### MINISTRY OF AGRICULTURE AND FORESTY AGRICULTURE COMMERCIALIZATION PROJECT

# ETHNIC GROUPS ENGAGEMENT FRAMEWORK

Prepared by

DEPARTMENT OF PLANNING, INVESTMENT AND FINANCE

[DRAFT VERSION 3, OCTOBER 17, 2017]

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# LIST OF ACRONYMS

ARAP	Abbreviated Resettlement Action Plan
СВО	Community Based Organizations
CRPF	Compensation and Resettlement Policy Framework
CSOs	Civil Society Organizations
DOPF	Department of Planning and Finance
ECoP	Environment Code of Practice
EGEF	Ethnic Groups Engagement Framework
EGDP	Ethnic Groups Development Plan
LFND	Lao Front for National Development
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
GoL	Government of Lao PDR
GRM/GRIs	Grievance Redress Mechanism/Grievance Redress Institutions
IDA	International Development Association
MOF	Ministry of Finance
MoICT	Ministry of Information, Culture and Tourism
MPI	Ministry of Planning and Investment
NSEDP	National Socioeconomic Development Plan
OP/BP	World Bank Operational Policies
PAH	Project Affected Households
PAP	Project Affected People
PDO	Project Development Objective
PAFO	Provincial Agriculture and Forestry Office
PDR	People's Democratic Public
SA/SIA	Social Assessment/ Social Impact Assessment
SMMP	Social Management and Monitoring Plan
WB	World Bank
WBG	World Bank Group

## ACKNOWLEDGEMENTS

This Ethnic Group Engagement Framework (EGEF) was prepared to be applied under the proposed Agriculture for Commercialization Project to be funded by the World Bank Group (WBG) through an International Development Association (IDA) loan to Lao People's Democratic Republic (PDR). The Framework was prepared by the Lao PDR Department of Planning and Finance (DOPF) under the direction of Mr. Xaypladeth Choulamany, Director General, Mr. Binh Thang Cao and Mr Konesawang Nghardsaysone, Co-Task Team Leaders (Co-TTL) of the WBG. Technical assistance and support was provided to DOPF by Mr. Tuan Anh Le, FAO Social Safeguard Consultant.

The authors would like to thank the World Bank Group for their support and, in particular Mr. Binh Thang Cao and Mr. Konesawang Nghardsaysone, Co-TTLs for their guidance, Mr. Chanhsom Manythong, Agriculturist, Mr. Sybounheung Phandanouvong, Senior Social Safeguard Specialist, and Ms. Waraporn Hirunwatsiri, Senior Environmental Safeguard Specialist for their technical support. The authors would also like to thank the local authorities, PAFOs and DAFOs of Khammouane, Bolikhamxay, Vientiane Capital City, Vientiane, Xayabouly Provinces for their invaluable inputs and the villages as well as farmers in all five provinces who provided useful feedback and suggestions on the potential impacts of the proposed project and mitigation measures.

### 1.0 INTRODUCTION

This document is the Ethnic Group Engagement Framework (EGEF) for the proposed Lao Agriculture Commercialization Project (ACP) prepared in conjunction with the Lao PDR Ministry of Agriculture and Forestry (MAF) through the Department of Planning and Finance (DOPF), for possible financing by the World Bank (WB). The EGEF provides guidance on the process of engaging potential project affected people (PAP) comprised of, among others, ethnic groups, and the process of free, prior and informed consultation, in development and implementation of sub-projects to be financed under the ACP Project.

### 1.1 **PROJECT DESCRIPTION**

The proposed Agriculture Commercialization Project (ACP) seeks to enhance the competitiveness and sustainability of Lao PDR's agriculture sector through technical and financial support to increase in agricultural productivity and commercialization in selected strategic value chains. The project would focus on: (i) the geographical areas with high agricultural development potentials; (ii) the farming systems with high potentials for commercialization (i.e. paddy, maize, vegetables); (iii) promotion of good agricultural practices and climate smart agricultural technologies and farming system diversification to enhance food and nutritional security; (iv) building capacity for farmers' organizations, agribusinesses, public and private service providers; and (v) building on and developing synergies with other government/donor programs. The Project Development Objective (PDO) is to increase commercialization of selected value chains in the project areas. The ACP is comprised of the following three components: (1) Improved Agriculture Efficiency and Sustainability; (2) Enhanced Agriculture Commercialization; and (3) Project Managementt.

Activities under each project component is described below:

### **Component A: Improved Agriculture Efficiency and Sustainability**

This component would aim at enhancing productivity of farming systems and it would include the following activities:

- (i) Production organization and promotion of the use of good quality seeds;
- (ii) Research and extension to improve farming practices and farm machinery to promote good and sustainable agricultural production, diversification and commercialization;
- (iii) Upgrades of existing irrigation infrastructure and improvement of water management practices;
- (iv) Establishment and capacity building for farmer groups and their members; and

(v) Mapping, demarcation, and registration of irrigation land/systems in the project area on a block basis (not for individual plots).

#### **Component B: Enhanced Agriculture Commercialization**

This component would aim at strengthening and leveraging private sector investments in selected food value chains, and it would include the following activities:

- Provision of matching grants to farmer groups and their members to promote investments in harvesting machines, drying and storage facilities to reduce pre/postharvest losses;
- Provision of matching grants and capacity building assistance to agribusinesses to strengthen their role in driving the value chain development;
- (iii) Training and consulting support to farmer groups and their members to build their management skills, business development and marketing of farm produce through adopting contract farming, value addition and product branding;
- (iv) Support MAF, Ministry of Industry and Commerce (MOIC), their research institutes and technical agencies in conducting relevant market research, agricultural policy analyses, and improving intelligence and management skills; and
- (v) Improving the enabling environment through strengthening capacity for quality control and standards certification (i.e. seeds, produce, mills, etc.) including improved inspection services, test kits and laboratory capacity to certify for clean and safe foods.

### **Component C: Project Management**

This component would provide equipment and incremental operating costs for project monitoring, financial management, and procurement activities, ensure compliance with the safeguards, support the short and long-term technical assistance to the project management team in selected areas, and support analysis and dissemination of findings related to the effectiveness and challenges associated with the different institutional and technical models being applied or piloted under the project.

### SAFEGUARD POLICY TRIGGERED:

The project's overall impacts are expected to be positive. Some negative impacts are envisaged to be limited, localized, manageable and reversible. It is anticipated that the following World Bank safeguard policies will be triggered: Environmental Assessment (OP/BP 4.01), Pest Management (OP 4.09), Indigenous Peoples (OP/BP 4.10), Involuntary Resettlement (OP/BP 4.12), Safety of Dams (OP/BP 4.37), International Water Ways (for irrigation rehabilitation), Natural Habitats (OP/BP 4.04) and Physical Culture Resources (OP/BP 4.11) are triggered, hence the Project is classed as Category B. Mapping, demarcation, and registration of irrigation land/systems are not expected to cause changes in land use types and land ownership as they will be carried out on a block basis (not for individual plots). Forced child labor and labor influx are not anticipated from the project. The project would comply with the three gender tags proposed by the World Bank Standards. This is to ensure that the project will address gender in terms of (i) analysis; (ii) action plan; and (iii) monitoring and evaluation plan. During project preparation, the project will develop specific/tailored measures to enhance equal access and opportunities for women to benefit from the matching grants and other project activities.

### 1.2 APPLICABLE WORLD BANK SAFEGUARD POLICIES

The project's overall impacts are expected to be positive. Some negative impacts are envisaged to be limited, localized, manageable and reversible. It is anticipated that the following World Bank safeguard policies will be triggered: Environmental Assessment (OP/BP 4.01), Pest Management (OP 4.09), Indigenous Peoples (OP/BP 4.10), Involuntary Resettlement (OP/BP 4.12), Safety of Dams (OP/BP 4.37), International Water Ways (for irrigation rehabilitation), Natural Habitats (OP/BP 4.04) and Physical Culture Resources (OP/BP 4.11) are triggered. Hence the Project is classed as Category B. Mapping, demarcation, and registration of irrigation land/systems are not expected to cause changes in land use types and land ownership as they will be carried out a block basis (not for individual plots). Forced child labor and labor influx are not anticipated from the project. The project would comply with the three gender tags proposed by the World Bank Standards. This is to ensure that the project will address gender in terms of (i) analysis; (ii) action; and (iii) monitoring and evaluation framework. During project preparation, the project will develop specific/tailored measures to enhance equal access and opportunities for women to benefit from the matching grants and other project activities.

As the proposed sub-projects may include initiatives implemented in areas where ethnic groups are present, and because national level project activities (e.g., policy reforms, institutional strengthening and capacity building) may have implications for ethnic groups, the WBG OP/BP 4.10 *Indigenous Peoples*' safeguard policy is triggered and applies to the project. The GoL does not recognize indigenous status and instead uses the term ethnic group to classify the non-Lao-Tai ethno-linguistic group. Only one nationality, "Lao", is recognized.

The World Bank'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

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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 close attachment to ancestral territories and to the natural resources in these areas;
- Self-identification and identification by others as members of a distinct cultural group;
- An indigenous language, often different from the national language; and
- Presence of customary social and political institutions.

As a prerequisite for a project approval, OP 4.10 requires the borrower to conduct free, prior and informed consultations with potentially affected ethnic groups and to establish broadbased community support for project objectives and activities. 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:

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

The EGEF provides a guideline document (OP/BP 4.10) to decision-makers early in the project preparation process to ensure that due consideration is given to adequate consultation and engagement of ethnic groups, including ethnic minority groups. As such, the level of social assessment conducted will depend on the nature and scale of the proposed sub-projects and its potential impact on ethnic groups. The EGEF provides guidance on how to engage potential PAP of ethnic groups in a free, prior and informed consultation process and for the development and implementation of sub-project EGEPs to be financed under the ACP Project.

# 2.0 LEGAL AND REGULATORY FRAMEWORK CONCERNING ETHNIC GROUPS

### 2.1 LEGAL FRAMEWORK CONCERNING ETHNIC GROUPS

### 2.1.1 Constitution of the Lao PDR (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.

### 2.1.2 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.

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

The overall objective of the 8<sup>th</sup> National Socioeconomic Development Plan (NSEDP), 2016-2020 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.

### 2.1.4 Guideline on Ethnic Group Consultation (2012)

A new national guideline on consultation with ethnic groups launched by the Lao Front for National Construction (LFNC) in 2012, was largely in line with the World Bank policy on Indigenous People (OP/BP 4.10). 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 provides principles and processes to carry out meaningful consultations with, and obtain free, prior and informed consent of, all ethnic groups affected by developments projects in a culturally sensitive manner. The guidelines consists of a) objectives and scope of the guidelines, b) 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.

### 2.1.5 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 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 Luangkhot 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

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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 Luangkhot 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 Luangkhot 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.

### 2.1.6 Law on Handling of Petitions (2015)

The revised Law on Handling of Petitions 012/NA approved by the National Assembly on December 5, 2014 and the President in 2015 provides provisions of objectives, principles and process of applying and handling different types of grievance, petition and complaints that may be raised by citizens. The Grievance Redress Law divides grievances into three categories as follows:

- 1. Proposals is to be applied to and resolved by concerned authorities.
- 2. Grievance is to be applied to and resolved by judicial institutions and court
- 3. Petition is to be applied to and resolved by Provincial and National Assembly

The Law on Handling of Petitions 012/NA, 2015, which has superseded the old version of Law on Grievance dated November 5, 2005 applies and protects rights and interest of all citizens and entities, state organizations, community and individuals with the aim to ensure justice, social security and order.

### 2.1.7 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.

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

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

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

### 3.0 ETHNIC GROUPS IN THE PROJECT AREAS

Lao PDR is one of the most ethnically diverse countries in South East Asia. The country's population of approximately 6.8 million people (Census 2015) can be categorized into four broad ethno-linguistic families: The Lao-Tai (67%), the Mon-Khmer (21%), the Hmong-lew Mien (8%), and the Sino-Tibetan (3%). These groups encompass 49 distinct ethnicities and over 200 ethnic sub-groups. Specifically, the Lao-Tai is comprised of eight ethnic groups, the Mon-Khmer thirty-two, the Hmong-Lu Mien two, and the Sino-Tibet seven.

In the five target Provinces, there are approximately 11 different ethnic groups (Please see Table 2 below). Each group have their own

Ethnic Groups	Number of Households	<b>Total Population</b>	Number of Females
Lao Tai Ethno- Linguistic Family			
Lao Tai groups (Lao Landers)	30,910	154,550	77,275
Nhouan	1,955	9,775	4,888
Phouthay	1,518	7,590	3,795
Lue	1,470	7,350	3,675
Tai	76	380	190
Hmong lewmien Ethno-Linguistic Family			
Hmong	376	1,880	940
lewmien	70	350	175
Mon-Khmer Ethno- Linguistic Family			
Makong (Bru)	922	4,610	2,305
Khmu	269	1,345	673
Katang	28	140	70
Pray		130	65

### Table 2. Ethnic groups in the 5 target provinces, 2016.

	26		
Total	37,620	188,100	94,51

Out of 37,520 beneficiary HHs, 1,700 HHs (8,450 out of 188,100 people) or around 5% are of 6 ethnic minority groups defined as Indigenous People under OP/BP 4.10. These ethnic groups include Hmong (376 HHs), lewmien (70), Bru or Makong (922), Khmu (269), Katang (28) and Pray (26 HHs). These project beneficiaries live in 15 agricultural districts of 5 provinces namely Vientiane Capital, Vientiane province, Bolikhamxay, Khammouane, and Xayabury.Hmong and lewmien groups are concentrated in the northern and central provinces of Laos (Phongsaly, Oudomxay, Bokeo, Houaphan, Laungphabang, Xayabouly, Vientiane Province and Bolikhamxay). Khmu can be found mainly in the northern provinces listed above (Phongsaly, Oudomxay, Bokeo, Houaphan, Laungphabang, Xayabouly) and in some villages of Vientiane Province. Makong and Katang are found Bolikhamxay, Khammouane and southern provinces (Savannakhet, Saravan, Chnapasack and Attapeu)

### 4.0 POTENTIAL PROJECT IMPACTS ON ETHNIC GROUPS

### 4.1 POTENTIAL IMPACT

The project is anticipated to have an overall positive impact on people from ethnic groups. Through free, prior and informed consultation, ethnic farmers will have opportunities to participate in project planning, implementation, monitoring and evaluation. They could improve their farming knowledge – through agricultural trainings, and improve their crop yield through access to high quality seed. Farmers will have chance to improve their income by diversifying their crops on the basis of their local knowledge, and by working together with their fellow farmers to undertake agricultural productive partnerships to ensure to improve their income. They will also benefit from improved irrigation channels which provide them with more reliable access to water, which help minimize the risk of crop failure due to water shortage. Ethnic women will also benefit from nutrition trainings that are implemented through agricultural extension trainings and social behavior change communication campaigns. Nutrition training are expected to help women adopt good nutrition practices which help them improve their families' nutritional status. Both men and women of ethnic groups will have equal opportunities to participate in the project. They can choose to join project activities that are culturally appropriate to them.

### 4.2 MITIGATION MEASURES

In terms of adverse impact, rehabilitation of existing irrigation systems may involve minor permanent land acquisition. Temporary impact on land and income generation activities may result from environmental pollution and restricted water access during construction operations. Every effort will be made to avoid. However, when avoidance is not possible, a Resettlement Action Plan will be prepared in line with project's CRPF to ensure affected households will be compensated for the adverse impact so that their livelihood is not worse off as a result of the subproject.

Aside from adverse impacts, ethnic farmers may also benefit from project activities, which will need to be designed in a culturally appropriate manner, and through a process of free, prior and informed consultation. In particular, these activities may include:

- (i) Establishment and capacity building for farmer groups and their members; and
- (ii) Mapping, demarcation, and registration of irrigation land/systems in the project area on a block basis (not for individual plots).

Where these activities are being carried out in locations where ethnic groups are likely to be benefit, an ethnic group development plan will need to be prepared, based on a social assessment and process of free, prior and informed consultation.

### 4.3 MEASURES TO ENHANCE GENDER EQUITABLE ACCESS

On the basis of the preliminary social assessment undertaken during preparatin, the project will undertake a number of intervention actions that aims to a) ensure ethnic groups are provided opportunities to participate in project planning and implementation, and b) men and women from ethnic groups have equal opportunities to participate in project – through the gender action plan, and to receive socioeconomic benefits from the project. These measures are outlined Annex 3 (Gender Action & Monitoring Plan) from the Social Assessment report prepared for the project.

### 4.4 BROAD COMMUNITY SUPPORT

Given the project activities create an overall positive impact where the adverse impact is minor and manageable, through a preliminary social assessment exercise conducted during the preparation phase the project, representatives from potentially affected ethnic groups confirmed their broad support for project implementation (Please see Annex 1 of the document for Summary of Consultation Outcomes, and the Social Assessment report prepared for this project for further details). Once the design and location of project activities are known, Broad Community Support will be determined for specific sub-projects and activities, following a process of social assessment and free, prior and informed consultation.

### 4.5 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 sub-projects to be implemented under Component A (Improved Agriculture Efficiency and Sustainability) might involve potential minor land acquisition to upgrade existing irrigation channels. This may affect ethnic groups and other vulnerable groups in areas where land of ethnic peoples are close to the existing irrigation channels. An important component of the EGEF is to ensure that the requirements of the Framework, and the World Bank's policy on indigenous people, 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 WB screen to identify whether ethnic groups are present in, or have collective attachment to, the project area; (b) the borrower undertakes a social 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. For the purposes of this project the borrower is the Ministry of Agriculture and Forestry (MAF) through its Department of Planning and Finance (DOPF). In order to fulfill these requirements, DOPF will appoint a social safeguards focal person, who will be responsible for the coordinating the implementation of the requirements of this framework, and ensuring the necessary expertize is in place to conduct social assessments, consultations, and prepared Ethnic Group Development Plans.

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.

### 4.6 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 in the provinces where project activities will be taking place. This was based on the technical judgment 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. During project implementation, as sub-project and activity locations are identified, the World Bank task team social development specialist will work with the implementing agency to determine the presence of ethnic communities, in the sub-project areas.

### 4.7 SOCIAL IMPACT ASSESSMENT

During the preliminary community consultations in Xayabouly, Bolikhamxay, and Khammouane Provinces, the following suggestions were made to mitigate the social impacts on project affected households (PAHs) and PAPs, including ethnic groups:

- Collection of primary data is paramount, as secondary data is usually not up-to-date;
- Involvement of local people in a participatory community-based impact analysis is important to ensure that vulnerable people, including ethnic groups, are not excluded from the decision-making related to the new development;
- If resettlement is required for vulnerable groups, including ethnic groups, emphasis should be put on improved education opportunities to give them more livelihood options. Provision of information and messages in local people's own language is important and the facilitator who explains the project should be speaking the local language.

Once the exact location of project activities are known and the presence of ethnic communities confirmed by the World Bank task team, a social assessment will be undertaken by the implementing agency. Key elements of a social assessment includes:

- a) Depending on the scale of the sub-project or activity, a review of the institutional framework applicable to ethnic groups living in the affected community will be undertaken. 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, socioeconomic 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 subproject. 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.

### 4.8 FREE, PRIOR AND INFORMED CONSULTATION PROCESS

The World Bank's policy on ethnic groups requires a free, prior and informed consultation 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 SA, 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 process of establishing broad community support, 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 subproject 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 Ethnic or tribal leader if any, Provincial or District Offices of Lao Front for National Development and other local civil society organizations (CSOs) identified by the ethnic groups as important in representing their interests; and
- Opportunities for consultation at each stage of sub-project preparation and implementation.

In order to inform the preparation of this framework, preliminary Consultations with community, local authorities was conducted in Bolikhamxay (September 5-6, and 13), Xayabouly (September 8-9) and Khammouan (October 16-18). Reports on the consultation's outcomes with the list of participants are provided in Annex 1.

### 4.9 PREPARATION OF AN ETHNIC GROUP DEVELOPMENT 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 Social Assessment and free, prior and informed consultation process will be used by the designated implementing agency to prepare an Ethnic Group Development Plan (EGDP) for the specific sub-project affecting ethnic groups. The EGDP 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 EGDP 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 EGDP into the project design.

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

- a) Sub-Project or activity 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 EGDP;
- h) Measures to avoid, minimize, mitigate, or compensate for adverse effects;
- i) The cost estimates and financing plan for the EGDP;
- j) Grievance redress mechanisms accessible to the affected ethnic groups; and
- k) Monitoring, evaluating and reporting on the implementation of the EGDP, along with specific monitoring indicators (disaggregated by ethnicity).

### 4.10 REVIEW AND APPROVAL OF AN ETHNIC GROUP DEVELOPMENT PLAN (EGDP)

Once an EGDP for a subproject is completed by PAFO, the EGDP needs to be submitted to the World Bank for prior review and approval prior to implementation. The approved EGDP is required to be publicly disclosed in MAF, PAFO and DAFO and on MAF's website.

### 5.0 IMPLEMENTATION ARRANGEMENTS

The Agriculture Commercialization Project will be executed by Ministry of Agriculture and Forestry (MAF) through its Department of Planning and Finance (DOPF) in close collaboration with Ministry of Industry and Commerce (MOIC). At the provincial level, project activities will be managed and implemented through its provincial agencies, PAFOs and the partner agencies, POIC. Focal points or staff from DOPF have been appointed for preparation of safeguard instruments (ESMF, CRPF and EGDF) and compliance monitoring and reporting. Similarly, focal staff from PAFO and its line agency at district level have also be assigned to ensure the effective implementation, monitoring and reporting on safeguard compliance on the ground. To ensure safeguard implementation capacity in place, the appointed safeguard team will be provided with training and technical assistance by safeguard consultant recruited in the DOPF. The team will also be provided with guidance and support from the World Bank environmental and social safeguard specialists throughout the course of project implementation. The status and findings of safeguard compliance monitoring will be documented in the project progress report by the team of safeguard focal staff with support from the safeguard consultants and submitted to the World Bank for review. Key responsibilities and detailed tasks assigned to each level of the safeguard team are provided in Table 3 below:

Sub-project Cycle	MAF/DOPF	PAFOs in Xayabouly, Vientiane, Vientiane capital City, Bolikhamxay and Khammoaune	
Screening	Advise applicants and other stakeholders about environmental and social safeguard procedures.	Assess any potential safeguard issues early in the preparation process, including screening for the presence of ethnic groups.	
	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.	Describe potential safeguard issues in the safeguard screening form to be attached to the sub-project proposal.	
	In the case of Ethnic Communities, the screening for the presence of ethnic groups in the sub-project areas will be conducted by the World Bank's task team social development specialist.		
Assessment and Preparation	Advise applicants on safeguard issues, as needed.	Undertake safeguard preparation actions as required, such asocial assessment and consultations with local communities and/or collection of data.	
		Design safeguard measures and prepare documents, such as an Environment Code of Practice (ECoP), ESMP, ARAP, EGDP, etc. as agreed with MAF/DOPF. If applicable, disclose draft safeguard documents with the sub-project proposal to affected communities prior to final review of proposal by the MAF/DOPF.	
Review and approval	Review sub-project proposals for safeguard impacts and social risks. Assess the adequacy and feasibility of the	Submit sub-project proposal with safeguard measures and documents as agreed. If requested by the DOPF, take additional steps to meet EGEG and safeguard policy provisions. Re-submit proposal with revised	
	safeguard assessment and consultation process. If needed, request further steps.		
	Assess the adequacy and feasibility of safeguard measures and documents. If needed, request appropriate changes to	safeguard measures and documents, as needed. All national and local legislation and regulations will be complied with.	
	these and reassess prior to final approval. If the ethnic groups (equivalent to WB	Prepare an action plan as needed if the sub-project is likely to have impacts on	
	OP/BP 4.10) are affected, ascertain that they have provided their free, prior and informed consent to sub-project activities affecting them.	CSOs (non-profit associations and Community Based Organizations [CBOs]).	
	If applicable, publicly disclose safeguard related information on the website after sub- project approval.		
Implementation	Supervise and review safeguard documents and issues during sub-project implementation. If needed, request changes	Disclose final safeguard documents, if any, to affected communities. Monitor and document the implementation	
	to safeguard measures. Review and approve Plan of Actions that are	of safeguard measures. When the ethnic groups (equivalent to	
	required to be prepared during implementation of sub-projects.	WB OP/BP 4.10) are affected, include them in participatory monitoring and evaluation	

### Table 3 Key responsibilities for ESMF implementation.

		exercises.
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.	Evaluate the implementation and outcomes of safeguard measures. When the ethnic groups (equivalent to WB OP/BP 4.10) are affected, include them in participatory evaluation exercises.

## 6.0 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 DOPF/MAF will conduct monitoring activities during the feasibility studies and ESMPs/EGDP/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 DOPF/MAF Environmental and Social Specialist 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 EGDP 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 MAF and compliance monitoring ensured by MONRE.

(ii) Impacts Monitoring: Once the project is under implementation, monitoring of subproject initiatives' impact mitigation measures should be the duty of the PAFOs. It is expected that the environmental and social safeguards documents will be given to the contractors and the PAFOs with guidance and support from DOPF and safeguard consultants will monitor to ensure that works are preceding 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 project areas 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.

### 7.0 GRIEVANCE REDRESS MECHANISM

A grievance redress mechanism will be established within the affected ethnic group community based on the existing structure from the village mediation unit (VMU) established in all villages, District Office of Justice (DOJ) and DAFO at district level and the Provincial Assembly and PAFO at the provincial level. These institutions will be used and strengthened to receive, evaluate and facilitate the resolution of concerns, complaints and grievances emanating from within the ethnic group community in accordance with the Law on Handling of Petitions (2015). The VMU at the village level would be comprised of representatives of ethnic group community leaders, and head of mediation unit or village elder person. The grievance redress institution 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 EGDP 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 EGDP 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 Institutions (GRIs) 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 PAFOs or the Provincial 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 PAFOs through the monthly report. In order to effectively and quickly resolve grievances PAP and PAH may have, the following process will be applied:

- <u>Stage 1</u>: if members of ethnic group communities are not satisfied with the resettlement plan or its implementation and subproject implementation, they can issue a verbal or written complaint to Village Mediation Unit
- <u>Stage 2</u>: 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 institutions at the project level namely DOJ via DAFO. The VMU should make the arbitrated decision within 15 days;
- <u>Stage 3</u>: if they are not satisfied with the result of Step 2, they can file an appeal with the Provincial Assembly via PAFO for administrative arbitration after receiving the decision made by the District level Grievance Redress Institutions (DOJ and DAFO). The administrative arbitration organization should make the arbitrated decision within 20 days; and
- <u>Stage 4</u>: 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 - GRI process.

Members of ethnic group communities can make a complaint or appeal on any and all aspects of subprojects' design and implementation, compensation and resettlement. A complaint and grievance feedback form, as well as a pamphlet explaining the mechanism, will be developed under the project and distributed 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 DPF.

# 8.0 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 EGDP to the affected ethnic groups using culturally appropriate methods and locations. In the case of an EGDP, the document is disseminated by DOPF, PAFOs and DAFOs to reach ethnic groups who are likely to be affected by the project. Where necessary, the document may be disseminated using other provincial or District Lao Front for National Development (LFND) as appropriate. At the local level, the SA report and draft EGDP 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 SA and draft EGDP to the World Bank for review. If the Work 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.

### 9.0 BUDGET

The budget estimated to implement the EGEF and the related sub-projects is estimated at USD 13,000 (Table 4). The source of financing will be from Component 4, Project Management.

No.	Description	Indicative Cost (USD)
1	Consultation with ethnic groups at preparation for ESMP and Ethnic Group Development Plan (EGDP)	3,000
2	Recruitment of national consultant(s) (part-time) to prepare EGDPs and relevant sections of EMSPs	3,500
3	Monitoring visit and support for 5 provinces	3,500
4	Recruitment of national consultant to conduct participatory monitoring and evaluation of EGDPs	3,000
	Total	13,000

### Table 4 Indicative budget for implementation of the EGEF and related sub-project

At this point in time, an estimated amount cannot be provided for the implementation of the EGDPs to be prepared as exact locations of the sub-projects, and their impacts on ethnic communities, cannot be determined. These budgets will be developed during implementation, and will be financed out of Component C (Project Management).

## **ANNEX 1 – SUMMARY OF CONSULTATION OUTCOMES**

No.	Project Province	Time	Venue	Participants	Consultation Outcomes
1	Bolikhamxay	6 Sep 2017,	Community Center	• Village: 23 persons,	• Potential Project Impact: Participants agreed that the
	Province	8:00 am	of Houana village,	including representatives	project would have positive impacts, and concurred with
			Bolikhan District	from Lao Lung, Hmong,	the positive impacts. Participants acknowledged the list of
				Khmou.	adverse impacts mentioned by the safeguards specialists.
				<ul> <li>Representatives Village,</li> </ul>	All agreed that the adverse impacts seemed reasonable
				including	and temporary.
				<ul> <li>Representatives of District</li> </ul>	Compensation payment (land): Participants positively
				and Provincial Agriculture	receive news about compensation principles to be applied
				and Forestry Office	under the project. They have no comments.
					• GRI: In order to address concerns and adverse impacts,
					participants agreed that they would usually go to the village
					headman as the first point of contact. If it is related to
					irrigation, complaints will go to Water User Group first. In
					cases where the complaints are not satisfactorily
					addressed by the headman, they would consider
					approaching either the head of the ethnic group (if they
					were an ethnic minority themselves), or approach the
					district level leaders.
					• Language of Consultation: Participants were asked if
					ethnic minorities preferred to have the consultations held in

No.	Project Province	Time	Venue	Participants	Consultation Outcomes
					<ul> <li>their own language. The group indicated that Lao language would be the preferred method.</li> <li>Community Support: Given the project's benefit, the community indicated that they wanted the project to start and that they wanted implementation to begin in the early years. Participant attending the group meeting and the Hmong group leader attending a separate consultation confirmed their support for project implementation.</li> </ul>
2	Xayabouly Province,	8:00 am, 8 Sep 2017	Thad Village, Xienghone District	<ul> <li>Approximately 170+ people attending the consultation meeting, including 9 people from Hmong ethnic group; 11 from Khmou ethnic group; 1 from Lue ethnic group, and all remaining 100+ are from Nhouan ethnic group.</li> </ul>	<ul> <li>Potential Project Impact: Participants agreed that the project would have positive impacts, and concurred with the positive social and environmental impacts described. They understood the potential adverse impact – social and environment as presented.</li> <li>Land acquisition. Main canal in this area passes through community land, and secondary/tertiary canals impact individual household lands. Participants think the benefits from the irrigation scheme improvements outweigh land acquisition impact. Participants said they are happy to donate their affected land. Upon listening to the compensation principles of the project, participants confirmed they understand and agree with this. We support the project which is why we are here.</li> <li>GRI. Ethnic peoples lodge any complaints to the village organization. Ethnic groups also go to village organization.</li> </ul>

No.	Project Province	Time	Venue	Participants	Consultation Outcomes
					They never go to the head of the ethnic group."
					• Participation. Participants were asked if women would
					turn out in good numbers for training (just like at today's
					meeting), participant said yes. Ethnic peoples can also be
					encouraged to participate in project activities by designing
					activities that are appropriate to them in terms of culture,
					farming practices.
					- Gender. Women are involved with crop production
					(growing, transplanting, harvesting) and livestock. Men
					work more with pest management and fertilizer application
					which are generally heavy work. Men typically coordinate
					water with other members in the water user group to
					ensure sufficient water for their crop.
					- Community Support. Given the potential social and
					environmental positive impacts, and that the project
					benefits outweigh the limited adverse impact, the
					participants indicated, through hand raising, their support
					for project implementation.
3	Xayabouly	10:00 am, 8	Dontan Village,	Approximately 126 people	• Potential Project Impact: Participants listened to the
	Province,	Sep 2017	Xienghone District	attending the consultation	presentation of potential project's impact and have no
				meeting. There are 6 ethnic	comments of potential impact.
				minority groups in this	- Land acquisition. In the past, people didn't receive
				village attending the	compensation. They did land donation. After listening to
				consultation: Lao (3), Lue	the compensation principles to be applied under the
No.	Project Province	Time	Venue	Participants	Consultation Outcomes
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				(100); Hmong (5); Khmou	project, the participants agreed.
				(11); Pray (2); Nhouan (6)	• GRI. Participants proposed complaints, if any, be lodged to
					the village organization, even for ethnic groups.
					• Community Support. Given the overall social and
					environmental project impacts, the participants attending
					the consultation confirmed their broad support for project
					implementation (through raising of hands.)
4	Bolikhamxay	13 Sep 2017	Sysomxay Village,	• 25 peoples attending the	• Potential Project Impact. Participants agreed that the
	Province,		Thaphabath	consultation (7 are	project would have positive impacts, and concurred with
			District	women). There are 3 ethnic	the positive social and environmental impacts described.
				groups participating,	They understood the potential adverse impact – social and
				including 7 from Katang	environment as presented. In terms of adverse impact,
				ethnic people, 12 from Tai	they said it is likely that during construction, there may be
				ethnic group and 6 Lao	cases where paddy field will be passed by trucks during
				ethnic group).	construction period, damaging their paddy bund.
					• Land acquisition. In the past, there is no any
					compensation made for land acquisition for irrigation
					construction. Affected households intended to donate their
					land for construction of irrigation because they will benefit
					from improved access to water, i.e. be able to grow two
					crops a year. Farmer understand that improved irrigation
					access gain them more benefit compared to those who
					don't have irrigation access. The costs of paddy land are
					different from area to area. For example, land located near

No.	Project Province	Time	Venue	Participants	Consultation Outcomes
					main road is very expensive, compared to paddy land
					which has no road access (which is cheaper). If
					compensation is made for affected land, farmers prefer
					compensation payment at market prices.
					• GRI. If there is any conflict at communities, farmers would
					submit their complaints to village's organization rather than
					ethnic group leader. They proposed that grievance be
					addressed through government's organizational structure.
					• Participation. Planning of activities at the village level
					currently use participatory approach. Mass organization
					such as Youth, Lao's Women Union, and Village Advisor
					should attend planning sessions of project activities. At
					household level, all family member should be involved.
					• Gender. The farming activities undertaken by woman
					include transplanting, seedbed preparation, and
					harvesting. Men are mainly responsible for fertilizer
					application, plowing and preparation of paddy field,
					including making paddy bund.
					Labour Division. Family decision making (who make the
					decision: women, men or both)
					<ul> <li>Expenditure: both man and women are involved in</li> </ul>
					household expenditure.
					<ul> <li>Farming: both are involved in farming activities women</li> </ul>
					• Health: Women is generally responsible for child care.

No.	Project Province	Time	Venue	Participants	Consultation Outcomes
					Looking for medicine and transport of patient to hospital
					is generally undertaken by men.
					<ul> <li>Children education: women typically take children to</li> </ul>
					school. However, husband needs to get involved.
					<ul> <li>Irrigation: Currently, members of the water users'</li> </ul>
					association are mainly men. But canal cleaning is done
					by both men and women.
					• Community Support. Given the project impact is overall
					positive, the participants attending the consultation
					confirmed their support for project implementation. They
					look forwards to having the project and expect to get
					technical support and have access to improved agri-
					infrastructure.

### ANNEX 2 - ELEMENTS FOR AN EGDP

#### Executive Summary

This section describes briefly the *critical facts*, *significant findings* from the social assessment, and *recommended actions to manage adverse impact (if any)* and *proposed development intervention activities* on the basis on the social assessment results.

#### I. Description of the Project

This section provides a general description of the *project goal*, *project components*, *potential adverse impact (if any) at the project and subproject levels*. Make clear the identified adverse impact at two levels – project and subproject.

#### II. Legal and institutional framework applicable to ethnic peoples

#### III. Description of the sub-project population

- Baseline information on the demographic, social, cultural, and political characteristics of the potentially affected ethnic population, or ethnic communities.
- Production, livelihood systems, tenure systems that ethnic peoples may rely on, including natural resources on which they depend (including common property resources, if any).
- Types of income generation activities, including income sources, disaggregated by their household member, work season;
- Annual natural hazards that may affect their livelihood and income earning capacity;
- Community relationship (social capital, kinship, social network...)

#### IV. Social Impact Assessment

This section describes:

- *Methods of consultation* already used to ensure free, prior and informed consultation with affected ethnic population in the sub-project area.
- Summary of results of free, prior and informed consultation with affected ethnic population. Results includes two areas:
  - <u>Potential impact of subprojects</u> (positive and adverse) on their livelihoods of ethnic peoples in the project area (both directly and indirectly);
  - <u>Action plan of measures</u> to avoid, minimize, mitigate, or compensate for these adverse effects.
  - <u>Preferences of ethnic peoples for support</u> (from the project) in development activities intended for them (explored through needs assessment exercise conducted during the social assessment)

 <u>An action plan of measures</u> to ensure ethnic peoples in the subproject area receive social and economic benefits culturally appropriate to them, including, where necessary, measures to enhance the capacity of the local project implementing agencies.

#### V. Information Disclosure, Consultation and Participation:

This section will:

- a) describe information disclosure, consultation and participation process with the affected ethnic peoples that was carried out during project preparation in free, prior, and informed consultation with them;
- b) summarizes their comments on the results of the social impact assessment and identifies concerns raised during consultation and how these have been addressed in project design;
- c) in the case of project activities requiring broad-based community access and support, document the process and outcome of consultations with affected ethnic communities and any agreement resulting from such consultations for the project activities and safeguard measures addressing the impacts of such activities;
- d) describe consultation and participation mechanisms to be used during implementation to ensure Ethnic minority peoples participation during implementation; and
- e) Confirm disclosure of the draft and final EGDP to the affected ethnic people's communities.

**VI. Capacity Building:** This section provides measures to strengthen the social, legal, and technical capabilities of (a) local government in addressing ethnic peoples issues in the project area; and (b) ethnic organizations in the project area to enable them to represent affected ethnic peoples more effectively.

**VII. Grievance Redress Mechanism:** This section describes the procedures to redress grievances by affected ethnic peoples. It also explains how the procedures are accessible on a participatory manner to ethnic peoples and culturally appropriate and gender sensitive.

**VIII. Institutional Arrangement:** This section describes institutional arrangement responsibilities and mechanisms for carrying out the various measures of the EGDP. It also describes the process of including relevant local organizations and NGOs in carrying out the measures of the EGDP.

**IX. Monitoring & Evaluation:** This section describes the mechanisms and benchmarks appropriate to the project for monitoring, and evaluating the implementation of the EGDP. It also specifies arrangements for free, prior and informed consultation and participation of affected ethnic peoples in the preparation and validation of monitoring, and evaluation reports.

**X. Budget and Financing:** This section provides an itemized budget for all activities described in the EMDP.

### ANNEXES TO THE EGDP

## ANNEX 3 - SAMPLE MINUTES OF CONSULTATION & LISTS OF PARTICIPANTS

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#### ສາທາລະນະລັດ ປະຊາທີ່ປະໄຕ ປະຊາຊົນລາວ

#### ສັນຕິພາບ ເອກະລາດ ປະຊາທິປະໄຕ ເອກະພາບ ວັດຫະແຮຖາວອນ

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#### ໃນລົງທະບຽນ

## ແນວງທະບຽນ ກອງປະຊຸມປຶກສາຫາລື ກ່ຽວກັບ ການປະເມີນຄວາມປອດໄຫ ຫາງດ້ານສິ່ງແວດລ້ອມ ແລະ ສັງຄົມ ຮ່ວມກັບກຸ່ມຊາວກະສີກອນ, ກຸ່ມຊົນເຜົ່າ ຈັດຂຶ້ນໃນວັນທີ 08 ກັນບາ 2017, ທີ່ບ້ານຫາດ ຫຼື ຕອນ ຈຳ້ນ ເມືອງຊຽນອອນ, ແຂວງໄຊບະບູລີ

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#### ໃບລົງທະບຽນ

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## ີບລົງທະບຽນ ໃບລົງທະບຽນ ກອງປະຊຸມປຶກສາຫາລື ກ່ຽວກັບ ການປະເມີນຄວາມປອດໄພ ທາງດ້ານສິ່ງແວດລ້ອມ ແລະ ສູ່ງຄົມ ຮ່ວມກັບກຸ່ມຊາວກະສຶກອນ, ກຸ່ມຊົນເຮົາ ຈັດອື່ນໃນວັນທີ 08 ກັນບາ 2017, ທີ່ບົກເຫດ ຫຼື ດອນ ແກ່ນເມືອງຊຽງຮອນ, ແຂວງໄຊບະບູລິ

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ະະລັດກະສັກເປັນສິນຄົນຊີ ສປປ ລາວ (LACP) ໃນລົງທະບຽນ ກອງປະຊຸມປຶກສາຫາລື ກ່ຽວກັບ ການປະເມີນຄວາມປອດໄຫ ທາງດ້ານສິ່ງແວດລ້ອມ ແລະ ສິງຄົມ ຮ່ວມກັບກຸ່ມຊາວກະສຶກອນ, ກຸ່ມຊົນເຊິ່າ ຈັດອື່ນໃນວັນອີ 08 ກິນປາ 2017, ທີ່ບ້ານທາດ ຫຼື ຄອນ ວ່າກຸເມືອງຊຽຮອນ, ແຮວງໄຊຍະບູລີ

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### ໃນລົງທະບຽນ ກອງປະຊຸມປົກສາຫາລື ກ່ຽວກັບ ການປະເມີນຄວາມປອດໄພ ທາງດ້ານສິ່ງແວກລ້ອມ ແລະ ສັງຄົມ ຮ່ວມກັບກຸ່ມຊາວກະສຶກອບ, ກຸ່ມຊົນເສົ່າ ຈັດສິ້ນໃນວັນທີ 08 ກັບບາ 2017, ທີ່ບ້ານທາດ ຫຼື ດອບ ແນ້ນມີລາອາແລາ

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## บิจบัยยภ

- 10 คา: 8:30 12:00 - คามเนี้. ยาอย่างอาเมืองยุ่คลียา แม่อาเบ็คลาไล.
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## บิจบัยยภ

- 10 PT: 8:30 12:00 - 10 PT: 8:30 - 12:00
- - محمهما المحالي في المحالي في المع المراك ولا . الم . لم مرم . والمحرمة حد المحالي في المحالي المحالي المحالي المحالي . المحرمة والمحالي في المحالي ا

## บิจบัยยภา

- 10 PT: 8:30 12:00 - 10 PT: 8:30 - 12:00
- محمهما المحالية العلى عنه والله على معالى ولا . الم . كه مع المحرمة حدود المحالي محمد حمل حل حول معالم على عدة المح . كه مع الع . حرف المحد و المحالي محمد محمد و حد له حول معال على عدة المح مع و حد اله حرف الحرب المحمد و حد له حرف المح المح المحالي المح على و تع المح مسوحه المحال : و على محم المح ماك ماك مح المح المح