



# Concept Environmental and Social Review Summary

## Concept Stage

### **(ESRS Concept Stage)**

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**BASIC INFORMATION**

**A. Basic Project Data**

Country	Region	Project ID	Parent Project ID (if any)
Lao People's Democratic Republic	EAST ASIA AND PACIFIC	P169669	
Project Name	Enhancing Systematic Land Registration Project		
Practice Area (Lead)	Financing Instrument	Estimated Appraisal Date	Estimated Board Date
Urban, Resilience and Land	Investment Project Financing	4/2/2020	7/1/2020
Borrower(s)	Implementing Agency(ies)		
Ministry of Natural Resources and Environment	Ministry of Natural Resources and Environment		

Proposed Development Objective(s)

The objective of the project is to support the Government of Lao PDR in scaling up systematic land registration and improving delivery of land administration services.

Financing (in USD Million)	Amount
<b>Total Project Cost</b>	<b>25.00</b>

**B. Is the project being prepared in a Situation of Urgent Need of Assistance or Capacity Constraints, as per Bank IPF Policy, para. 12?**

No

**C. Summary Description of Proposed Project [including overview of Country, Sectoral & Institutional Contexts and Relationship to CPF]**

The proposed project aims to support the issuance of approximately 1.2 million titles by 2025 while simultaneously establishing a unified land administration system in Lao PDR.

The project will have four components as follows:

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Component A: Systematic Registration of Land Rights. This component will support: (i) public awareness raising and community participation, (ii) densification of the geodetic network (CORS system, see below); (iii) training; and (iv) systematic land titling in the project's target provinces. It will also support upgrading and further development of LaoLandReg software module for systematic registration in coordination with the on-going work that is supported by GIZ.

Component B: Modernization of the Land Administration and Service Delivery. This component will focus on improving the quality and speed in provincial and district offices for registering transactions. It will focus on improving customer services, increasing public awareness and the use of the system in order to encourage the land market and mortgage market to develop. The project will support further development of information systems in cooperation with GIZ who are developing the software LaoLandReg, digitizing existing archives and records, improving business processes, making the registration system more sustainable in the long term and establishing land service centers that will make the whole system more accessible to the public.

Component C: Policy and Legal Framework. This component will support further development of the land policies, laws and the regulatory frameworks. The development of specific studies and policies, such as delimitation and administration of state land property, registration of customary and communal land rights and land valuation and taxation. This will be based on specific social and environmental studies undertaken as part of the project. The link and coordination with other government agencies, such as the Ministry of Finance responsible for collecting land taxes, will be an integral part of this component. It will also support the development of other policy areas as they arise during project implementation.

Component D: Support for project management, monitoring, and evaluation. The aim was to support overall project implementation by strengthening capacities in project management and monitoring and evaluation (M&E). It included preparation and delivery of training and capacity building programs at all levels.

#### **D. Environmental and Social Overview**

D.1. Project location(s) and salient characteristics relevant to the ES assessment [geographic, environmental, social]  
The project is nationwide in scope. Almost 1.2 million of total 3 to 3.5 land parcels mostly in urban areas have been registered over the last 20 years. The Government of Laos (GOL) has a target of achieving a further 1.2 million parcels by the end of 2025. There are currently about 600 people working on the current land registration program funded by the GOL and to achieve the 2025 target, about 400 additional staff will likely need to be recruited.

The objective of this project is to support GOL in scaling up systematic land registration and improving delivery of land administration services.

The project activities will be primarily implemented in rural areas, but in some urban and peri-urban areas as well. The provinces to be targeted in the project will be chosen at a later date in cooperation with the Ministry of Natural Resources and Environment (MONRE), but initial project activities (to be funded under a Project Preparation Advance – PPA) will be carried out in Vientiane Capital Center (5 districts) and two Southern provinces: Khammouane (3 districts) and Savannakhet (7 districts).



The majority of rural people in Lao PDR use and inherit land of various categories (residential, agriculture, livestock, forest land) from generation to generation. Where land registration has been conducted, a land-use certificate (for State Land) and land title certificate (for Private Land) is issued to the land users. The land users are authorized to sell their land by transfer of their land-use right to others. Land title and land-use certificates are commonly used for mortgages and guarantee to access finance from banks and microfinance institutions as well as individual lenders. Informal use on state-allocated land occurs across the country and often involves socially vulnerable households located in rural areas, utilizing the land for traditional swidden agriculture and other livelihood practices.

Land titling and use registration programs have driven changes in land tenure in Laos in recent years, with the transition from customary to temporary and permanent land use rights triggering inequalities in land access between those with formal rights able to buy and sell land and those often more vulnerable households and communities with claims to land use enjoying varying degrees of official recognition. Formalization of land ownership involves technically challenging survey and engagement activities that are not always accepted by stakeholders or that produce inequitable results and can impact on customary land rights of local communities. The categorization of different types of agricultural and forest land is difficult to standardize and changing land use patterns that contradict official land categorization may further complicate registration. Overlapping tenure can also result from the granting of private sector tenements for exploration and development of land subject to existing informal local use. Track record demonstrating capacity of implementing agencies to undertake full environmental and social assessment of the impacts of such activities is limited. Programs that are not carefully managed and resourced risk leading to land grabs by influential investors and the displacement of vulnerable households.

Project activities may be carried out in rural areas in which ethnic groups with collective attachment to the area are present and in which biodiversity and living natural resources and cultural heritage may exist.

The National Assembly (NA) has recently approved (June 2019) a new Land Law and Forestry Law. In line with existing national laws and legislation (Resettlement and Occupation Law, 2018, Compensation and Resettlement Decree 84, 2016 and Agriculture Law -1998 being revised), the Land Law includes statements on recognition of customary land use of local community and land acquisition with appropriate compensation. However, further analysis will be required during project preparation to assess potential gaps

#### D. 2. Borrower's Institutional Capacity

The project will be implemented by the Department of Land (DOL) of MONRE at the national level, the Provincial Office of Natural Resources and Environment (PONRE) at the provincial level, and the District Office of Natural Resources and Environment (DONRE) at the district level. MONRE is the institutional partner for the project, as its agencies (e.g., DOL) are carrying out the systematic land registration process and are modernizing both land administration service delivery and land information databases as requested by the GOL to achieve the 2015 target.

MONRE, through its Department of Natural Resources and Environmental Policy (DNEP) and Natural Resources and Environmental Inspection Office (NREIO), is also the leading agency responsible for developing, disseminating and compliance monitoring of national safeguard legislation, including Environmental Impact Assessment (EIA) Decree (approved in 2019), Compensation and Resettlement Decree (revised 2016) and the Public Involvement Guideline (2012). DNEP and NREIO have received support through an ongoing Lao Environmental and Social Project II (LENSII, 2016-2021) to strengthen their capacity to carry out their above-stated tasks with a primary focus on hydropower, mining and infrastructure sectors. Their operational capabilities and practical experience on environmental and social



safeguards particularly in the land sector are still limited, so their technical capabilities in this area will need to be strengthened. Additional challenges include a lack of resources such as workforce, budget, and equipment.

The initial project activities to be financed by the PPA include relevant aspects related to environmental and social issues. The key ones are: (i) assessing ongoing land administration practices related to community awareness raising, surveying and mapping, adjudication, public displays, and registering titles and other transactions; (ii) assessing the status of land information systems including LaoLandReg and providing recommendations for systems enhancement; (iii) conducting the Social and Environment Assessments and Plans required by the project; (iv) developing strategies to enhance information and awareness programs for persons to be affected by land titling activities to begin under the subsequent project, including design of an enhanced website; (v) training for Ministry of Natural Resources (MONRE) staff and contractors on implementation of Environmental and Social Framework (ESF); or (vi) analyzing the legislative and regulatory framework in line with well-established land policy principles .

The PPA will finance training for MONRE staff and contractors for the preparation and implementation of the ESF aspects of this project. The project will also support inter-departmental coordination and collaboration between DOL and the other two critical departments of MONRE (DNEP and NREIO) to prepare and implement the environmental and social tools needed to address the ESS requirements.

## II. SCREENING OF POTENTIAL ENVIRONMENTAL AND SOCIAL (ES) RISKS AND IMPACTS

### A. Environmental and Social Risk Classification (ESRC)

High

#### Environmental Risk Rating

Substantial

A - type, location, sensitivity and scale of the Project including the physical considerations of the Project.

The project will support scaling up systematic land registration and improving delivery of land administration services. The project could finance small works for office facilities renovation for identified project provinces. The project will also finance titling land tenure rights in the project’s target provinces, which may include land parcels under agricultural cultivation located near forest areas. This could potentially facilitate in the long term development activities near or inside forest areas.

In the short term, the project will deploy over 1,000 people countrywide to support project land tenure activity implementation. 150 teams (7 people each) will stay in the villages during project implementation; therefore, solid waste generation and management could be an issue. The project will not support systematic land registration activities in forest or other protected areas and registration of State Land or demarcation of State or Forest Land boundaries. An Environmental and Social Commitment Plan (ESCP) and a Stakeholders Engagement Plan (SEP) will be developed prior to project appraisal, ensuring that appropriate measures and instruments will be developed and implemented to address all relevant ESSs once the PPA is approved prior to the start of any of the ground activities. For example, an Environmental Code of Practice (ECOP) to be developed before an office renovation civil work can be started under the proposed PPA, and a simple standard Waste Management Plan and Code of Conduct (a list of Do’s and Dont’s for preventing staff from involving in wildlife trade and consumption) should also be developed as part of ESMF before field activities under IPF can be taken place.



B - nature and magnitude of the potential environmental risks and impacts, the nature of the potential risks and impacts (e.g. whether they are irreversible, unprecedented or complex).

By nature of activities, the project is not expected to pose any direct negative impacts on local environment. However, as described under “A” above, land tenure rights under Component A of the project may include privately owned land parcels located near the forest areas which may create/facilitate a platform for future encroachment into the forest areas. The DOL will discuss and include in the title a note of use restriction of land parcels connected or closed to the boundary of Conservation, Protection and Production Forest Areas as defined under the Forestry Law. The information will also be obtained as part of the land database and would enable better regulatory oversight on development activities in this type of land. A simple standard Waste Management Plan will be developed and implemented during project period. An Environmental Code of Practice (ECOP) will also be developed and applied to small office renovation civil work.

C - capacity and commitment of the Borrower to manage risks and impacts in a manner consistent with the ESSs.

The project will be implemented by MONRE’s Department of Land (DOL), which was assessed to be weak in operational capacities and must be strengthened. The project will help to improve MONRE’s capacities through targeted trainings to assigned environmental and social staff to ensure that DOL has adequate capacity to prepare, implement and monitor all relevant ESSs.

D - other areas of risk that may be relevant.

No other relevant risks were identified.

**Social Risk Rating**

High

The social risk rating is classified as High. The project is expected to deliver a range of social benefits, including economic development and community livelihood improvements. However, the project activities have the potential to generate significant social impacts, direct and indirect, even if the support on systematic land registration activities will exclude forest, protected areas and customary /communal forms of tenure.

Direct risks and impacts expected from the systematic land registration process include unintended restrictions on access to land of other categories such as agricultural and livestock production land, natural and cultural resources resulting from these activities that may impact on natural resource-based livelihoods and tenure of vulnerable or marginal households, particularly women and ethnic minority groups. The project will likely support land registration activities in rural areas with multi-ethnic persons, households and groups present with collective attachment to the project area. Most of them are poor, who may have used the lands for years without having a clear legal status so they can be considered as an “illegal occupier” based on national regulations. In urban settings, there is the risk that the funded titling activities will fail to fairly compensate poor households and vulnerable economic activities which are encroaching urban plots. These potential adverse social impacts of the project, and the associated mitigation measures may also give rise to social conflict or harm to some sections of the affected households and communities.



This project will not support systematic land registration activities in forest or other protected areas (or registration of state land or demarcation of state and forest land boundaries) or of customary or communal forms of tenure because the current legal and institutional framework does not provide an adequate basis to do so. Leaving out of the project persons who would benefit from titling in forest areas and registering communal and customary tenure may produce its own social risk, such as increasing inequality, since such excluded informal land users are more likely to be socially and economically vulnerable. The feasibility of achieving the proposed exclusions so as to manage associated risks in a context of large-scale informal land use by vulnerable groups and ambiguity in formal boundaries between land use types will need to be assessed. The government (MONRE and MAF) will discuss the way forward addressing customary use right of forest land and land parcel located inside the forest areas that are not entitle for receiving land tenure right under the project.

Additional potential social risks and impacts are likely to result from: (i) the inability to register land in forest areas and to register customary and communal forms of tenure may negatively impact ethnic groups, minority and other vulnerable communities disproportionately, since excluding such communities from the benefits of land registration could worsen inequality; (ii) temporary labor influx of workers, mainly land registration staff and field surveyors in rural areas; (iii) risk of insufficient public information and awareness among the project's beneficiaries; (iv) weak system of grievance redress for land-related disputes; and (v) risk of exacerbating gender inequality if women's rights to land are not systematically protected, for example through joint titling.

It is expected that special attention will be needed to monitor and enforce compliance in the application of ESS5 (Land Acquisition, Restrictions on Land Use and Involuntary Resettlement) and ESS7 (Indigenous Peoples) due to the potential gaps between these standards against the new Land Law and other relevant national laws and regulations. Similar for ESS2 (Labor and Working Conditions) and ESS4 (Community Health and Safety) since temporary labor influx of workers is expected.

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## **B. Environment and Social Standards (ESSs) that Apply to the Activities Being Considered**

### **B.1. General Assessment**

#### **ESS1 Assessment and Management of Environmental and Social Risks and Impacts**

##### ***Overview of the relevance of the Standard for the Project:***

Considering the environmental risks and impacts identified when describing the risk rating, specific instruments will be prepared and implemented by the project:

- Small physical renovation and/or civil works. This type of work is a renovation to existing offices at the provincial and district levels to improve or provide more working space for staff. The impact could be related to disturbing others who are in the same or nearby offices during their working hour and noise and dust generated during construction work. ECOP, as part of the project's ESMF, will be developed and applied to the small civil work.
- Solid waste management. The project will deploy over 1,000 project personnel to support land tenure activity implementation, including civil servants and consultants assigned from MONRE, PONREs, and DONREs. A simple Standard Solid Waste Management Plan will be developed as part of the project's ESMF and implemented to limit a



generation and management of solid waste by reuse, recycle and proper disposal in a manner that is not harmful to human health and environment.

- For any land titles issued to land parcels connected or close to the boundary of Conservation, Protection and Production Forest Areas as defined under Forestry Law, a written agreement between the village authorities and/or individual households with the land management office (DONRE/PONRE) will be issued and enforced ensuring no future development and / or extension by landholders at any time into the nearby forest area. Also, DOL will discuss and include in the title a note of use restriction of land parcels connected or closed to the boundary of Conservation, Protection and Production Forest Areas as defined under Forestry Law. This information would thus become part of the land database and would enable better regulatory oversight on development activities in this type of land.
- A list of Do's and Dont's for preventing staff from participating in any form of wildlife trade and consumption will be developed as part of ESMF and applied to all project personnel while working in the villages particularly those which are near the forest and protected areas. A training on respective regulations will be provided prior to the field activity.

The success of this project in delivering socially inclusive benefits and minimizing exclusion will depend on ensuring meaningful and culturally-appropriated engagement and the establishment of effective site-specific GRMs that enable vulnerable groups to raise concerns associated with the equity and inclusiveness of the registration process. As is the case in all systematic land registration programs the project will include a process of administrative complaints for parties adversely affected by the project and all maps and registries will be publicly posted for feedback and complaints from community members.

Key social risks associated with the project is the potential for a poorly designed and managed registration activities to inadvertently compromise existing legitimate rights (including collective rights, subsidiary rights and the rights of women) or have other unintended consequences, particularly that cause displacement of, or restrict access to vulnerable land users. ESS1 requires a Social Legal and Institutional Assessment to be undertaken for projects with activities intended to confirm, regularize or determine land rights. This assessment will be part of the project's ESMF and should be undertaken prior to appraisal and prior to the selection of specific project locations in order to identify risks and impacts as well as appropriate design measures to minimize and mitigate impacts on poor and vulnerable groups, after appraisal and before beginning any field activity. The assessment should demonstrate that applicable laws and procedures, along with project design features (a) provide clear and adequate rules for the recognition of relevant land tenure rights; (b) establish fair criteria and functioning, transparent and participatory processes for resolving competing tenure claims; and (c) include genuine efforts to inform affected people about their rights and provide access to impartial advice.

The support on systematic land registration activities will focus on private lands excluding forest land, protected areas, and customary and communal forms of tenure. The project will not support registration of State Land or demarcation of State or Forest Land boundaries as well. Nevertheless, the land registration and titling activities funded by the project may cause unintended consequences like the restriction of access to land, livelihood and/or cultural resources upon which local people depend impacting on natural resource-based livelihoods and tenure of vulnerable or marginal households, particularly women and ethnic minority groups. The land titling process is not expected to lead to evictions from such lands and any other lands. However, mostly in rural areas, the project may





affect groups who have used lands for years without having a clear legal status but, as a consequence of the project activities, they may be considered as an “illegal occupier” based on national regulations. In urban settings, there is the risk that the funded titling activities will fail to fairly compensate poor households and vulnerable economic activities who may have encroached urban land plots.

Given the significant exclusion of customary and communal tenure rights from the registration process, the project’s Social Legal and Institutional Assessment will inform development of an EGDF. Customary tenure arrangements and risks and benefits associated with their recognition or exclusion should also be examined in this assessment. This framework will be used to screen project activities in order to identify where customary tenure may be at risk of compromise due to the registration process and propose changes to the design and location of the registration process in order to avoid impacts on customary and communal tenure. Mapping and recording of customary land tenure would take place as part of the screening and survey actions for subprojects once locations are known. In addition, any opportunity for the project to raise this as policy dialogue with government and propose measures to recognize customary tenure rights in the registration process for future operations must be encouraged.

Based on the above, the project will prepare and implement the following environmental and social management instruments:

- An ESCP will be established to ensure that the relevant ESF instruments are prepared as part of project design and implemented throughout the project period to address and mitigate risks identified under relevant ESSs.
- ESMF will be developed prior to appraisal addressing all relevant ESSs. The PPA will fund the preparation of the project’s ESMF. Its main goal will be to provide policy requirements, process and, procedures to identify and develop measures to address, mitigate, and manage the impacts and risks. The process will include screening against ineligibility criteria, once individual project locations are selected to be financed (exclusion of forest, protected areas and customary /communal forms of tenure).

The project’s ESMF will include the Social Legal and Institutional Assessment, environmental and social screening procedures and tools, an RPF for land-taking associated with refurbishment of office infrastructure; simple Standard Waste Management Plan, ECOP; and a Cultural Heritage Framework for managing risks to both tangible and intangible cultural heritage.

- Labor-Management Procedures (LMP).
- Ethnic Group Development Framework (EGDF).
- SEP including a GRM. The SEP will be disclosed prior to appraisal and will apply for the entire project. Its objective will be to ensure that beneficiaries and affected communities will be engaged, especially regarding project design options in compliance with ESS10 of the ESF.

**Areas where “Use of Borrower Framework” is being considered:**

The client's E&S Framework is not proposed to be relied on for the project, in whole or in part. However, as relevant and consistent, national legal framework and legislation can be referred to and recognized.



### ESS10 Stakeholder Engagement and Information Disclosure

The project will involve different groups of stakeholders from national to village levels. The project stakeholders and the level of their engagement will be pre-identified and mapped through the stakeholder analysis by the project implementing agency, DOL, in collaboration with Department of Natural Resources and Environment Policy (DNEP) and Natural Resources and Environment Office (NRIO) under the same Ministry (MONRE). Main groups of stakeholders will potentially include local communities, land users, officials of concerned government ministries, MONRE, and its Provincial and District Offices (PONREs and DONREs), Ministry of Agriculture and Forestry (MAF) and their Provincial Agriculture and Forestry Office (PAFO) and District Agriculture and Forestry Office (DAFOs) and local villagers of multi-ethnic groups.

Project affected people expected to be involved are local communities, ethnic groups, land users, private investors (mainly in hydropower, mining, agri-business and infrastructure), who own the land parcel that may and may not be entitle for land tenure under the project; and other concerned stakeholders such as Civil Society Organizations (CSOs) including international NGOs, academia (including the Polytechnic College and the National University of Laos -NUOL) and the GOL's mass organizations Lao Women's Union (LWU) and Lao Front for National Development (LFND). Both LWU and LFND have their existing networks in place from the central down to village levels.

Practice shows that in Lao PDR public consultations are often still understood as an exercise comprising ad-hoc intra-agency engagement for comments. This approach is not consistent with requirement for good international practice under ESS10. To ensure that grassroots stakeholders, academia, private sector and Civil Society Organizations (CSOs) are also engaged in a meaningful and culturally-appropriate way, the project's SEP will be developed by DOL (with support of WB's staff) to be consistent with ESS10 early in project preparation. Its main goal will be to effectively reach out to affected and interested stakeholders to ensure accessibility, accountability and cultural-appropriateness.

The SEP should guide appropriate disclosure of information to ensure transparency of decision-making processes and access to information about the registration process and its outcomes. The approach to engagement activities will take into account the needs of ethnic groups (including, when required, Free, Prior, and Informed Consent - FPIC), vulnerability, language and literacy to ensure not only risks are managed but benefits are accessible to all. The SEP will be implemented and, as required, updated throughout the project life cycle. Women and other vulnerable groups will have to be also meaningfully engaged during project preparation and implementation.

A project-specific GRM will be designed, established, implemented, monitored, and reported regularly. Experience shows that information disclosure through official channels remains limited in the country, and often, transparency and accountability need to be improved. For that reason, a project's GRM will be designed and implemented to allow project-affected people and communities to lodge concerns using direct hotline phone and social media, and/or other means. Special attention will be paid to make sure that the most vulnerable groups (ethnic groups, women and other vulnerable households or communities) will be informed of the existence of this mechanism since an early stage of project preparation. Participatory processes and actions included in SEP and complaints received and addressed under the project's GRM will be reviewed during the implementation support missions.

### B.2. Specific Risks and Impacts



**A brief description of the potential environmental and social risks and impacts relevant to the Project.**

**ESS2 Labor and Working Conditions**

The project is not expected to finance major construction of infrastructure and civil works that would potentially bring an influx of both local and external labors. However, the project will involve over 1,000 staff including civil servants (direct workers), consultants (contracted workers) assigned from MONRE, PONRE, and DONRE to join 150 teams (7 peoples each) to conduct land registration activities in rural areas for three months or more. The project may also involve local villagers (community workers) to support the teams as volunteers in the land registration process. These teams will be staying in district towns and rural villages during their fieldwork. DOL is required to develop and implement Labor-Management Procedures (LMP) applicable to the project, which will be included in the ESMF (and adapted in the ESMPs considering the specifics of each project location). The LMP will be completed prior to any on the ground activity, will apply to all different categories of workers and it will set out how project workers will be managed and treated in line with the national labor law and this ESS. The labor-management procedures will also ensure that land registration teams and community workers will be provided with adequate resources and tool kits required, safe accommodations, transport, first aid-kits available at working sites, and can be contacted/reached in case of emergency. DOL will also ensure that Social Security (health and life insurance) is provided to all team members according to the Labor Law before the commencement of their assignment.

DOL will develop a dedicated labor grievance mechanism, as part of LMP, for direct and contracted workers will have to be adapted in order to collect grievances coming from community workers.

**ESS3 Resource Efficiency and Pollution Prevention and Management**

As mentioned above, to achieve the target systematic registration of land tenure rights of 1.2 million parcels by 2025, MONRE plans to establish at least 150 teams (7 people each) countrywide to carry out land registration activity. The teams will stay mainly in villages (usually in village office, temple, teacher domatory and in households) during project activity implementation, where the concern will be on solid waste generation and management. A simple Standard Waste Management Plan will be developed and included in the project's ESMF to be applied under the project to ensure land registration teams minimize the generation of solid waste by reuse, recycle and disposal in a manner that is safe for human health and environment. Where waste cannot be reused, recycled, and recovered, the teams will treat, destroy, or dispose of it in an environmentally sound and safe manner.

**ESS4 Community Health and Safety**

The total 1,000 staff (direct and contrctated workers) expected to be appointed to conduct land registration in the rural areas, and villages will likely stay in villages that are far from the district town during their field works. Community, Health and Safety (CHS) risks and impacts anticipated from their visit and stay in the villages involoes increase in the potential for infectious diseases, vector-borne diseases, soil, water and waste-related diseases, effect on privacy and mental well-being. Because of that, proportionate and tailored provisions will be included in project-specific Community Health and Safety Plans to be developed prior the beginning of any field activity.

Risks also include possible sexual harassment or Sexual Exploitation and Abuse (SEA), Gender-Based Violence (GBV) and Violence Against Children (VAC). Because of that, the project's ESMF (and ESMPs considering the specifics of



each project location) will include environmental health and safety provisions (with special attention to GBV), training on community interaction, CHS guidelines, GBV, and VAC, and STD/HIV/AIDS prevention will be provided for all land registration teams, staff (civil servants and outsources staff/contractors) to ensure the teams respect local communities and their culture and will not involve in misconduct behaviors. Codes of Conduct (CoC) will be included in the letter of MONRE staff and team appointment and contracts (for contracted workers) in line with relevant national laws and legislations to be adopted and applied under the project.

The Lao Women Union (LWU) is the primary responsible in the country for the protection and promotion on women and children’s rights, interest, and dignity. They are also the main focal point on SEA, GBV and VAC aspects. Mapping of service providers will be undertaken to understand capacity and ability to deal with any incidents should they arise and to inform a procedure for referral. In line with the existing country systems, the project will ensure that a dedicated Helpline on GBV will be in place. The mapping will also inform other informal and accessible, yet survivor centric approaches, to receiving and handling complaints. Training will be provided to all stakeholders involved at district and provincial levels to make sure that a survivor-centered approach is applied for this project in line with the World Bank’s Guidelines on SEA, GBV and VAC aspects. This GOL’s mass organization will also support the project conducting training at district and village level plus taking an active role both helping to minimize the risks through awareness-raising on SEA, GBV and VAC and managing the project’s Helpline for GBV. All this will be included in a project-specific Gender-Based Violence Plan.

#### **ESS5 Land Acquisition, Restrictions on Land Use and Involuntary Resettlement**

The project will not finance any investments requiring land acquisition or conversion of any land. Small works for office facilities renovation and the installation of geodetic network system (CORS) to be financed by the project will be mainly undertaken within the premises of existing DONRE or District Governor Office (if technically impossible), thus would not require the acquisition of private land.

A Resettlement Policy Framework (RPF) will be developed and included in ESMF, to be applied by the project to mitigate unintended adverse social and economic impacts from small office facilities renovation works, the restriction on land use and land registration activities that could indirectly lead to physical and/or economic displacement of project-affected people. RPF will be reviewed and revised based on the results of the site-specific SAs and ESMPs to be prepared prior to the beginning the activities on the field to ensure that potential social risks and impacts are identified, avoided and/or mitigated during project implementation.

#### **ESS6 Biodiversity Conservation and Sustainable Management of Living Natural Resources**

This ESS is not relevant. The project will not support systematic land registration activities in forest or other protected areas. The project will ensure that systematic registration of land tenure rights, including land titling, in the project’s target provinces is done in accordance with Lao PDR’s existing legislation on land and property registration, which currently excludes registration in areas designated as state forest lands or protected areas. However, for any titles issued to land parcels connected or close to the boundary of Conservation, Protection and Production Forest Areas as defined under the Forestry Law, a written agreement between the village authorities and/or individual households



and the land management office (DONRE/PONRE) will be issued and enforced ensuring no future development and / or expansion by landholders at any time into the nearby forest area. Also, DOL will discuss and include in the title a note of use restriction of land parcels connected or closed to the boundary of Conservation, Protection and Production Forest Areas as defined under Forestry Law. This information would thus become part of the land database and would enable better regulatory oversight on development activities in this type of land.

A list of Do's and Dont's to prevent direct workers (staff) and contracted workers from involving in any form of wildlife trade and consumption will be developed as part of ESMF and applied to all project personnel while working in the villages particularly those which are near the forest and protected areas. A training on respective regulations will be provided for the workers prior to the field activity.

### **ESS7 Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities**

In Lao PDR, the term "Ethnic Groups (EGs)" is often used as a synonym of the WB definition of Indigenous Peoples (IPs). The Constitution (amended 2015) recognizes ethnic groups' self-identification as members of a distinct indigenous cultural group with a separate identity from the mainstream cultural group. Resolution No 213/NA (2008) of the National Assembly recognizes 49 ethnic groups, which are classified according to four ethno-linguistic families. The Lao Front for National Development (LFND), through its Department of Ethnic Affairs (DEA), is the main counterpart for issues related with IPs in the country. LFND is a GOL mass organization with a strong territorial presence in all provinces and districts.

Due to the cultural diversity of multi-ethnic groups in rural Laos, prior appraisal, an Ethnic Group Development Framework (EGDF) will be prepared as an stand-alone document to screen the presence of indigenous communities with collective attachment to the project areas following the four criteria included in WB's ESS7. EGDF will consist of a methodology for screening the presence of ethnic groups in the project areas, and to assess the nature and degree of the expected direct and indirect economic, social, cultural (including cultural heritage), and environmental impacts associated with the proposed registration activities. The agreements reached with the Borrower concerning IPs should be reflected in the ESCP.

Once the project locations are known, for those areas where ESS7 applies (to be determined by the WB's staff in coordination with DOL), social assessment will inform the design of the registration activities with mitigation measures that minimize negative impacts and maximize project benefits. Special attention will be paid to ensure meaningful and culturally-appropriate participation of the affected ethnic groups and ethnic communities and their representatives since early stages of the process in order to identify how these groups will benefit from or potentially be excluded from the registration process based upon their use of the land to be subject to registration. GRM will be prepared, including requirements to allow ethnic groups to submit any project related feedback or grievances.

The SEP will describe measures to ensure the valuable groups and ethnic minorities are engaged in a cultural appropriate manner and aware of their users rights as part of the registration activities. Consultations will be conducted with stakeholders and ethnic minorities as part of the preparation of the ESMF and EGDF, where required in compliance with ESS7 of the ESF. The ESMF, SEP, and EGDF will be revised to address comments and issues raised during the consultations.



- Potential sources of independent monitoring to be undertaken by other national and international organizations operating in the land sector in Laos will also be considered as part of the project’s Social Legal and Institutional Assessment.

### ESS8 Cultural Heritage

The project’s ESMF will identify any potential risks to tangible and intangible cultural heritage risks and impacts. Although the project will not finance civil works and activities that will affect tangible cultural heritage, there could be some forms of intangible cultural heritage that could be potentially affected by the project and its staff (direct workers) as well contracted workers. Some staff from the land registration teams may intentionally and unintentionally involve in physical cultural resources trafficking or smuggling such as prohibited Buddha sculptures and religious items and enter prohibited cultural areas (e.g. spiritual or cultural sites, graves) respected by the local community during or after their stay in the project area and villages.

There is also a risk associated with the failure to recognize and respect intangible heritage values including local cultural norms and practices that are related to physical sites during the registration process (i.e. the relationship between tangible and intangible heritage and the significance of ‘place’). Relevant national registration related to cultural heritage should be visited and applied. A large part of the risk to ethnic cultural heritage is the failure to recognize it in the first place. Spirit areas may be secret knowledge or unlikely to be asked for or recognized and may be ignored in a registration process. The ESMF and consultations conducted, especially with ethnic groups, as discussed in ESS7, will identify the need and procedures to ensure that ethnic heritage values attributed to the landscape are recognized in the registration process.

A Cultural Heritage Framework will be developed and provided in the ESMF to be applied by all project staff and workers. The framework will be included in the letters of appointment for staff and contracts for consultants. Systematic registration of land tenure rights will exclude registration in areas designated as State, National or Community cultural heritage areas. The scoping, development of the chance finds procedure and any related assessment, if undertaken, will need to take into consideration the different interpretations of cultural heritage by different communities and the importance they place on them. Women and girls have different attachment to spaces and their own cultural heritage than men and boys and this needs to inform the process of identification, understanding impacts, and in the development of appropriate measures.

### ESS9 Financial Intermediaries

The project will provide direct financial support to the client and not through a financial institution or intermediaries.

## C. Legal Operational Policies that Apply

### OP 7.50 Projects on International Waterways

No

This safeguard is not triggered as the project activities will not occur on international waterways.



**OP 7.60 Projects in Disputed Areas**

No

This safeguard is not triggered as the project activities will not occur in disputed areas.

**III. WORLD BANK ENVIRONMENTAL AND SOCIAL DUE DILIGENCE**

**A. Is a common approach being considered?**

No

**Financing Partners**

As of today, no financing partners have been identified for the project.

**B. Proposed Measures, Actions and Timing (Borrower’s commitments)**

**Actions to be completed prior to Bank Board Approval:**

Prior to the appraisal, and prior to the beginning of any field activity, the following documents will need to be approved and disclosed:

- An Environmental and Social Commitment Plan (ESCP).

Prior to Bank Board approval, the following documents need to be prepared:

- Environmental and Social Management Framework (ESMF). The project’s ESMF will include social screening procedures and tools; a Social and Institutional Assessment; Resettlement Policy Framework (RPF), Community Health and Safety Plan; simple Standard Waste Management Plan; Environmental Code of Practice (ECOP); Cultural Heritage Framework; a list of Do’s and Dont’s for preventing staff from involving in wildlife trade and consumption; and a GBV Plan;
- Labor-Management Procedures (LMP);
- Ethnic Group Development Framework (EGDF);
- Stakeholder Engagement Plan (SEP), including Stakeholder Analysis and a Grievance Redress Mechanism.

**Possible issues to be addressed in the Borrower Environmental and Social Commitment Plan (ESCP):**

- 1) The following agreements and measures will be implemented following Bank’s approval:
- 2) The Government of Lao PDR through the Ministry of Environment and Natural Resources (MONRE) will implement the Enhancing Systematic Land Registration Project (the Project), with the involvement of the Department of Land (DOL). The International Development Association (hereinafter the Association) has agreed to provide financing for the Project.
- 3) The Ministry of Environment and Natural Resources (MONRE) will implement material measures and actions so that the Project is implemented in accordance with the Environmental and Social Standards (ESSs). This Environmental and Social Commitment Plan (ESCP) sets out material measures and actions, any specific documents or plans, as well as the timing for each of these. This ESCP refers to the initial project activities to be funded under the project.
- 4) The Ministry of Environment and Natural Resources (MONRE) will also comply with the provisions of any other E&S documents required under the ESF and referred to in this ESCP, such as the Stakeholder Engagement Plan (SEP), and the timelines specified in that.
- 5) The agreements reached with the Borrower concerning IPs should be reflected in the ESCP

Public Disclosure



- 6) The Ministry of Environment and Natural Resources (MONRE) is responsible for compliance with all requirements of the ESCP even when implementation of specific measures and actions is conducted by the Ministry, agency or unit referenced in 1. above.
- 7) Implementation of the material measures and actions set out in this ESCP will be monitored and reported to the Association by the Ministry of Environment and Natural Resources (MONRE) as required by the ESCP and the conditions of the legal agreement, and the Association will monitor and assess progress and completion of the material measures and actions throughout implementation of the Project.
- 8) As agreed by the Association and the Ministry of Environment and Natural Resources (MONRE), this ESCP may be revised from time to time during Project implementation, to reflect adaptive management of Project changes and unforeseen circumstances or in response to assessment of Project performance conducted under the ESCP itself. In such circumstances, the Ministry of Environment and Natural Resources (MONRE) will agree to the changes with the Association and will update the ESCP to reflect such changes. Agreement on changes to the ESCP will be documented through the exchange of letters signed between the Association and the Ministry of Environment and Natural Resources (MONRE). The Ministry of Environment and Natural Resources (MONRE) will promptly disclose the updated ESCP.
- 9) Where Project changes, unforeseen circumstances, or Project performance result in changes to the risks and impacts during Project implementation, the Ministry of Environment and Natural Resources (MONRE) shall provide additional funds, if needed, to implement actions and measures to address such risks and impacts, which may include environmental, health, and safety impacts, gender-based violence or impacts on indigenous peoples.

Public Disclosure

**C. Timing**

**Tentative target date for preparing the Appraisal Stage ESRS**

20-Feb-2020

**IV. CONTACT POINTS**

**World Bank**

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**Borrower/Client/Recipient**

Borrower: Ministry of Natural Resources and Environment

**Implementing Agency(ies)**

Implementing Agency: Ministry of Natural Resources and Environment

**V. FOR MORE INFORMATION CONTACT**





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**VI. APPROVAL**

Task Team Leader(s):	Paul Scott Prettitore
Practice Manager (ENR/Social)	Susan S. Shen Recommended on 09-Sep-2019 at 10:02:14 EDT
Safeguards Advisor ESSA	Svend E. Jensby (SAESSA) Cleared on 09-Sep-2019 at 16:47:8 EDT