedures. The DOW PMU Environmental and Social Specialist staff will ensure that sub-project studies are properly and expeditiously conducted in compliance with GoL law and the World Bank regulations.

The feasibility studies will also include an assessment of the conditions for implementation of the ARAP and EGEP related activities;

- Grievances, especially those that have not yet been resolved at the local level and which may require resolution at the higher levels as initially determined in the ESMF;
- Document completion of project resettlement and compensation if these are applicable, including for all permanent and temporary losses;
- Evaluation of the quality of compensation or other relevant mitigation measures that would be applied in accordance with the requirements of the potential future investment projects that have been initially identified, including impacts on livelihoods; and
- Mitigation measures when there are significant changes in the indicators that may require strategic interventions, for example, if different populations (ethnic peoples and vulnerable groups – women and female/male youth and children, the elderly and disabled, landless, and poor, etc.) are not receiving sufficient support from the potential sub-project.

During the implementation phase, compliance monitoring would include inspections during construction of the sub-project initiatives to verify the extent to which conditions based on which licenses are issued and adhered. The effective project construction, operational and decommissioning phase will be the full responsibility of MPWT and compliance monitoring ensured by MONRE.

**(ii) Impacts Monitoring:** Once the project is under implementation, monitoring of sub-project initiatives' impact mitigation measures should be the duty of the PMU. It

is expected that the environmental and social safeguards documents will be given to the contractors and the PMU will monitor to ensure that works are proceeding in accordance with the agreed (between GoL and the World Bank) mitigation measures.

Monitoring and evaluation of the social impacts will measure the following:

- Impacts on affected individuals, households and communities to be maintained at their pre-project standard of living, or better;
- Gender differentiated impacts to be avoided, minimized or addressed;
- Improvement of communities affected by the project to at least pre-project level; and
- Management of disputes or conflicts.

In order to measure these impacts, the pre-feasibility studies will identify:

- Specific indicators to be monitored with gender disaggregated data;
- Define how indicators will be measured on a regular basis; and
- Identify key monitoring milestones (e.g., at mid-point of the ARAP implementation process, if applicable).

**(iii) Cumulative Impacts Monitoring:** Impacts of the sub-projects on the environmental and social resources in the Provinces will also be monitored in consideration of other developments which might be established.

In order to ensure IP are engaged in the monitoring and evaluation process, a monitoring group will be established within the affected ethnic group community. The composition of this committee will be subject to a process of free, prior and informed consultation and will build on the unique decision making structures of individual ethnic group communities, as well as requirements for gender and intergenerational balance. These monitoring groups will review the environmental and social monitoring reports described above.

## **9.0 GRIEVANCE REDRESS MECHANISM**

The PMU DOW MPWT will establish a grievance redress committee within the affected ethnic group community, as well as at district or provincial level. These committees will receive, evaluate and facilitate the resolution of concerns, complaints and grievances emanating from within the ethnic group community. Grievance redress committees would be comprised of representatives of ethnic group community leaders, and independent civil society organizations (non-profit associations and CBOs) in addition to representatives from village and district levels, and PMU and PIU authorities. The grievance redress committees will function, for the benefit of the members of the ethnic group community, during the entire life of the sub-projects, including the defects liability period.

Consultation with members of the affected ethnic group community will take place early in the process of the project planning. Prior to sub-project commencement, community leaders will consult with members of the affected community and the whole process is to be well documented.

All complaints and grievances will be received in writing, or if given verbally then written at the same time and place, members of the affected ethnic group community and duly recorded by each level of the grievance redress process (community, district, provincial). A template or form could be developed that is easy to understand and to fill in for anyone who wishes to issue a complaint. Members of affected ethnic group communities will be exempted from all administrative and legal fees incurred pursuant to the grievance redress procedures. Grievances related to any aspect of the proposed sub-projects will be dealt with through negotiations with the ultimate aim of reaching a consensus. Grievance redress procedures aim to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns linked to the sub-projects. These grievance redress procedures are not meant to circumvent the government's inbuilt redress process, nor provisions of the national laws, but rather to address members of ethnic group communities' concerns and complaints promptly, making it readily accessible to all segments of ethnic group communities and scaled to the risks and impacts of the sub-projects.

The EGEP will establish the means for members of affected ethnic group communities to bring complaints to the attention of relevant project authorities. Grievance procedures should include reasonable performance standards, including time required to respond to complaints and should be provided without charge to those displaced persons. The EGEP should also state other avenues available to aggrieved persons if the project-related procedures fail to resolve complaints.

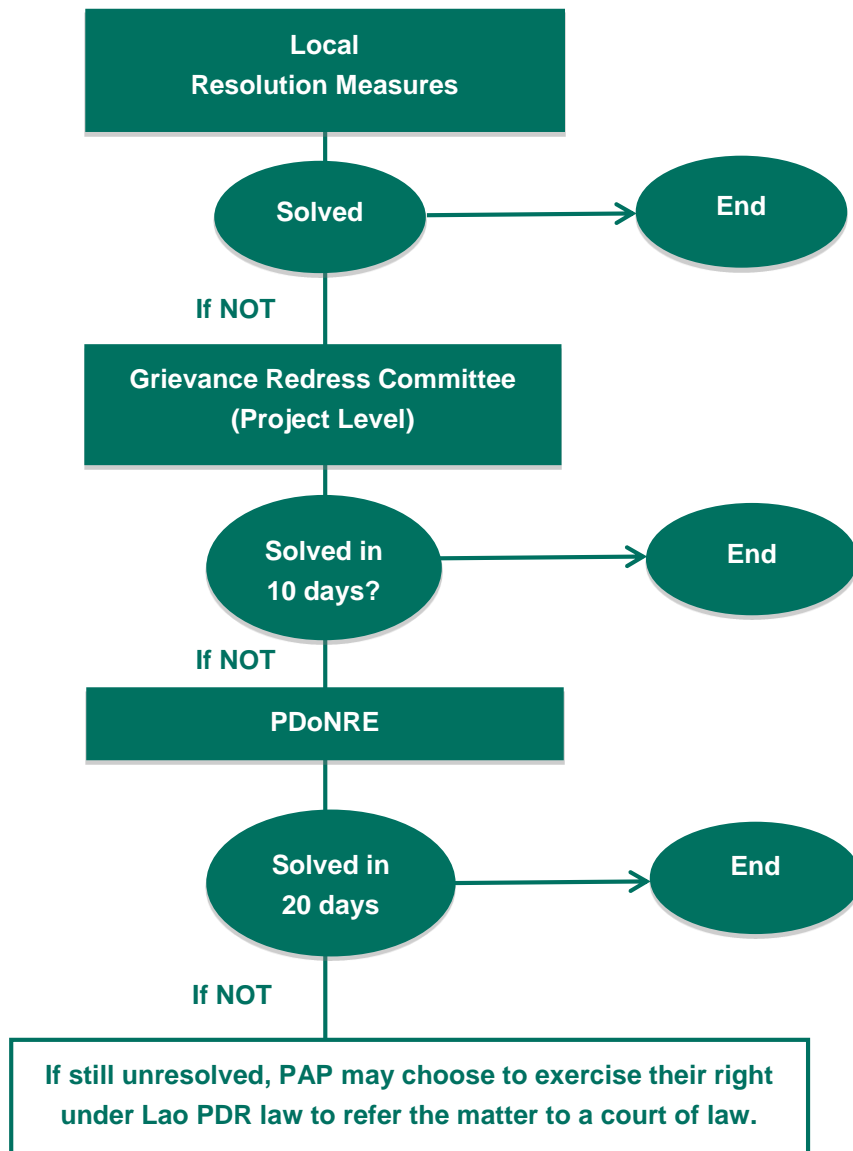
The ESMF contains details on the grievance redress mechanism for the project. Grievances related to environmental and social issues from directly or indirectly affected ethnic groups as a result of implementation of sub-projects will be resolved by the Grievance Redress Committee (GRC) through the project grievance redress mechanism presented in Figure 1.

However, the complainant also retains the right to bypass this procedure and can address a grievance directly to the Provincial DPTW PIU office or the national assembly, as provided by law in Lao PDR. At each level grievance details, discussions and outcomes will be documented and recorded in a grievance logbook. The status of grievances submitted and grievance redress will be reported to Provincial DPWT Waterway sector management through the monthly report. In order to effectively and quickly resolve grievances PAP and PAH may have, the following process will be applied:

- Stage 1: if members of ethnic group communities are not satisfied with the resettlement plan or its implementation, they can issue a verbal or written complaint to the district or provincial grievance redress committee

- Stage 2: if members of the ethnic group community are not satisfied with the result in Step 1, they can file an appeal with the grievance redress committee at the project level;
- Stage 3: if they are not satisfied with the result of Step 2, they can file an appeal with the Provincial Department of Natural Resources and Environment (PoNRE) for administrative arbitration after receiving the decision made by the Project level Grievance Redress Committee. The administrative arbitration organization should make the arbitrated decision within 20 days; and
- Stage 4: if they are still unsatisfied with the arbitrated decision made by the administrative arbitration organization, after receiving the arbitrated decision, they can file a lawsuit in a civil court according to the relevant laws and regulations in Lao PDR.

Figure 1 GRM process



Members of ethnic group communities can make a complaint or appeal on any and all aspects of sub-projects' design and implementation. A complaint and grievance feedback form will be developed under the project and made available at provincial capital of Oudomxay, Luang Prabang, Borikhamxay, and vicinity, including in ethnic group communities, for use by community members to raise complaints or grievances. Ethnic group community members will be clearly informed of the complaint and appeal channels described above through community meetings and other forms of communication. Information and communications technology and media tools should be used to disseminate information. Opinions and suggestions on resettlement provided by concerned people and organizations should be documented and resettlement organizations, at various levels, should study and address any issue in a timely manner.

The organizations addressing the community level complaint and appeal process shall not charge any fee. Any expenses incurred due to complaint and appeal should be paid as unexpected expenses by the PMU or relevant PIUs.

## **10.0 DISCLOSURE ARRANGEMENTS FOR ETHNIC GROUPS TO BE PREPARED UNDER THE EGEF**

The OP/BP 4.10 requires that the borrower disseminates the SIA report and draft EGEF to the affected ethnic groups using culturally appropriate methods and locations. In the case of an EGEF, the document is disseminated using EMOs at the appropriate national, regional, and local levels to reach ethnic groups who are likely to be affected by the project. Where EMOs do not exist, the document may be disseminated using other CSOs as appropriate. At the local level, the SIA report and draft EGEF will be disclosed and disseminated in a public meeting, held in a location and language, and at a time, appropriate to the members of the affected ethnic group community.

Before sub-project approval, the borrower must send the SIA and draft EGEF to the World Bank for review. If the World Bank determines that the documents are acceptable for project appraisal, the Bank makes them available to the public in accordance with The World Bank Policy on Access to Information, and the borrower makes them available to the affected ethnic groups in the same manner as the earlier draft documents.

A Consultation meetings and Disclosure of the Project and the Safeguard documents were conducted both in Luang Prabang Province on 15-16 August 2019 and Borikhamxay Province on 20-21 August 2019 with the Project Team composed of the Department of Water-Ministry of Public Work and Transport and the support from the EDPD/PTRI. (Please see attached Minutes of Consultation Meeting for the provinces of Luang Prabang Province, and Borikhamxay).

The draft EGEF together with ESMF and RPF were disclosed (in English) in the MPWT website and the World Bank Website on 12 August 2019. Nevertheless, a brief and reader friendly information leaflet was prepared in Lao language and

distributed to PAHs/PAPs and other concerned stakeholders in hard copy two weeks before the consultation in the two project target provinces. The information leaflet provides information on the project, potential impacts, mitigation measures, safeguard policy frameworks, implementation arrangements and GRM. The final ESMF, RPF and EGEF was re-disclosed in the country (in both local language and in English) on September 16, 2019 and on the World Bank Website on September 18 2019 before appraisal.



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## **Appendix A1**

### **Summary of Minutes of Consultation Meetings in the Provinces of Luang Prabang and Borikhamxay**

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would be applied in order to minimize, if unavoidable, adverse environmental and social impacts of LDRM AF Project supported subprojects and activities. It also ensures that environmental and social issues are duly evaluated in decision-making, planning, implementation and monitoring and evaluation. The framework is also to reduce and manage possible risks arising from the project and provides a mechanism for consultation and disclosure of information among various stakeholders.

It was also emphasized that the legal framework of Lao PDR and the World Bank constitutes the safeguard policies of the LDRM AF Project being implemented by the Ministry of Public Works and Transport (MPWT).

The Project team explained that the objectives of the LDRM AF Project ESMF are: (a) to discuss and review with various stakeholders adequate guidance for effectively addressing social safeguard design and implementation of LDRM AF Project subprojects; (b) for LDRM AF Project to adopt a community-participatory approach in developing and implementing subprojects by encouraging participation among target communities and affected persons; (c) to improve appraisal and safeguard compliance for the duration of the project; and (d) to protect and support indigenous/ethnic groups or vulnerable groups; minimize displacement of people; and ensure compensation of affected persons where involuntary resettlement is unavoidable.

In addition, the Project team also presented the Ethnic Groups Engagement Framework (EGEF) and the Resettlement Policy Framework (RPF) under the LDRM AF Project.

During the 1<sup>st</sup> day of the consultation, a total of 22 project staff, departments and relevance offices involved with five women attended. The 2<sup>nd</sup> day, total of 33 participants and 14 women in the villages in the project areas.

### **3. Topics and Discussions:**

- Presentation of the Project Objectives and goals of the LDRM Project: AF
- Presentation of the Environmental and Social Management Framework (ESMF) and budgetary requirement
- Presentation of the Resettlement and Policy framework (RPF)
  - + The team conducted initial survey of the affected people for the proposed project
  - + Develop a resettlement map and compensation with budget
    - Set unit price
    - Generate replacement data for each family
    - Procedures and methods of compensation
    - Proposal and resolution of complaints
    - Establishment of committees in the village, district, provincial, and central
- Presentation of the Ethnic Group Engagement Framework (EGEF)
- Discussion on the Compensation, relocation and livelihood restoration based on the EMSF for the LDRM AF Project for affected households and vulnerable groups

- Discussed possible occupation or job opportunities in the community during project implementation
- Discussed the extent of information acquired by the participants regarding the objective of the project prior to the consultation meetings and its source of information
- Discussed the Lao Women's Union involvement and participation on similar projects. If yes, their role and responsibilities during project implementation Discussed positive and negative environmental and social impact of the proposed project and concerns and issues of the stakeholders and affected households
- Discussed issues and concerns of the ethnic group and proposed mitigating measures

#### **4. Results of the Discussion During the consultation Meetings**

- The representative from the Department of Natural Resources and Environment (DONRE) informed the Project team that the housing structures along the river were issued land titles within 15 meters from the river but the management of the lands along the river are under the management of the district thru collection of land taxes. However, these lands only have land use certificates. In the past, the province was given notice to utilize the riverbank for any infrastructure investments however, the provincial government has no budget for any compensation or relocation for affected households or persons.
- The participants also informed the Project team that most of the ethnic groups living or residing along the river banks of the proposed project are mainly the lower Lao.
- The representative of the Provincial Tourism Office recommended to the Project team that a summary of the impacts among the affected people be presented and evaluated to include minutes of the meeting or signed agreement with the land owner or affected persons to avoid conflict in the future or during implementation. The village leaders should be witness for any meetings or agreements
- The participants supports the proposed construction of erosion protection on Khan river along the Mekong river for the safety and comfortability of local communities and tourists to explore and appreciate the view of the Mekong river.
- The representative from Heritage Management Office highlighted the requirement for an heritage impact assessment or study for projects located within the coverage Heritage Management Area in order to avoid any negative impacts on the area, this includes an Environmental impact assessment of the proposed project. It was also advised to appoint a coordinating committee at each level to facilitate collaboration for every phase of the project
- Some of the participants raised their concern the negative impact on people's existing livelihood along the river banks during actual construction and will have an affect on their daily income.

- The Project team informed the participants, particularly the representative from the Lao Women's Union who raised the issue on proper and reasonable compensation to affected persons that all compensation will be based on current market price
- The Provincial Lao women's union also explained the importance of community participation in the project from planning, implementation and monitoring in order to ensure transparency and ownership
- Representative from some of the participants raised the issue and concern during construction in Khelue village with regards to the delivery of construction materials into the construction site because some delivery trucks or heavy equipment are not allowed to access the small roads; and construction at night is not allowed because of possible disturbance or noise, which might also have accidents if safety is not required. The Project team informed the participants that Environmental Health and Safety measures are included in the contracts for any civil works as indicated in the ESMF and also inclusion of the Code of Conduct (COC) on Sexual Exploitation and Abuse (SEA)-Gender-based Violence (GBV) or Violence Against Women and Girls (VAWG) on ALL contracts.

## 5. Information Gathered during the Interviews and Discussion with communities with the target villages

- **Representative from Amphay village** agree and supports the project because no negative impact among the community, however, suggested that design should consider the possible impact on the environment and must have a strict rules during construction management.
- **Representative of Muen Na Village:** Supports and agree on the proposed construction for an erosion protection on the river bank from Ah Phay to MurnNa villages (old bridge) similar to the completed river protection in Phanluang village which is opposite the MurnNa village.
- **Representative of Phanluang village:** Support and agree with other proposed villages, but would like to propose a project demarcation plan to be prepared since it is along the river bank . Also proposed an additional construction of erosion control in the area in front of Wat Phon Sa Aat temple to the estuary of Houay Kang since there were occurrence of erosion in the past.
- **Representative of Xiengthong village:** Supports the project however, proposed to construct from the river banks down Wat Xieng Thong (along the Mekong river) because many erosion cases in the area.
- **Representative of Wat Luang :** Villagers agree and supports the project with the construction of the floodgate.
- **Representation of Wat Luang village: Villagers agree and support the Project, however** proposed for an additional construction of erosion river bank in the estuary of Huayhope. In the past, many cases of erosion at the zone of Wat Phabaat area particularly in the houses of the villagers down to the river.

## 6. Comments of participants from the Women's Union in the villages involved in the project

- The Lao Women's Union of Luang Prabang capital was unaware of the disaster risk management project, however, with the consultation meeting and disclosure of the Project, they expressed their support and willingness to participate and involve during project implementation.
- The LWU raised also the main problem in the Luang Prabang town is the dumping of waste and urban wastewater and the flood problems every year
- The LWU appreciate that the government plan for the construction of river bank protection, water pollution control, and improvement of the river view which would serve as a trading point for people living along the banks of the Khan River and the Mekong River.

## 7. Next Steps and Suggestions

- To conduct data collection of river banks land to support the additional project.
- Village leaders and participants to continue with the dissemination of the project to their respective villages and community
- Disclosure of the Safeguard Documents at the World Bank website and MPWT website
- Translation of the Safeguard documents into the Lao language
- Distribution of the Safeguard Documents (English and Lao version) to the stakeholders in the Province
- Involvement of Lao Front for National Development (LFND) and Lao Women's Union during project implementation of LDRM AF Project

Attachment A: Signed Attendance Sheet or Registration Form

Attachment B: Photos



LAO PEOPLE'S DEMOCRATIC REPUBLIC

Ministry of Public Work and Transport  
Provincial Department of Public and Transport

## **Minutes of Consultation Meetings and Disclosure**

On the Safeguard Documents for the Lao PDR Disaster Risk Management Project:  
Additional Financing

Borikhamxay Province , August 20-21, 2019

### **1. Project Background:**

The South East Asia Disaster Risk Management Project for Lao PDR (Lao-DRM or the Project) is being implemented with financing from the World Bank (WB) with an aim to reduce the risk of flooding and enhance disaster risk financing capacity of Lao PDR. The Project was approved on July 6, 2017 and became effective on 11 October, 2017, with a commitment amount of US\$30 million. The Project Development Objective (PDO) is to reduce the impacts of flooding in Muang Xay of Oudomxay (ODX) Province and enhance capacity of the Government of Lao PDR (GoL) to provide hydro-meteorological services and disaster response.

In 2018, Lao PDR experienced widespread floods, which significantly impacted its people and economy. To help reduce the financing gap and augment the response efforts, additional financing (AF) of about \$25 million is being proposed for Component 1 to implement similar activities in 2 additional provinces i.e. Luang Phabang (LPB) and Borikhamxay (BKX).

### **2. Objective of Consultation:**

The Department of Environment Research and Disaster Prevention of the Institute of Public Works and Transport together with the Department of Waterways (DOW) (The Project team) conducted a public consultation and disclosure on the Environment and Social Management Framework (ESMF), Resettlement Planning Framework (RPF) and the Ethnic Groups Engagement Framework (EGEF) for the Disaster Risk Management Project for Lao PDR: Additional Financing (LDRM AF Project) was held Borikhamxay Provincial Department of Public Works and Transport on August 20-21, 2019.

The presentation aimed to inform the participants thru consultation meetings, individual interviews during transect-walks on the objectives and application of the ESMF under the Lao PDR Disaster Risk Management Project Additional Financing. It is the purpose of the ESMF to provide overall guidelines and procedures that would be applied in order to minimize, if unavoidable, adverse environmental and social impacts of LDRM AF Project supported subprojects and activities. It also ensures that environmental and social issues are duly evaluated in decision-making, planning, implementation and monitoring and evaluation. The framework is also to reduce and manage possible risks arising from the project and provides a mechanism for consultation and disclosure of information among various stakeholders.

It was also emphasized that the legal framework of Lao PDR and the World Bank constitutes the safeguard policies of the LDRM AF Project being implemented by the Ministry of Public Works and Transport (MPWT).

The Project team explained that the objectives of the LDRM AF Project ESMF are: (a) to discuss and review with various stakeholders adequate guidance for effectively addressing social safeguard design and implementation of LDRM AF Project subprojects; (b) for LDRM AF Project to adopt a community-participatory approach in developing and implementing subprojects by encouraging participation among target communities and affected persons; (c) to improve appraisal and safeguard compliance for the duration of the project; and (d) to protect and support indigenous/ethnic groups or vulnerable groups; minimize displacement of people; and ensure compensation of affected persons where involuntary resettlement is unavoidable.

In addition, the Project team also presented the Ethnic Groups Engagement Framework (EGEF) and the Resettlement Policy Framework (RPF) under the LDRM AF Project.

A total of 44 participants and women 10 project staff, departments and relevance offices involved with five women attended. Day 2 a total of 25 participants and 16 women in the villages in the project area.

### **3. Topics and Discussion:**

- Presentation of the Project Objectives and goals of the LDRM Project: AF
- Presentation of the Environmental and Social Management Framework (ESMF) and budgetary requirement
- Presentation of the Resettlement and Policy framework (RPF)
  - + The team conducted initial survey of the affected people for the proposed project
  - + Develop a resettlement map and compensation with budget
    - Set unit price
    - Generate replacement data for each family
    - Procedures and methods of compensation
    - Proposal and resolution of complaints
    - Establishment of committees in the village, district, provincial, and central
- Presentation of the Ethnic Group Engagement Framework (EGEF)
- Discussion on the Compensation, relocation and livelihood restoration based on the EMSF for the LDRM AF Project for affected households and vulnerable groups
- Discussed possible occupation or job opportunities in the community during project implementation
- Discussed the extent of information acquired by the participants regarding the objective of the project prior to the consultation meetings and its source of information



- Discussed the Lao Women’s Union involvement and participation on similar projects. If yes, their role and responsibilities during project implementation Discussed positive and negative environmental and social impact of the proposed project and concerns and issues of the stakeholders and affected households
- Discussed issues and concerns of the ethnic group and proposed mitigating measures

#### **4. Results of Discussions during the consultation meetings**

- The representative of the Lao Women’s Union from Paksan district expressed their support for the Project due to its positive impact to the target village and community in order to prevent flooding
- According to most of the participants, the proposed floodgate will have a long-term benefit to prevent damages to their properties and lands.
- Some of the representatives raised also concerns about the previous projects implemented in their province because there were no grievance set-up or established and communities were not aware of the previous projects
- The participants requested that the Project should provide more details on the establishment and membership of a Resettlement or Compensation committee and Grievance Committee from the government institutions involved in the relocation and compensation work, wherein the community may also be involved and participate during implementation and monitoring and assist in the resolution for any issues and concerns that may be encountered the project.
- The Provincial Lao Women’s Union who were involved in the ADB’s project and member of the Project’s Provincial Steering Committee commented that the project should immersed deeper in the grassroots in order to gather a more realistic information on the status of the relocation or other compensations required by the Project
- The women participants also requested that the Project should provide alternative livelihood or other job opportunities to women in case they will be affected by the project implementation
- Representatives from the Paksan Urban Development office requested a budget for allowance or cost for expenditure for the staff involved in the implementation of the Project, particularly for those involve in the resolution of possible grievances from the community.
- The participants were informed that compensation for relocation, acquisition of land and other assets will be based on current market value and any no construction will be done in the protected area
- The Chief of the district office in Pakxan agreed and supported that protection of the riverbank require budget for its construction and renovation
- Some of the participants suggested that the Project must also consider construction of a relief center or temporary relocation during flooding or any disaster in the province

- The Project team highlighted the process of engaging potential project affected people (PAP) comprised of, among others, ethnic groups, and the process of free, prior and informed consent (FPIC), in development and implementation of sub-projects
- All the participants raised their hands expressing support to the proposed LDRM AF Project because it would benefit their Province and communities always affected by flooding. The participants are now fully aware that the Project has safeguard documents that would protect the community from possible negative environmental and social impacts that may cause by the project implementation and a grievance mechanism will be established from village level upto the National level.

#### **4.1. Information Gathered during the Interviews and Discussion with communities with the target villages**

- The participants from the villages were not aware of the LDRM- AF Project of the World Bank but appreciated that the team conducted the consultation meeting before any implementation or construction.
- Most of the interviewed members of the communities agreed for a 100% protection of from flooding by rehabilitation or construction of floodgates in Pakpeung village
- The flooding in most of the areas took about two months for the water to subside. Many productive lands, crops and even livestock are always affected that caused damages to the communities
- The interview also learned that all existing floodgates and its surroundings are most public-owned land. Based on the observation of some of the individual interviewed, the existing floodgates are small and no system to close and open the gates. These existing gates needs improvement or rehabilitation and only three gates are inadequate to block water and three additional gates are required in Houay Nam Melook, Houay Nam song Melook and Houay NangNy.
- **Based on the randome interviews and transect walks done by the Project team, the following were observed:**
  - **Representative of Phonsi village:** This village is located on the banks of the Mekong River. It is a small village that always been affected by flooding during heavy rains. The Namsan flooding has affected to the Houay Nei River which had affected 150 families in 2018.
  - **Pakxanh Nuea Village:** Although, this village is not affected by flooding, the provincial government has instruction thru a signing of agreement with the villagers that huts (house) and shops are not allowed to be constructed near the riverbanks
  - Observed that some villagers have fish cages along the Mekong river

- **Nonsa at village:** Suggested that a system must be set-up by the government for opening and closing of the gates during heavy rains.

#### **4.2. Comments of participants from the Women's Union in the villages involved in the project**

- Proposed to conduct vocational training on livestock and agriculture for flood-affected people
- Suggested that representative from Lao Women's Union participate and involve in the monitoring and assist in the resolution of any grievance from the villagers.

#### **5. Next Steps and Suggestions**

- To conduct data collection of river banks land to support the additional project.
- Village leaders and participants to continue with the dissemination of the project to their respective villages and community
- Disclosure of the Safeguard Documents at the World Bank website and MPWT website
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