

Laos People's Democratic Republic

**Mainstreaming Disaster and Climate Risk
Management into Investment Decision in Lao PDR**

Ethnic Groups Development Framework

Ministry of Planning and Investment

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Abbreviation

CR	Compensation and Resettlement
DAFO	District Agriculture and Forestry Office
DMS	Detail Measurement Survey
DOI	Department of Irrigation
DOR	Department of Roads
DRM	Disaster Risk Management
FMC	Feedback and Mediation Committee
GFDRR	Global Fund for Disaster Risk Reduction
GoL	Government of Laos
Lao PDR	Lao People's Democratic Republic
LAR	Land Acquisition Report
LDCs	Least Developed Countries
LRSP	Lao Road Sector Project
MAF	Ministry of Agriculture and Forestry
MoD	Ministry of Defense
MoNRE	Ministry of Natural Resources and Environment
MPI	Ministry of Planning and Investment
MPWT	Ministry of Public Works and Transport
NDMC	National Disaster Management Committee
NDMO	National Disaster Management Office
NSEDP	National Socio Economic Development Plan
O.P	Operational Policy
PAFO	Provincial Agriculture and Forestry Office
PAPs	Project Affected Persons
PM	Prime Minister
PRC	Provincial Resettlement Committee
PRCC	Provincial Resettlement Compensation Committee
PRO	Project Resettlement Office
RPF	Resettlement Policy Framework
TED	Technical and Environmental Division
UN	United Nations
WB	World Bank
WREA	Water Resources and Environment Administration

1. INTRODUCTION

1.1. Background

Disasters in Lao PDR come with a high cost. While floods, droughts, and typhoons are the dominant hazards, the country is also susceptible to landslides and, in the northern parts, to earthquakes. It is estimated that typhoons cause an economic average annual loss of US\$17.6 million, followed by floods (US\$8.3 million) and droughts (US\$4.7 million)¹. The frequency and intensity of the meteorological disasters is likely to increase due to climate change. Lao PDR has experienced unusually harsh floods in 2008 which affected about 204,000 people and damaged an estimated 50,000 ha of arable land. The floods were followed by the Typhoon Ketsana in 2009 which caused severe damages and losses in the amount of US\$58 million².

In Lao PDR, response and relief operations have traditionally been at the center of policy and donor support in the area of disasters. The National Disaster Management Committee (NDMC), the National Disaster Management Office (NDMO), and the Ministry of Defense (MoD) are playing leading roles in response and relief with technical and financial assistance from the United Nations (UN).

In the last years, however, with GFDRR support, a shift has occurred in the country away from disaster management, response, and relief towards disaster risk reduction and climate change adaptation. Hazards are not considered as temporary disruptions anymore to be managed only by short-term humanitarian response but as events that require a holistic approach with sustained efforts to reduce the costs of hazards in advance. To secure the steady advances towards poverty alleviation and economic growth in the last years, the Government of Lao PDR has identified disaster risk management (DRM) as one of the key challenges. In order to preserve the development gains and achieve the vision of graduating from the list of Least Developed Countries (LDCs) by 2020, the Government attaches increasing importance to working towards disaster risk reduction and improving the safety and resilience of public investments. This shift is manifested, for example, in the recently developed Seventh National Socio Economic Development Plan (NSED) 2011-2015, in which disaster risk management is an integral part.

1.2. Project Development Objective and Project Component

The objective of the project is to strengthen the institutional authority and implementation capacity of the Government of Lao PDR at national and sub-national levels to mainstreaming disaster risk management and climate change adaptation into public infrastructure investments, thereby potentially decreasing the vulnerability of the population and national economy to climate change and natural hazards.

Specifically, the Project has the following components.

Component 1: Risk Assessment. This component will focus on the identification of risks and integration of risk scenarios in the development planning and policies through the risk assessments in the transport, irrigation, and urban planning sectors, and the provision of training on risk assessments.

¹ ASEAN/ISDR/WB 2010: Synthesis Report on Ten ASEAN Countries Disaster Risks Assessment

² Estimate by the Post Disaster Needs Assessment Team 2009

Component 2: Mainstreaming Disaster and Climate Risk Management into Investments. This component will assist the development of guidelines and strategies to mainstream disaster risk management and climate change adaptation into the planning cycle and budgeting processes, through (i) integration of DRM into existing strategies for Transport, Irrigation, and Urban Planning; (ii) review and revision of building codes; and (iii) dissemination of technical standard specification, design and construction guidelines on safe construction/disaster resilience in the Transport, Irrigation, and Urban Planning sectors.

Component 3: Institutional Strengthening and Capacity Building. This component will build capacity of the technical staff of the MPI, MPWT and MAF to undertake risk assessments, interpret, apply and update relevant data through on the job training and workshops.

Component 4: Pilot Sub-Projects in two disaster-prone provinces. This component will demonstrate the disaster-resilient construction practices developed under Component 2 in two disaster-prone provinces to be identified through the risk assessments of component 1.

Component 5: Monitoring and Evaluation. This component will conduct the monitoring and evaluation of project activities and results indicators will be undertaken on a regular basis.

Component 6: Project Management.

The Component 1, 2, 3 and 5 will support consultancy services that aim for hazard mapping, training, revisions of national standards and identification, monitoring and evaluation, and other analytical works that will not affect private individuals including ethnic groups or identify downstream investments. The Component 4 will finance small scale civil works under the road and irrigation sectors such as repair of drainage canals or urban drainage system, slope stabilization, elevation of road embankment, rehabilitation of culverts or weak spots on roads, strengthening of irrigation structures in high risk area, and repair of irrigation channels damaged by the natural disasters (i.e. Typhoon Haima and Nock Ten). Specific investments to be supported and their locations will be identified during project implementation. Given the small scale nature of investments to be supported, a major acquisition of private land, physical relocation of households or other significant negative impacts are unlikely to occur, although minor impacts such as loss of structures, trees, standing crop or the relocation of structures including residential structures within the existing premise may occur.

2. Legal Framework

2.1. Overview of the Ethnic Groups in Lao PDR

- *Definitions and Categories.* The term ‘indigenous peoples’ is not used in Lao PDR, as is also the case in Vietnam and China. Rather the term ‘ethnic groups’ that corresponds to the Lao term, *xon phao* is used to describe all ethnic groups in the country. Official terminology for the classification of “*ethnic groups*” according to the 1991 Lao constitution and a review by the National Edification Committee (August 2000) consists of a two-tiered system with 49 main ethnic groups and over 100 sub-groups. There are four main ethno-linguistic categories in the country: Lao-Tai, Mone-Khmer, Chine Tibetan and Hmong- Iewmien groups.

- In addition, there are three terms most commonly used by the government and by the population itself when describing the classification of ethnic groups in practice:
 - Lowland Lao (mainly Lao Tai), groups living in the lowland regions of the country that for the most part cultivate paddy, practice Buddhism and are integrated into the national economy. These correspond to the Lao-Tai group and represent approximately 65% of the population.
 - ‘Slope Dwellers’ (mainly Mone-Khmer), groups dominating the middle hills that for the most part practice swidden agriculture, are reliant on forest products and to some extent are isolated from the dominant lowland culture. Many groups, however, 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).
 - ‘Highland Lao’ (Chinese Tibetan and Hmong-Iewmien), groups dwelling in the highland areas practicing swidden agriculture and include the Sino-Tibetan and Hmong-Iewmien ethnic groups. Many of these groups are relatively recent arrivals from Southern China and Vietnam and form about 10% of the population. There are also examples of these groups settling in lowland areas.
- Lao PDR is characterized by a variety of cultural groups. Although their numbers have differed, specialists mostly agree on the following classification: there are four main ethno-linguistic groups, including the majority Lao-Tai which comprises 66 percent of the population. These four groups are further sub-divided into 49 officially recognized sub groups, and again into more than 200 smaller groups (See Table 1 for a summary of the main characteristics associated with the four ethno-linguistic groups).

Table 1: Ethnicity of Population³

<i>Ethno-Linguistic</i>	<i>Language Family</i>	<i>Summary Characteristics</i>
Tai Kadai	Lao Phoutai	65% of the population, living mostly along the economically vibrant Mekong corridor along the Thai border or in Northern lowlands; settled cultivators or urban dwellers; migrated into Lao PDR since the 13th century ; Buddhists.
Austroasiatic	Mon Khmer	24% of the population, living mainly in highland areas in the North and Central South, smaller groups (Khmou) live also in the Northern lowlands; the most diverse ethnic group and the first one to inhabit large areas of Lao PDR; animist and shifting cultivators; fairly assimilated due to hundreds of years of interaction with Lao-Tai, single communities live in isolation as hunter-gatherers.
Hmong - lu Mien	Hmong Yao	8% of the population, living mainly in mid- and upland areas in the North; Hmong is the largest subgroup; animist with strong ancestor cults, although many converted to Christianity; typically shifting cultivators, migrated to Lao

³ Lao People’s Democratic Republic: Northern Region Sustainable Livelihoods Development Project, Indigenous Peoples Development Plan, Document Stage: Final Project Number: 35297, August 2006, Prepared by the Government of Lao People’s Democratic Republic for the Asian Development Bank (ADB), page 5 and NSC/CPI, ADB, SIDA and the World Bank, 2006

		PDR in the 19th century.
Chine – Tibetan	Tibeto Burman	3% of the population, living mainly in poorly-connected upland areas in the North; animist and shifting cultivators; migrated to Lao PDR in the 19th century.

- Ethnic poverty in Lao PDR still remains concentrated in upland areas inhabited largely by remote ethnic communities. Moreover, the cultural and linguistic differences are greater among many of these upland communities. Actually, often due to their remote location, the ethnic groups have comparatively less access to government services. As such, this higher incidence of poverty makes them more vulnerable socially and economically. For instance, the Lao Expenditure and Consumption Surveys (LECS) found the following:

Rural poverty at 38 percent is far higher than urban poverty at 20 percent, and the majority Lao Tai group have a 19 percent poverty incidence while for the Mon Khmer the figure is more than twice as high at 47 percent⁴.

2.2. Legal Framework and Regulations

The Constitution of Lao PDR, ratified in 1991, uses the term “citizens of all ethnicity” throughout the document. It specifically recognizes the need to incorporate the concerns of ethnic groups in developing policy in all sectors, and has reaffirmed its commitment to strengthen the rights of all ethnic groups in various congresses, conferences, decrees, and laws since the 1980s (Articles 8 and 22). Article 75 of the Constitution specifically indicates that “the Lao language and script are the official language and script. The 1992 Ethnic Minority Policy of the Lao PDR⁵ towards ethnic groups identifies three essential tasks: (i) strengthening political foundations, (ii) increased production and opening of channels of distribution in order to convert subsistence-based economics towards market-based economics, and (iii) a focus on the expansion of education, health and other social benefits. Of direct relevance to this Project this 1992 Policy states that the Lao PDR must discourage ethnic groups from continuing their practices associated with shifting cultivation through arranging for permanent livelihoods for such groups so that the benefits of other forms of agriculture outweigh those associated with shifting cultivation. Basically the Lao PDR considers that many of its upland ethnic group (and this especially includes the Khmou and Hmong) observe “backward traditions that are reflected in their production lifestyle”. In practice the Lao PDR realizes that it is quite impractical to change all these “backward” practices it attributes to ethnic minority groups because even many Lowland Lao are involved in some forms of upland agriculture

⁴ LECS4, 2007/2008

⁵ Known under its full title as Resolution of the Party Central Organization Concerning Ethnic Minority Affairs in the New Era

2.3. World Bank's Operational Policy: Indigenous People (OP 4.10)

The WB's Operational Policy 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.

As a prerequisite for Project approval, OP 4.10 requires the borrower to conduct *free, prior and informed consultations* 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 4.10 refers to social groups and communities, and not to individuals. The primary objectives of OP 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. OBJECTIVE OF THE ETHNIC GROUP DEVELOPMENT FRAMEWORK

The purpose of the Ethnic Group Development Framework (EGDF) is to ensure that the project fully respects the dignity, human rights, economies and cultures of ethnic groups who are affected under the Project. It requires the project owners to engage in a process of free, prior and informed consultation, resulting in broad community support to the project by the affected ethnic groups. They should receive benefits that are culturally appropriate and gender and inter-generationally inclusive. Potentially adverse effects on the communities on their livelihood and environment should be avoided or minimized. This aim is consistent with GoL national policies that promote a multi-ethnic society, and seek to ensure the full participation and broad based support from ethnic groups to the project. Particular attention is paid to these ethnic groups who are likely to be most vulnerable to the development process in the target villages.

4. ETHNIC SCREENING AND PROJECT STRATEGY WITH REGARD TO ETHNIC GROUPS

4.1. Identification of Ethnic Groups involved or affected by the project

Because of the varied and changing contexts in which Ethnic groups are found, no single definition can capture their diversity. In particular geographical areas, Ethnic groups can be identified by the presence in varying degrees of the following characteristics:

- a close attachment to their ancestral territories and the natural resources in these areas;
- self-identification and identification by others as members of a distinct cultural group;
- an ethnic language, often different from the national language;
- presence of customary social and political institutions; and,
- primarily subsistence-oriented production.

The exact provinces where pilot sub-projects would be implemented under the Component 4 will be identified during implementation. Whether ethnic groups reside in where pilot activities are to be implemented and thus will be affected by them will be determined during implementation. Given the widespread presence of ethnic groups in the country, it was decided that the OP 4.10 would be triggered to the project.

4.2. Project strategy with regard to ethnic groups

Project will finance under the Component 4 small scale civil works under the road and irrigation sectors such as the repair of drainage canals or urban drainage system, slope stabilization, elevation of road embankment, rehabilitation of culverts or weak spots on roads, strengthening of irrigation structures in high risk area, and the repair of irrigation channels damaged by the natural disasters (i.e. Typhoon Haima and Nock Ten). Since the investments to be financed under the Project and their locations are not known yet, it is not possible to determine the exact scope and scale of impact; they will be clarified during project implementation. It is expected that ethnic groups who reside in or near pilot sub-projects are to be implemented would benefit from the project through improved resilience of infrastructure to disasters and that they would not face insurmountable obstacles to receive project benefits in a culturally appropriate manner. Given the small scale nature of such sub-projects, it is unlikely that they will face any significant negative impact, and it is anticipated that they would support project activities. Nonetheless, the project will employ a cautious strategy with regards to ethnic groups, which will be described in detail in the following section.

- ***Preliminary Screening***

The Department of Roads (DOR) of the Ministry of Public Works and Transport (MPWT) and the Department of Irrigation (DOI) of the Ministry of Agriculture (MoA) will conduct the preliminary screening to identify if ethnic groups live in the area where respective investments under their responsibility would be implemented. The Technical and Environmental Division (TED) of the DOR will conduct the preliminary screening for road related investments. As for irrigation related investments, Project Coordinator assigned by DOI will do the preliminary screening. They will be assisted by the Safeguard Specialist who is part of the Project Supervision Consultant.

The preliminary screening will be done based on the desk review of existing literature and the interview with knowledgeable individuals. A summary table will be prepared to present the list of investments that may affect ethnic groups and of the ethnic groups who may be affected. The Safeguard Specialist of the Supervision Consultant will support the entire screening process, including the confirmation about the presence or absence of ethnic groups in project areas during field visits.

- ***Consultation meetings***

Consultation meetings will be held in villages where the preliminary screening has found ethnic groups reside. The Safeguard Specialist of the Supervision Consultant will assist the local authorities to conduct free, prior and informed consultations and ascertain broad community support to investments. Consultation meetings will be conducted in Lao language which most ethnic groups in the project areas are expected to be fluent. However, the village representatives of the Lao Front for National Construction (LFNC) will be invited to the meeting who will translate and explain to ethnic villagers, in the languages of the ethnic groups, project objective, nature of investments and prospective benefits, possible

negative impacts and applicable safeguard policies. The minutes of consultations will be prepared and kept in the project file. In the event that a broad based support by Ethnic groups cannot be confirmed, the project will not be implemented in such villages.

- ***Ethnic Group Development Plan (EGDP)***

Where ethnic groups are found to exist, an Ethnic Group Development Plan (EGDP) will be developed. At least one EGDP will be developed for each province that will address affected ethnic group (positively or negatively) in the province. The EGDP will include, at minimum, the demographic data of the ethnic groups; the description of the methodology used for and results obtained under the free, prior and informed consultation meetings; comments provided and negative/ positive impacts identified by participants; measures to address negative impacts and steps to ensure ethnic group receive projects benefits in a culturally appropriate manner, if relevant. It will be disclosed locally.

5. Institutional Arrangement

Overall responsibility for the implementation of the EGDF rests with the PMI, however, its implementation including consultation processes and the development and implementation of the Ethnic Groups Development Plan (EGDP) will be the responsibility of DOR for road related investments and DOI for irrigation related investments. The Safeguard Specialist of the Supervision Consultant will provide necessary support and oversight of DOR and DOI on matters related to safeguards. The Lao Front for National Construction (LFNC) and Lao Women's Union (LWU) will play important roles to ensure that ethnic groups are sufficiently consulted and support project activities knowingly and willingly. The village representatives of the LFNC, who are themselves ethnic villagers and able to speak both Lao and ethnic languages of the village, will participate in consultation meetings as the translator and facilitator so all ethnic villagers are able to express their concerns that they may have. LWU will play a key role in facilitating and promoting village women to active participate in the project activities.

The Technical and Environmental Division (TED) of the DOR will be primarily responsible for conducting free, prior and informed consultations with ethnic groups and developing EGDP under road related investments under the project. The TED is primarily in charge of monitoring environmental and social issues related to investments under the DOR and ensuring their compliance with environmental and social safeguard requirements. The ongoing Lao Road Sector Project (LRSP) has been supporting the capacity development of TED.

The project coordinator assigned by DOI will be primarily responsible for conducting free, prior and informed consultations with ethnic groups and developing EGDP for investments related to irrigations. The project coordinator of DOI is primarily in charge of monitoring environmental and social issues related to investments under the DOI and ensuring their compliance with environmental and social safeguard requirements.

6. Grievance and Monitoring Mechanisms

It is anticipated that ethnic groups will generally benefit from, and support, project activities. Negative impacts, if any, will be minor. Nonetheless, it is possible that the project may face some problems, complaints, and/or conflicts in involving ethnic villagers. Ethnic villagers are encouraged to report the village representatives of the LFNC when and if they have concerns about the project. The Safeguard Specialist of the Supervision Consultant will regularly visit project sites and consult ethnic villagers for any potential concern which s/he will bring back to the DOR or DOI.

The Feedback Form will be developed for this project and made available at project villages for use by ethnic villagers to raise complaints or grievances. Ethnic villagers will be clearly informed of the complaint and appeal channels described above through village meetings and other channels. Media tools should be used to communicate the information.

Implementation of the EGPF will be regularly supervised and monitored by TED and Project Coordinator Division of DOI, through the Safeguard Specialist of the Supervision Consultant. The Safeguard Specialist will prepare the quarterly Safeguard Monitoring Report and report safeguard implementation status including grievances raised and solutions applied. Project activities will be subjected to external monitoring by the appropriate agencies and/or an independent qualified consultant to assess if they are implemented in line with the EGPF. The external monitoring agency or consultant should be hired under terms of reference that specify frequency of monitoring, sampling and interviewing methods, and reporting requirements. Monitoring reports should be maintained by project management unit and made available to the World Bank supervision team.

Annex 1 - Sample Feedback Form and Agreement Form

SAMPLE FEEDBACK FORM

Date: _____

Feedback to be transferred to the Feedback and Mediation Committee (FMC) at:

___ Provincial Level ___ District Level ___ Kumban level ___ Village level

District: _____ Kumban: _____ Village: _____

Describe the details for prompt response. To assure confidentiality, we will not ask for you identity, unless you specify voluntarily. The Feedback problems are as follows:

Date of the event you would like to feedback: _____

Location: _____

Person Involved: _____

Nature of the Feedback (please describe the information you would like to communicate):

What is your request: _____

We hereby proposed the matter for your consideration and assist resolve the issues and concerns

SAMPLE AGREEMENT FORM

Date: _____

Feedback was made by the Feedback and Mediation Committee (FMC) at:

___ Provincial Level ___ District Level ___Kumban level ___ Village level

FMC Organized Investigation of Feedback Register No. _____ at:

___ Provincial Level ___ District Level ___Kumban level ___ Village level

In the meeting, it was agreed and resolved that: _____

This agreement is signed by all parties that the feedback case is closed, and no problems or issues remains.

Participant and Witnesses

Feedback Concerned Persons (*Name of persons who were involved in the case in some way. Note that this does not apply to the plaintiffs-name of plaintiffs shall remain confidential unless complainant/s requested otherwise*)

Name	Position	Signature
1.		
2.		
3.		
4.		

Feedback and Mediation Committee:

Name	Position	Signature
1.		
2.		
3.		
4.		

At: _____ Date: _____

(Signature and Stamp of the Provincial/District Governor Representative)

Report from Feedback and Mediation Committee at:

Village	
Kumban	
District	
Province	

2/ Reporting period

From / / to / /

3/ Summary

Total of feedback received	
Total of feedback solved	
Total of feedback not yet solved	

4/ Details of the feedback received

Refer to table below

Date:...../...../.....
Signature and stamp from FMC

