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## The World Bank, Hydropower-based Poverty Alleviation and Indigenous Peoples: On-the-Ground Realities in the Xe Bang Fai River Basin of Laos

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The Nam Theun 2 Hydropower Project (NT2) in Laos has – despite being considered a model project by its main international supporter, the World Bank – had major social and environmental impacts on downstream areas in the Xe Bang Fai (XBF) River Basin. In this article we argue that NT2 has been especially damaging to ethnic Brou Indigenous Peoples, and particularly Brou women, who although they have not been passive victims and have demonstrated a certain level of agency, have nevertheless been proportionally more impacted, and have been generally less able to take advantage of project compensation. In its expedient approach to project development, the project developers, including the World Bank, have failed to even recognize that thousands of ethnic Brou people living in the XBF Basin qualify as Indigenous. This has led to a number of adverse consequences, including increasing the vulnerability of these communities to induced internal resettlement. Much more needs to be done to address the plight of those impacted by NT2 in the XBF River Basin, including Indigenous Peoples and especially Indigenous women.

**Keywords:** Indigenous peoples; Laos; hydropower dams; World Bank; downstream

### Introduction

In May 2013 the World Bank announced that after over a decade of largely refraining from supporting large hydropower dams – due to past evidence of their negative social and environmental impacts – it had decided to resume funding large dam construction in Africa, Asia, and other parts of the developing world. In large part, this move was justified through a redefinition of hydropower as a means toward achieving broader social and environmental objectives, in particular poverty alleviation (Schneider, 2013).

In redefining dams as a vehicle for poverty alleviation, the World Bank has pointed to the purported success of one of its only recently completed large dams, the Nam Theun 2 Hydropower Project (NT2) in Laos, as providing justification for this move.

NT2 was approved for World Bank private sector loan guarantees in 2005. In 2010, NT2 started generating electricity, mainly for export to Thailand. Soon after the project was completed, the World Bank published a book about its involvement with the mega-project, edited by two senior Bank officers, entitled, *Doing a Dam Better: The Lao People's Democratic Republic and the Story of Nam Theun 2* (Porter and Shivakumar, 2011). The tone of that publication is highly positive and self-congratulatory.

Considering the well-documented earlier social and environmental concerns over large hydropower, the World Bank's decision to support NT2 was controversial. Now, over six years after NT2 commenced operations and at a time when the World Bank is expanding its support to large hydropower in other countries based on the purported success of NT2, it seems appropriate to consider how successful NT2 has actually been – particularly in terms of its purported goal of poverty alleviation.

There are a few dimensions of poverty alleviation that could be considered for a large hydropower dam such as NT2. The first is that the revenue from the project could be used to finance poverty alleviation. The second is that the provision of electricity to people could result in poverty alleviation. Although these two matters, particularly in relation to NT2, are quite problematic in their own right (see Kaisti and Käkönen, 2012; Lawrence, 2009; Mekong Watch, 2016), they are not substantially dealt with in this article. Instead, the focus is on another aspect of poverty alleviation: the proposition made by the NT2 developers, and especially the World Bank, that people impacted would be made better off by the dam (Porter and Shivakumar, 2011). Has NT2 succeeded in reducing poverty in the project area, or at least not made it worse?

In this article we examine the impacts that NT2 has had to one specific and particularly vulnerable group of people in the XBF Basin – Indigenous Peoples, and relevant policies and practices. Worldwide, Indigenous communities have been especially impacted by hydropower and natural resource extraction projects (Delang and Toro, 2011; Finley-Brook and Thomas, 2010) and at the same time have been the subject of much of the recent 'poverty alleviation' rhetoric of the World Bank and other international development organizations (Chamberlain, 2007; Porter and Shivakumar, 2011). Within Indigenous communities, it is often women who are especially vulnerable to external changes and initiatives (Chamberlain, 2006). Looking at NT2's impacts on project-area Indigenous Peoples, and especially Indigenous women, is thus a necessary part of an examination of whether the World Bank's claim to have developed a new positive model of hydropower-based poverty alleviation is justified. Various studies have shown that because Indigenous Peoples make up a large portion of poor populations, it is not easy to alleviate poverty more generally unless the lives of Indigenous Peoples and particularly Indigenous women are improved (Whitehead, 2009; World Bank, 2014), including in Laos (Chamberlain, 2001; 2007; Chamberlain and Phomsombath, 2002).

We begin with a review of some of the previous research conducted that helped facilitate this study, and the methods applied for conducting the research upon which

this article is based. We then introduce the international debate regarding the past and potential impact of hydropower dams, particularly for Indigenous Peoples. We describe the World Bank's formal policy on working with Indigenous Peoples and then provide an overview of the challenges facing Indigenous communities in Laos, including how they have been negatively impacted by the Government of Lao PDR's (GoL) internal resettlement initiatives. We briefly describe the overall characteristics of NT2 before presenting our findings, focusing on the impacts NT2 has had on Indigenous Peoples and Indigenous women in the XBF Basin, and responses of those impacted. We finally discuss the implications of our major findings in relation to World Bank rhetoric and policies, and provide some concluding remarks.

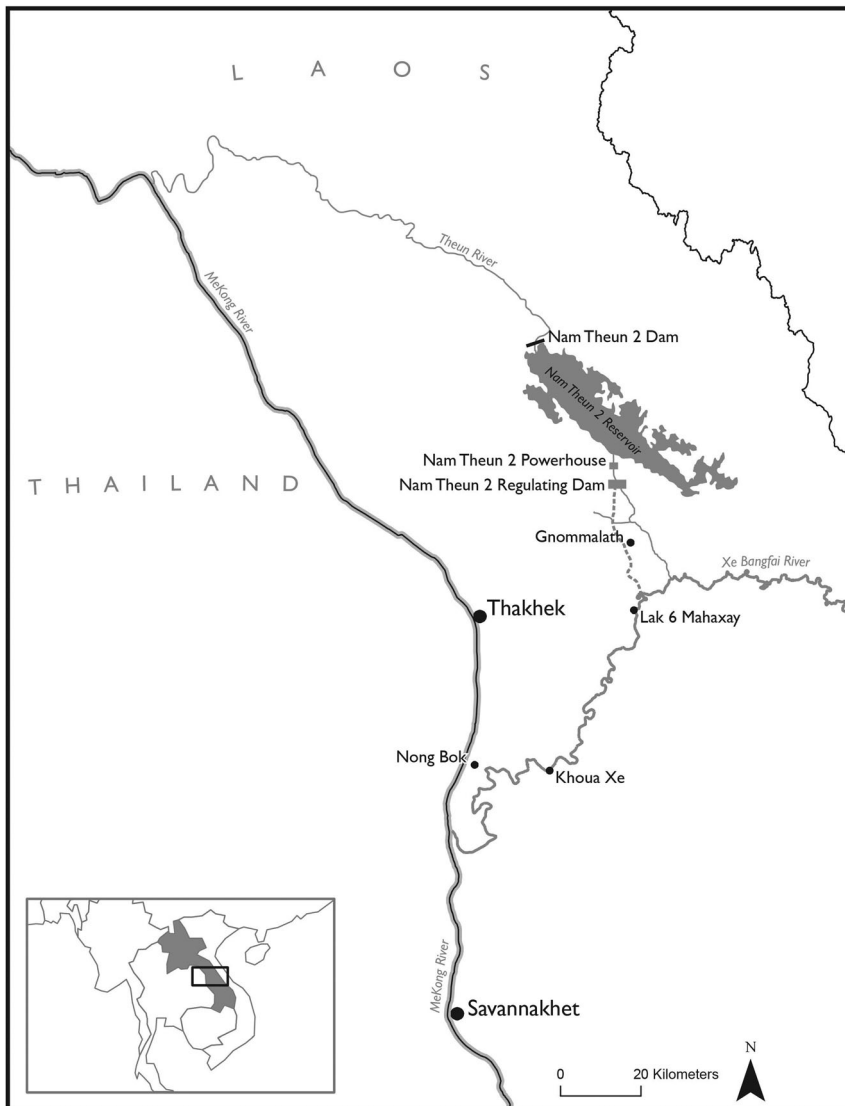
### **The people and their river and beyond: conducting the research**

In 2001, when planning for NT2 was ongoing but the project had not yet been approved, an independent study by Shoemaker et al. (2001) demonstrated the importance of the XBF River and its tributaries and wetlands for local livelihoods. This included a high dependence on fisheries and wetland resources, for both food security and cash income. Other key livelihood connections to the river included links to rainy season rice farming, dry season riverbank vegetable gardens, water supply, transportation, and other cultural and social factors. The findings were published in *The People and Their River: A Survey of River-based Livelihoods in the Xe Bang Fai River Basin in Central Lao PDR* (Shoemaker et al., 2001). The study suggested that the developers of NT2, including the World Bank, had overlooked many crucial livelihood issues in the XBF Basin. Moreover, they also greatly underestimated the number of people with livelihood links to the river.

Water began flowing from the Theun Basin into the XBF in 2010. In recent years visits and other studies by outside advocacy groups (International Rivers, 2012; Matsumoto and Doi, 2010; Mekong Watch, 2010) and academics alike (Baird et al., 2015; Richter et al., 2010) have raised serious concerns about the impacts of NT2 along the XBF. However, impacts on Indigenous Peoples have not been a particular focus of past studies.

This study follows up on the research conducted in the XBF Basin in February–March 2001. Two of the three authors of the present research were involved in the 2001 study, and all three speak Lao – and have considerable training and experience doing qualitative research. Fieldwork for the present study was conducted between 30 December 2013 and 18 January 2014, when 26 villages in seven districts and two provinces in the XBF Basin were visited (see Figures 1 and 2). Over 100 people of various ethnicities, including Lao, Kaleung, Phou Thai, and Brou were interviewed, of which about half were women. Our team conducted the study on our own, without the involvement or presence of GoL officials or representatives of Nam Theun Power Company (NTPC) or the World Bank. For more details on our research methodology see Baird et al. (2015).

**Figure 1: Map of the Nam Theun 2 Hydropower Project in Central Laos**



During the course of our larger study of the XBF, we visited four ethnic Brou villages in four districts and conducted 40 individual interviews, almost half of which were with women. These qualitative interviews varied in time length from between 30 minutes and over an hour. We separated when in the villages in order to be able to conduct more interviews over shorter periods. A total of over ten person-days were spent in Brou villages. In addition, we met a number of individual Brou people outside of their villages and were able to conduct additional interviews with them about their communities. This included Brou men employed as guards by NTPC, and a number of Brou people from another village who were outside of their village

**Figure 2: Parts of the Xe Bang Fai River Basin downstream from the Nam Theun 2 dam**

doing agriculture at the time we met them. For ethical reasons, we have chosen not to specifically identify the Brou villages we visited. Of the 150 villages in the XBF River Basin impacted by NT2, it is estimated that about 20 per cent have significant numbers of ethnic Brou people living in them. The number of Brou villages we visited is about the same relative proportion of non-Brou villages in the River Basin that we visited during the study.

The study also relied heavily on a review of policy documents, in order to understand what practices associated with project development would have been expected, and to compare those practices to what actually happened.

**The World Bank, hydropower, Indigenous communities, and poverty**

The World Commission on Dams (WCD), in which the World Bank played a key role, proposed ‘A New Framework for Decision Making’ in 2000, resulting from a comprehensive assessment of individual projects and the cumulative effects of large dam development projects around the world (WCD, 2000). Influenced by the WCD findings, the World Bank’s social safeguards state that both new and existing dams should have effective measures to avoid potentially adverse effects on Indigenous Peoples, and particularly to ensure that these peoples receive social and economic benefits that are culturally appropriate and gender and inter-generationally inclusive. Hence, much attention must be paid to:

those below the poverty line, the landless, the elderly, women and children, Indigenous Peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation. (World Bank, 2004, p. 5)

Indeed, this remained a part of the safeguards following their 2013 revision (World Bank, 2013b).

The World Bank continues to state that hydropower can provide opportunities for local development when it is considered within the broader context of poverty reduction (World Bank, 2009; 2013c). It has also argued that the impacts of dams can, if carefully planned and implemented, be mitigated through being committed to sustainability and better management. Indicative of this view, the director of Energy, Transport and Water for the World Bank, James Saghir, stated in March 2009,

Hydropower is complex and brings a range of economic, social and environmental risks. Some are inherent in the sector; many can and must be addressed by thoughtful implementation of good practices and a commitment to a sustainable, triple bottom line approach . . . (World Bank, 2009, p. 4)

Despite this rhetoric, however, the World Bank resisted recommendations from reformers and the WCD in the late 1990s and early 2000s to require that large dam projects internalize all the social and environmental costs of dam development (Goodland, 2010).

More recently, the World Bank (2013c) made its future goal in terms of poverty reduction clear, in a document titled, ‘End Extreme Poverty and Promote Shared Prosperity’. It states, ‘Ending extreme poverty within a generation and promoting shared prosperity must be achieved in such a way as to be sustainable over time and across generations. This requires promoting environmental, social, and fiscal sustainability’ (World Bank, 2013c, p. 7).

Nevertheless, the World Bank’s practices on the ground in relation to safeguards have frequently been found to be inconsistent with the above statements and policies. (Namy, 2007, p. 12). As Namy (2007, p. 14) puts it:

The inconsistencies between rhetoric and practice have not escaped notice, and resentment towards the World Bank is growing at the grassroots level. It is imperative that the World Bank uphold its commitment to poverty alleviation by ensuring its lending decisions do not inadvertently impoverish affected citizens. Moreover, it is important to recognize that disparate impacts resulting from dam projects contribute to social inequalities and threaten stability worldwide.

Much research has found that the livelihoods of ethnic minorities and women, and particularly ethnic minority women, have been particularly affected by hydropower dam development (Asthana, 2012; Foran and Manorom, 2009; Lahiri-Dutt, 2012; Namy, 2007; Richter et al., 2010; Whitehead, 2009; Yong, 2001), and, McCully (1996) has argued that the largest proportion of people who have lost their livelihoods to large dams are women, Indigenous Peoples, and other ethnic minorities. Thus these groups require particular attention and care.

Lahiri-Dutt (2012) illustrated the serious impacts facing ethnic minorities and women due to the development of large dams through examining the Damodar Valley Corporation in Eastern India, which caused serious negative impacts to marginalized groups. For example, the embankments have had serious gendered consequences. She states:

While they [the embankments] are used as community spaces, especially by women as spaces for social gatherings, crop drying, and for animal rearing, the dykes have also caused isolation by separating neighbouring villages. The high walls of embankments have created complex networks, in places completely surrounding villages. (Lahiri-Dutt, 2012, p. 535)

In the case of the Mekong region, large hydropower dam development has had devastating negative impacts on the environment but also the well-being of people dependent on resources, especially Indigenous Peoples and women (Ho, 2014; International Rivers, 2014; WCD, 2000; Wyatt and Baird, 2007; Yauch, 2010). In virtually all cases, mitigation and compensation programs have been largely ineffective in remedying the impacts on the people and environment by dams in the region (Ho, 2014). Particular attention has, however, been put on resettlement issues associated with inundated reservoir areas (Baird, 2016; Delang and Toro, 2011; Herbertson, 2012). Indeed, the type of resettlement that is commonly associated with hydropower dam development, including the development of NT2, relates to the resettlement of people previously living in the flooded reservoirs of large dams (Cernea and McDowell, 2000; WCD, 2000). Indicative of the importance put on this type of resettlement, in early 2015 the World Bank admitted major shortcomings of their reservoir area resettlement practices in dam-affected areas around the world. Jim Yong Kim, World Bank Group President, stated:

We took a hard look at ourselves on resettlement and what we found caused me deep concern. We found several major problems. One is that we haven't done a good enough job in overseeing projects involving resettlement; two, we haven't implemented



those plans well enough; and three, we haven't put in place strong tracking systems to make sure that our policies were being followed. We must and will do better. (World Bank, 2015b)<sup>1</sup>

The increased emphasis put on reservoir area resettlement is reflected in the way mitigation and compensation efforts related to NT2 were organized. For example, NTPC agreed to work to restore the livelihoods of people displaced by the project's reservoir until their livelihoods reached certain measureable livelihood benchmarks.

For this study, however, we are concerned with a very different type of resettlement, one that was not initially associated with NT2 in project documents, but is occurring nonetheless, and is at least partially linked to NT2, for various reasons. Generally speaking, downstream impacts were not given nearly as much importance as resettlement associated with the reservoir. Indicative of this, people living downstream of the project in the XBF Basin were not required to reach any particular livelihood development benchmarks such as those resettled in the reservoir area. Instead, a specific amount of funding was allocated for compensating and mitigating there, regardless of how effective the use of those funds might have been in restoring people's livelihoods. In addition, the International Environmental and Social Panel of Experts (the PoE) for the project was required to certify the livelihood benchmarks for people resettled from the dam reservoir area, whereas there was no such requirement for people living downstream. In sum, much less emphasis has been put on the much larger number of people impacted downstream, including some affected by resettlement. However, it must be acknowledged that those displaced by the reservoir have generally faced more dramatic impacts than those living downstream from the dam, since they were forced to resettle and dramatically change their livelihoods due to the project (see Shoemaker and Robichaud, 2017).

Crucially, however, in many parts of the world vulnerable groups, regardless of whether they are resettled or otherwise impacted, have disproportionately suffered from the loss of resources important for sustaining their lives. Many of those many of those affected people have had a difficult time pulling themselves out of project-induced poverty (Finley-Brook and Thomas, 2010; King et al., 2007). In addition, the effects on women have often been more severe than those suffered by men. Indeed, dams have generally made women poorer (Bosshard, 2009; Narciso, 2014), and poorer women have faced many challenges in relation to managing river resources after dams have been built (Asthana, 2012; Badenoch et al., 2011; Lahiri-Dutt, 2012). For example, in the Mekong region the loss of fishery resources has resulted from dam construction, and this has led to reduced food security, particularly for families with female household heads (Baran et al., 2007).

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1 <http://www.worldbank.org/en/news/press-release/2015/03/04/world-bank-shortcomings-resettlement-projects-plan-fix-problems> (accessed November 6, 2015).

## **World Bank policy on Indigenous Peoples**

The World Bank recognizes Indigenous Peoples to be ‘culturally distinct societies and communities’ (World Bank, 2015a), and estimated that there are approximately 300 million Indigenous Peoples worldwide. Even though Indigenous Peoples make up just 4.5 per cent of the world’s total population, they constitute about 10 per cent of the poor (World Bank, 2015a), thus making them an important target of the Bank’s global efforts to alleviate poverty. Thus, according to the Bank,

Improving their [Indigenous Peoples] situation will require both widespread and sustainable economic growth as well as strategies to address multiple sources of disadvantage, taking into account their views and special needs of development. (World Bank, 2015a)

The Bank has prepared a detailed ‘Indigenous Peoples Policy’ (World Bank, 2013a), which states, from the outset that,

This policy contributes to the Bank’s mission of poverty reduction and sustainable development by ensuring that the development process fully respects the dignity, human rights, economies, and cultures of Indigenous Peoples, for all projects that are proposed for Bank financing and affect Indigenous Peoples.

Moreover, the Bank’s Indigenous Peoples Policy explicitly states that,

[T]he Bank requires the borrower to engage in a process of free, prior, and informed consultation. The Bank provides project financing only where free, prior, and informed consultation results in broad community support to the project by the affected Indigenous Peoples.

In addition, the policy states that,

Such Bank-financed projects include measures to (a) avoid potentially adverse effects on the Indigenous Peoples’ communities; or (b) when avoidance is not feasible, minimize, mitigate, or compensate for such effects. Bank-financed projects are also designed to ensure that the Indigenous Peoples receive social and economic benefits that are culturally appropriate and gender and inter-generationally inclusive.

The policy also acknowledges that,

[T]he identities and cultures of Indigenous Peoples are inextricably linked to the lands on which they live and the natural resources on which they depend. These distinct circumstances expose Indigenous Peoples to different types of risks and levels of impacts from development projects, including loss of identity, culture, and customary livelihoods, as well as exposure to disease.

Although much more detail is available regarding the Bank’s Indigenous Peoples Policy, the above expresses its foundational principles, one’s that can be used to

assess the extent and efficiency of the Bank in addressing Indigenous Peoples issues in relation to NT2's impacts in the XBF Basin. We will return to these points later in the article.

### **Indigenous People in Laos**

The term Indigenous Peoples refers to groups of historically marginalized or colonized ethnic minorities, including those considered to be 'First' or 'Aboriginal' Peoples. Although the concept of Indigenous Peoples is widely recognized globally, including by the United Nations, various multi-lateral banks, including the World Bank and the Asian Development Bank (ADB), and a large number of non-government organizations (NGOs) and other civil society organizations, the concept of 'indigeneity' remains highly contested in various parts of the world, including throughout much of Asia. In recent years, however, it has gained increased acceptance in the region, with the governments of Japan, the Republic of China (Taiwan), the Philippines, Cambodia, and Nepal now variously recognizing the existence of 'Indigenous Peoples' in their own countries (Baird, 2015; Erni, 2008).

However, the GoL has refused to accept the use of the term 'indigenous' for any groups in Laos. Previously it preferred the term 'ethnic minority' but now wants only the term 'ethnic groups' to be used. The GoL acknowledges that Laos is multi-ethnic but does not want to recognize some groups as Indigenous or deserving of any special protections or considerations (Baird, 2015). The World Bank's safeguard policies are global, however, and require that the Bank pays special attention to groups of people who meet the international definition of Indigenous Peoples, regardless of the way host country governments categorize them. In fact, in Laos the World Bank decided that as general practice, those belonging to ethnic groups who speak languages in the Mon-Khmer, Tibetan-Burman, and Hmong-Iu-Mien families to be 'Indigenous Peoples',<sup>2</sup> meaning that the ethnic Lao and other Lao language dialect-speaking ethnic groups, including the Phou Thai, considered to be sub-groups of the Lao, are not considered to be 'Indigenous' by the World Bank (Baird, 2015). For the purposes of this article, we make use of the Bank's ethnic group classification system for Laos, since it generally fits with other international classification systems for Indigenous Peoples.<sup>3</sup>

In Laos the one-third of the population who have first languages in the Mon-Khmer, Tibetan-Burman, and Hmong-Iu-Mien families are internationally considered to be the 'Indigenous Peoples' of Laos. While refusing to recognize the concept of indigeneity, the GoL does acknowledge that over 100 ethnic sub-groups within 49 ethnic groups exist in Laos (LFNC, 2005). Indigenous Peoples comprise the most vulnerable groups in Laos, representing 93 per cent of the country's poor (IWGIA, 2010). They

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2 James Chamberlain, *pers. comm.*, July 22, 2015.

3 We recognize, however, that there are those who dispute this way of categorizing people as Indigenous Peoples.

face territorial, economic, cultural, and political pressures and are experiencing various livelihood-related challenges. Their land and resources are increasingly under pressure from government development policies and commercial natural resource exploitation (IWGIA, 2010).

Indigenous Peoples in Laos often inhabit more remote areas that are relatively undeveloped and they also tend to be more dependent on natural resources than others, making them potentially more vulnerable to changes in the natural resource base (Chamberlain, 2001; Chamberlain and Phomsombath, 2002; Lestrelin, 2011; Rigg, 2005).

Indigenous Peoples in Laos have suffered disproportionately from the GoL's policies regarding internal resettlement and village consolidation through which many remote and scattered villages have been moved to lowland areas and consolidated into larger settlements. Village consolidation, which has sometimes been supported by international aid groups, has had serious negative impacts on the health, food security, and overall well-being of rural Lao villagers (Baird and Shoemaker, 2007; Evrard and Goudineau, 2004).

### **The Nam Theun 2 hydropower project and Indigenous Peoples in the XBF River Basin**

NT2 is the largest completed hydropower project developed so far in Laos, costing US\$1.45 billion to develop, and with the capacity to produce 1070 MW of energy, of which the vast majority is exported to neighboring Thailand. NTPC, which owns and operates NT2, is itself 40 per cent owned by Electricite du France (EDF), 35 per cent by Electricity Generating Public Company (EGCO) in Thailand, and 25 per cent by the GoL. The mega-project was financed by a number of European banks and export credit agencies and apart from receiving 'dealing making' political risk loan guarantees from the World Bank, NT2 also received funding from the ADB (Porter and Shivakumar, 2011).

NT2 is a build-own-operate-transfer (BOOT) scheme with a 25-year concession agreement that allowed NTPC to build, own, and operate the dam, after which time the project is to be handed over to the GoL (Porter and Shivakumar, 2011). NT2, as a 'trans-basin diversion project', moves up to 315 m<sup>3</sup>/second of water from the Theun River to the XBF River via a large reservoir and a 27-kilometer downstream channel (World Bank and ADB, 2013). The Theun River is much larger than the XBF. Therefore, adding much of the volume of the Theun to the XBF has resulted in about 150 kilometers of the XBF, from where the water is added from the NT2 reservoir to the XBF's confluence with the Mekong River, to double in volume, greatly altering it (Baird et al., 2015; Richter et al., 2010).

NT2 is generating considerable revenue for the concessionaires, and the revenue going to the GoL was supposed to fund poverty alleviation programs, not only in

project-affected areas but nationwide. Overall, NT2 was justified based on its expected ability to reduce poverty levels in Laos, one of the poorer countries in Asia (Porter and Shivakumar, 2011). However, since the project started generating revenue from NT2 in 2010, there have been many questions raised by both the World Bank and NGOs regarding how these funds have been allocated, and there is considerable evidence to suggest that they have largely not been used for poverty alleviation efforts as expected (Mekong Watch, 2016; Shoemaker and Robichaud, 2017).

While not predominant, there are many Indigenous Peoples living in the project-impacted parts of the XBF River Basin. Most are ethnic Brou. The Brou speak various dialects of languages in the Katuic sub-group of the eastern branch of Mon-Khmer and are often referred to in Laos as ‘Lao Theung’ (middle Lao), ‘Mangkong’ or ‘Makong’, ‘So’, ‘Salouy’, or ‘Chalouy’, both by others and by themselves. This can make identifying their ethnicity difficult at times (see Shoemaker et al., 2001).

There are Brou villages in all the districts adjacent to the XBF River, but the Brou are only numerically dominant in Boulapha District, Khammouane Province, which is above the main NT2 impact area, but is likely being affected by the disruption of fish movements downstream. In Mahaxay District, Khammouane Province, there are a number of Brou villages, including Na Kieu, Vat That, Dang, Na Phong, and Na Than. There are also other villages in the district with Brou and Lao mixed populations. In Gnommalath District, Khammouane Province, Hai, Tha Takdet, Chakouan, Tha Chone, and a number of other villages are populated by ethnic Brou people. In XBF District, Khammouane Province, Tha Hat, Dong Mak Ba, Beung Houa Na, and Hat Phek Villages are largely populated by ethnic Brou people, as are Palay Village, Thong Houa Muang, and Phon Nali Villages in Xaibouli District, Savannakhet Province. Pong Kieu is another Brou village in Nong Bok, the district where the XBF River flows into the Mekong. There are also a number of ethnic Brou villages located farther up the Xe Noi River in Savannakhet Province that are being impacted by disruptions of fish migrations downstream by NT2. While there have not been any fisheries data published for the Xe Noi River, local people there widely reported to us that since NT2 was built considerably less fish have been migrating up the river from the XBF River, thus indicating the hydrological and water quality changes in the river have negatively impacted fish migrations up the XBF.

Ethnic Brou people are widely considered to be Indigenous, and they certainly meet World Bank and other international criteria for being considered such. Almost all of the communities in the NT2 reservoir area, consisting of about 6300 people (located in 14 villages), are Indigenous. The World Bank, the project developers, and the PoE have all long recognized those communities as Indigenous and that the World Bank’s safeguards policies for Indigenous Peoples needed to be applied in regards to NT2’s planning and development.

However, in the case of the NT2-impacted parts of the XBF River Basin, a very odd thing happened. The World Bank, after a period of consideration, decided to not define the Brou there as Indigenous, even though the Bank did recognize the similar Mon-

Khmer language-speaking peoples in the reservoir area as being Indigenous. This contradicted the general World Bank policy to consider people from Mon-Khmer language-speaking groups in Laos to be Indigenous Peoples. If these people had been recognized as Indigenous Peoples, it would have triggered the World Bank's Indigenous Peoples policy, and that would have meant that special planning would have had to have occurred, with the goal of ensuring the measures to make sure that the Brou received appropriate compensation and other considerations during the planning phase. The argument made by an applied anthropologist working for NTPC was that the ones in lower areas were more assimilated with the Lao, and therefore did not need to be defined as Indigenous. In doing this, the NTPC and the Bank ignored the recommendation of James Chamberlain,<sup>4</sup> a recognized expert on ethnicity issues in the country who had also previously worked as a consultant on NT2. This decision seems quite surprising, especially considering that an earlier World Bank-commissioned independent assessment of NT2's 1996–1997 public consultations had pointed out that 'in some of the villages on the Xe Bang Fai, many of the villagers do not speak Lao fluently' (Franklin, 1997).

We concur with Katus et al. (2016) and Singh (2009) that development institutions such as the World Bank are not monolithic, and that the decisions that they make can be influenced by a wide array of factors and actors, including national and local governments, as well as local people on the ground themselves. A careful examination of the evidence regarding what happened in this particular case demonstrates that the result could have ended up being quite different. Indeed, it does not appear that the decision to not include the Brou in the XBF River Basin as Indigenous Peoples was made unilaterally at the highest levels of the Bank. However, it also appears that the GoL and local people had little if anything to do with the decision either. Rather, the decision appears to have been based on the recommendations of the anthropologist mentioned above, who observed that the Brou in the XBF River Basin were generally more assimilated into the broader Lao society than other ethnic minorities in the reservoir area. While this may be an accurate observation, it does not mean that the Brou in the XBF Basin were not worthy of special consideration compared to other ethnic Lao communities. The result made it easier for the Bank to proceed without a broader process. It is unclear whether or not Bank staff were trying to avoid triggering additional studies should the Brou be defined as Indigenous Peoples. Development decisions can occur due to various factors, and may or may not be significantly influenced by particular parties.

While it is estimated that less than 20 per cent (30 villages) of the 150 villages in the XBF Basin considered to be project-impacted are predominantly, or contain significant numbers of, ethnic Brou, taken together their total population certainly numbers many thousands. The total may exceed the number of Indigenous Peoples resettled in the reservoir area on the Nakai Plateau. While most Brou and other Indigenous Peoples

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4 James Chamberlain, *pers. comm.*, July 22, 2015.

in the XBF Basin engage in capture fisheries and other livelihood activities similar to those of non-Indigenous Peoples, they are often vulnerable due to a lack of economic resources and social networks outside of their local areas, and also because they generally have lower levels of formal education than ethnic Lao people, and are frequently discriminated against by the majority ethnic Lao people. Capture fisheries and foraging for Non-Timber Forest Products (NTFPs) frequently supplement subsistence or semi-subsistence agriculture, for all rural people in the XBF Basin, but particularly for the Brou, who tend to rely more on natural resources than people from more dominant ethnic groups (Shoemaker et al., 2001).

Although the Brou Indigenous Peoples in the XBF River Basin were not designated as Indigenous as were those living in the project's reservoir area, a general social and environmental assessment was done that encompassed them. However, as Baird et al. (2015) have argued, ultimately the overall mitigation and compensation measures adopted for the XBF Basin have been inadequate for most ethnic Lao people, the majority population in the Basin, but the project has especially negatively impacted the Brou, people who should have been subjected to particular assessment and consideration, but were not.

### **The impacts of NT2 on Indigenous Peoples in the XBF River Basin**

NT2 has resulted in a number of serious social and environmental impacts in the XBF River Basin (Baird et al., 2015; Baird and Quastel, 2015; Richter et al., 2010; World Bank and ADB, 2013). Essentially, the ecology of the XBF has been totally altered due to a large quantity of water being added to it from the Nam Theun River diversion via the NT2 reservoir and regulating dam (World Bank and ADB, 2013). The addition of such a large volume of water to the XBF River has dramatically changed both the hydrology of the river and its water quality, thus fundamentally altering all aspects of its aquatic habitat. Water fluctuations are now much more frequent and severe than before the dam was built.

Fish and other aquatic animal populations have been heavily negatively impacted. This has had a serious impact on the ability of villagers to catch fish for their own consumption and for generating cash income. Dry season vegetable garden production along the banks of the river has also been heavily impacted by fluctuating water levels. Declines in water quality have also made it increasingly problematic for people to swim or bath in the river, let alone drink from it, or otherwise use river-water for domestic purposes (Baird et al., 2015).

Shoemaker et al. (2001) demonstrated the importance of the basin's natural resources for human well-being, especially for Brou Indigenous Peoples in terms of supplying food, medicine, construction materials, animal feed, and various other benefits. Most livelihoods in the XBF Basin were based on fishing, farming, and the use of wetland and floodplain resources, and these resources were crucial for maintaining local livelihoods.



Overall, agriculture (particularly wet-rice cultivation), together with fishing and related activities, has long constituted the most important livelihood sources in the basin, including for the Brou. However, the Brou often have smaller, less expensive, and simpler fishing gears.

Most Brou people we met are experiencing serious difficulties and vulnerabilities directly due to NT2. For example, in Palay Village, a largely ethnic Brou community in Xaibouri District, we found that the people had relocated to a new area on higher ground because their original village was located in an area believed by villagers to be prone to flooding due to NT2. The NTPC and GoL authorities claimed that the flooding that they experienced in 2011, prior to being moved, was not caused by the dam, and NTPC did not anticipate that the village would need to be relocated. Indeed, during periods when water levels are particularly high in the XBF River, the dam is not supposed to release any additional water from the dam into the river (Baird and Quastel, 2015). Therefore, NTPC did not provide any support for the new resettled village about one kilometer away, even though it is possible that the dam did aggravate the flooding by not stopping release waters into the XBF River in a timely manner. In any case, the Eucalyptus Plantation Company from India, Birla Lao, supported the move but as part of a deal that allowed the company to gain access to a large amount of the village's land. By the time we visited, in 2014, only a few houses had not been removed. In one case, the owner of a house was handicapped and did not have enough resources to relocate. All the houses in the new settlement are situated along both sides of a gravel road that passes the village. Community water pumps have been provided, but there is no electricity available. Each house is a different size, style and is made of different materials, depending on how much capital and labor each family has.

One of the poorer Brou widows we met in Palay told us that she was unhappy with the resettlement site, as it is farther from the river, making it harder for her to walk to find food there. She also reported having less food, including rice, due to the annual wet season flooding that she attributed to NT2. These circumstances resulted in her deciding to allow her two sons to go to work illegally in Thailand to earn money, a decision that could potentially lead to various negative social and legal consequences. The willingness and ability of Brou women like her to articulate her concerns about what had happened, and share their suffering, demonstrates a particular level of agency. Indeed, when confronted with the opportunity to tell their stories, many willingly did so, undoubtedly with the hope that doing so might lead to some changes for the better. Indeed, these people are not just passive victims of ill-conceived development, but are also active players, and the stories that they told prompted us to write this article.

The Brou villages of Dang, Phong Na, and Vat That, in Mahaxay District, Khammouane Province, located adjacent to the XBF River, not far upstream from where the canal from NT2 converges with the XBF River, are also facing serious problems due to NT2, but in a different way than Palay Village. For these three villages, a particular type of wet season flooding is the main problem, as when large amounts of water are



released into the XBF, it causes the water upstream on the XBF River to back up and flood their lowland rice fields. This is reducing rice production significantly, and in 2014 GoL authorities were encouraging these villages to relocate. A number of families from these villages were looking for places to relocate. But others prefer not to move. Again, even though the severity of the wet season flooding is being caused by NT2, NTPC has not accepted that they are responsible for these problems, as they claim that the villages are upstream from the mouth of the canal from NT2.<sup>5</sup> In this case, the planned resettlement is partly based on flooding caused by NT2, but is also based on previous GoL plans to resettle the villages away from the river to an area that has more potential for lowland wet-rice cultivation. Therefore, the pushes and pulls of resettlement are entangled, and involve both NT2 and GoL internal resettlement initiatives unrelated to particular large development projects. This has been referred to as policy-induced internal resettlement (Baird and Shoemaker, 2007; Evrard and Goudineau, 2004; Goudineau, 1997; Ireson and Ireson, 1991). Brou women we met told us about their concerns with the hope that they could influence the development process in their favor.

The ethnic Brou village of Hat Phek, in XBF District, Khammouane Province, is facing yet another variety of resettlement, one that is linked to NT2 in a different way. It has been particularly devastated by heavy riverbank erosion believed to have been caused by NT2. NTPC has apparently not taken any measures to address the problem, even though GoL officials we met predicted that the village would have to relocate in the near future. This is expected to eventually result in houses near the river having to be relocated due to dam-induced erosion. Impacted Brou people have been raising this issue and the situation is well-known in other villages in the area and local authorities, but it is unclear what impact these efforts are actually having on influencing the development trajectory. Indeed, they may have an influence, although it would be equally problematic to assume that they are necessarily having a significant impact (see, e.g. Spivak, 1994). Still, it is important to recognize that, despite the challenges in doing so, efforts to alter the development process are occurring from below.

In 2012 the World Bank asked the PoE to examine the relationship between World Bank safeguard policies and how GoL village consolidation policies are being implemented in the NT2 project area. In its report, the PoE acknowledged that ‘unsustainable land use associated with village consolidation cum resettlement is a worldwide problem which is why the World Bank’s guidelines for controversial projects like Nam Theun 2 reject it’ (McDowell et al., 2012, p. 33). However, the PoE report then details a number of instances where resettlement had occurred in project areas and several cases in which the PoE’s previous recommendations, aimed at avoiding internal resettlement, had been ignored by the GoL. Only one of these case studies was in the XBF Basin. Instead, more emphasis was put on areas near the dam site. Notably the PoE report

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5 Villagers in affected communities, *pers. comm.* January 2014.

claimed that the World Bank's policies on Indigenous Peoples and resettlement did not apply to the middle and lower reaches of the Xe Bang Fai (McDowell et al., 2012) – presumably due to the previous decision not to recognize the existence of 'Indigenous Peoples' in those areas.

In reality, however, there are many Indigenous communities in the middle and lower reaches of the XBF Basin, and our research found that several of these Brou communities were in fact facing the threat of GoL-induced resettlement, although, as discussed above, this resettlement is being caused by, and is taking different forms depending on, various factors. In addition, some were expected to be moved longer distances and farther from the river, while others were only expected to be moved shorter distances. Some villagers reported that GoL officials were citing the negative impacts of NT2, in particular the perceived increased risk of flooding, as justification for pushing communities to relocate, in some cases into village consolidation sites the GoL had already prepared.

In summary, the reasons for resettlement are varied, and the plans in some of the villages were uncertain, so it is hard to conclude exactly how many villages are likely to be resettled or consolidated into other villages. However, it is notable that the only villages that we heard about that were threatened with resettlement and consolidation were inhabited by ethnic Brou people.

### **Impacts on Indigenous women**

In this section we examine the circumstances of women in the XBF Basin, and especially ethnic Brou Indigenous women.

As in other parts of Laos, women in the XBF Basin tend to be more marginalized than men, but this is especially the case for ethnic Brou women. For the Brou, girls tend to have considerably less education than boys, due to preferences of families to prioritize male education.

Overall, women, regardless of ethnicity, have been highly attached to and dependent on the river. Women have also long done much of the watering and tending of riverbank gardens along the XBF, and they are primarily responsible for taking care of and feeding domestic animals, and carrying water up from the river for domestic household uses including cooking, drinking, washing, and bathing.

Women in Laos engage in harvesting, processing, and marketing various aquatic animals and other river-based resources, although their roles have generally been undervalued and underreported (Hartmann and Sayasane, 2004), including for ethnic minority women (Moser, 2015). Women from all the ethnic groups in the basin, even if social structures and livelihood patterns vary from ethnic group to ethnic group and from community to community, play important roles in harvesting, and especially processing, marketing, and preparing river-based resources.

Brou women in the XBF River Basin have been heavily dependent on aquatic resources. As one woman interviewed during the XBF livelihoods study conducted in 2001 stated, 'I only catch small amount of small shrimp and fish in the rapids ...

but I catch them every day and they are enough to feed my family' (Shoemaker et al., 2001, p. 62). Indeed, women catch fish and other aquatic resources from the XBF, its tributaries, and in various other wetlands.

Therefore, the impacts of NT2 on aquatic resources, including various types of wetlands, have been especially serious for Brou women. For example, we met ethnic Brou women who once depended heavily on the Nam Phit Wetlands near the border between Gnommalath and Mahaxay Districts where a small stream, Houay Khama, is found. Before NT2, water in the stream dried up or became very low, making it easy for women to collect aquatic resources when water levels were low. After NT2 became operational, however, there has been water in the stream all year round. As one woman put it,

It was easier to find fish and shellfish before the NT2 dam came. Today I have to stop finding shellfish as I see that water has now increased, so I cannot see and reach shellfish at the bottom.

Observations from early 2014 also indicated that many perennial trees in wetlands in the XBF Basin have died due to their permanent submersion by NT2 water releases and that overall the hydrology of the area has been heavily altered due to the canal constructed to bring water from NT2 to the XBF River. One Brou woman living in a village relatively far from the Nam Phit wetlands stated that after the NT2 flooded the area, she no longer went there to find aquatic resources.

Brou women expressed their concerns about the changing flow of the XBF River, telling us that the water levels of the XBF are unusual, and frequently lead to the inundation of rapids, sandbars, and riverbank gardens at times of the year when that would not have happened in the past. Before NT2, women used to collect small fish with their bare hand or with scoop nets near sandbars and rapids, but this has become increasingly difficult. Temporary inundation of rapids during the dry season can make the rocks slippery, as the flow deposits mud on them. One Brou woman said that it is very hard and dangerous for her and other women to step on slippery rocks when fishing. Loss of fishing and aquatic grounds and a decline of fish and aquatic resources have made women lose opportunities to find their family's food and to generate income. Both Brou and non-Brou women we interviewed frequently told us that following the construction of NT2, their main fishing grounds have shifted from being in the main river channel to wetlands farther from the river. Rapids where women used to find fish using scoop nets, hooks, hands, or cast nets have also disappeared. In addition, since women, especially Brou women, tend to be weaker swimmers than men, changes in flows are of particular concern to them, as they are already less confident in the water than their ethnic Lao peers. Affective or emotional impacts of this nature are being increasingly recognized as legitimate and important to consider (Robbins et al., 2015), but they appear to have been ignored in the XBF Basin.

Many Brou and non-Brou women we interviewed reported that prior to the construction of NT2 they did not have to spend much time to get fish for their families because they were so abundant. However, at present water that is kept in the dam's reservoir on the Nakai Plateau is released and mixed with natural water in the XBF year around, resulting in water quality changes all along the river down to its confluence. However, changes are especially evident near where water from NT2's reservoir is released into the XBF River. Many women we spoke with reported that the mixed water from the two sources makes the XBF seem 'salty'. Indeed, water chemistry studies in the XBF River have confirmed that water quality has changed dramatically since before the dam was constructed (see Baird et al., 2015; World Bank and ADB, 2013). According to one woman we met in 2014, 'Fish cannot live in such water. Therefore, fish populations have declined a lot.'

Ethnic Brou women living near the XBF River in Mahaxay District, not far upstream from where the water from NT2 enters the river, stated that aquatic algae (*Nye* in Lao) that they used to harvest from the river has disappeared, due to water from the dam backing up the river and affecting its water quality. These same women also claimed that the scoop fishing that they used to do in the XBF River had become much more difficult for them, due to changes in water quality and hydrology caused by NT2.

Due to these circumstances, women have had to seek new ways to get sufficient food to feed their families. For example, one Brou woman whose wet-rice fields had been completely flooded stated that her family and others had decided to look for other pieces of paddy land to farm, seven or eight kilometers from their village. Now she has a new piece of paddy land near the hill. However, in contrast to better-off villagers, she is too poor to afford a motorbike and has to walk. This has dramatically cut into the time she has available for other income-generating activities. There are many such stories to be told for anyone who takes the time to listen.

Overall, it is clear that women in the XBF Basin, and particularly Indigenous Brou women, have been particularly negatively impacted by the environmental changes caused by NT2.

### **Indigenous People and NT2's downstream compensation program**

NTPC allocated US\$16 million for a Downstream Programme (DSP), intended to assist people negatively impacted by the project. An additional US\$2.3 million was eventually allocated to operate through 2012. Although planning for the DSP began in 2005, it only became fully operational in 2010. The intention was to compensate 155,000 people in 156 villages, and the DSP started activities in 77 villages in 2010. They added 23 more villages in 2011. The final 56 so-called 'hinterland' villages, which are located off the river, were added in 2012. However, the DSP ended abruptly at the end of 2012 when the money ran out (Baird et al., 2015).

Our 2014 fieldwork found most Indigenous Peoples expressing dissatisfaction with NT2's DSP. First, a village development fund has rarely met the needs of women and

this was found to particularly be the case for ethnic Brou women. This development fund was supposed to enable everybody to equally borrow money to implement project-approved development activities. However, many ethnic Lao and especially ethnic Brou women have chosen not to borrow anything, fearing that they might not be able to pay it back. Some of them state that establishing the funds amounts to the same result as receiving no compensation at all and indicated that complaining about this to authorities could have bad consequences. As one poor Brou woman put it, 'I am afraid to complain for no compensation. I am afraid to borrow.' Another woman said, 'I am afraid to report my problems to the authorities as I am afraid to get arrested.'

One woman emphatically put it as follows,

The poor were always the last priority for receiving compensation during the 2011 flood, and even now. The rich always get things first, such as instant noodles, rice and cows. They provide us with the NT2 village fund. But I am afraid to borrow as I do not know if I will have money to pay back the loan with interest.

Another big issue has been the promotion of dry season irrigated rice production to compensate for flooded wet-rice losses during the rainy season. This has been quite problematic for all the villagers in the basin because of the high cost of pumping sufficient amounts of water in the rice fields during the dry season. During this season, the water pumped into the fields tends to rapidly seep into the aquifer below, due to the sandy soils that are typical in the XBF Basin. However, Indigenous women who have no capital to invest on dry season rice have found it especially difficult, having a hard time finding other options to make money to buy rice. Some have turned to selling charcoal and labor in Thailand. A Brou widow in the Palay resettlement village shared her concern that most of her wet season rice is being flooded annually. She does not have enough rice to eat.

Although we did meet a few ethnic Lao women who reported benefiting from NT2's DSP, none of them were ethnic Brou. Despite the DSP attempting a number of other development initiatives in impacted XBF villages, none of them appear to have had a long-lasting positive impact on Indigenous communities. Invariably, whatever limited benefits did emerge went to better-off lowland households. The short-term nature of the DSP's intervention did not allow for a sufficient development process, one that might have been able to take the time to figure out more appropriate mechanisms for reaching more marginalized Indigenous Peoples, especially Indigenous women.

## Conclusions

Impoverishment by projects whose *raison d'être* is to reduce poverty is unacceptable, yet it occurs in many projects, time and time again . . . Unfortunately, while we battle against the long existing poverty -the poverty inherited, so to say, from yesterday- our complex world continually triggers processes that also pauperize some people, create new poverty, today and tomorrow. Even development itself is not free from severe impoverishing

impacts on certain groups. Day in and day out, the ‘newly’ poor add to the large challenge of fighting the long-existing ‘old’ poverty. The impoverishment caused by development-displacements is part on that ‘new’ kind of poverty. (Cernea, 2004, pp. 8–9)

Based on past international experience, what we have found in relation to the impacts of NT2 on Indigenous Peoples living downstream in the XBF River Basin should come as little surprise. Except that, NT2 was supposed to be different and represent ‘doing a dam better’.

The World Bank recognizes that Indigenous Peoples are particularly vulnerable to the negative impacts of livelihood changes, including those induced by large development projects such as NT2. They also understand that resettlement issues are crucial (Cernea, 2004; Cernea and McDowell, 2000). It might seem reasonable to expect that learning about the specific ways in which Indigenous Peoples in the XBF Basin have been impacted by NT2, including in relation to resettlement, would have been a priority for NTPC and the World Bank. However, scholars have noted that development failures frequently fail to change policies or influence actual development practices (Mosse, 2004). Furthermore, Suhardiman and Giordano (2014) have pointed out that inconsistencies and institutional discrepancies are commonly encountered in development landscapes, and particularly in development environments that involve a vast array of legal provisions, actors, and scales of influence. This does not mean that development actors, including NTPC, the World Bank, and the various levels of the GoL should be exempted from responsibility for neglecting particular groups of impacted people. However, it probably should not be a surprise.

Indeed, this article illustrates that NTPC, the World Bank, and the GoL have failed to conduct the type of assessment or mitigation and compensation measures that would appear to have been appropriate in the XBF River Basin for ethnic Brou people, and particularly Brou women, who should have been recognized as Indigenous Peoples. When development actors fail to even acknowledge the existence of Indigenous or other marginalized people, it then of course becomes impossible to assess the effectiveness of a program to reach such groups. But despite all of its ‘poverty alleviation’ rhetoric surrounding NT2, this appears to be precisely what happened.

This denial also appears to have made it easier for the GoL to justify and implement its internal resettlement policy – NT2 has provided the impetus for considerable village movement and consolidation. This is particularly worrisome in Laos, where the policy of internal resettlement of upland minorities to the lowlands and adjacent to roads has a very problematic record fraught with well-documented human rights concerns (Baird and Shoemaker, 2007; Evrard and Goudineau, 2004).

Our study reveals that NT2 has transformed the XBF River in ways which negatively impact many local communities but especially the Indigenous Brou. While the Brou have not been passive victims, and have articulated their concerns clearly to us, they generally have fewer resources or networks available to help them adjust to the changes triggered by NT2. They not only bear a disproportionate share of the

impacts but they also have the most difficulty accessing the purported benefits provided by the DSP or in finding ways to adapt to the massive changes that have occurred. The project interventions provided through the prematurely terminated DSP were not nearly able to address the livelihood losses of these communities.

The World Bank has announced that NT2 is a successful model for poverty reduction and dam development, not only in Laos but for other future dam projects around the world (Porter and Shivakumar, 2011). The NTPC and GoL have expressed the belief that NT2 would help alleviate poverty in rural communities of Laos, including by leaving project-affected people no worse off than before the project. However, while many factors impact local economies and livelihoods, Brou voices in the XBF Basin indicate that poverty clearly remains and, in affected areas, has been exacerbated by NT2, especially for women. Equitable distribution of development opportunities was supposed to be generated by NTPC, and have been promoted by the World Bank, but these have not effectively improved the livelihoods of most affected people.

Thus, this article suggests that we must reflect on the extent to which large-scale hydropower development is really a means for eradicating poverty for Indigenous Peoples and other marginalized groups. Are mitigation measures practically sound or are they just the rhetoric of project proponents? Governments and donors alike need to have a better understanding of the importance of the natural resource base to local and traditional livelihoods and the great difficulty, if not the impossibility, of successfully mitigating the impacts of huge infrastructure projects like NT2.

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