

~~SOUTH EAST ASIA~~ **LAO PDR** ~~DISASTER RISK~~  
**MANAGEMENT (SEA DRMLDRM-AF) PROJECT**  
~~FOR LAO PDR:~~ **ADDITIONAL FINANCING**

**ETHNIC GROUPS ENGAGEMENT FRAMEWORK**

*Prepared by:*

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

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## LIST OF ACRONYMS

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

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<b>SIA</b>	Social Impact Assessment
<b>SMMP</b>	Social Management and Monitoring Plan
<b>USAID</b>	United States Agency for International Development
<b>WB</b>	World Bank
<b>WBG</b>	World Bank Group

## ACKNOWLEDGEMENTS

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## **PREFACE**

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

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

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

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## 1.0 INTRODUCTION

This document is the Ethnic Group Engagement Framework (EGEF) for the proposed ~~South-East Asia~~ Lao PDR Disaster Risk Management (~~SEA-DRM~~DRM-AF) Project: ~~Additional Financing~~, prepared in conjunction with the Lao PDR Ministry of Public Works and Transport (MPWT) through the Department of Waterways (DOW), ~~with the support from the Environmental Research and Disaster Protection Division of the Public Works and Transport Institute (EDPD/PTRI)~~, 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 Lao People's Democratic Republic (PDR) DRM Project: ~~Additional Financing~~.

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## 1.1 PROJECT DEVELOPMENT OBJECTIVE AND COMPONENTS

~~The goal of the proposed World Bank Group (WBG) funded SEA-DRM Project is~~ South East Asia Disaster Risk Management Project for Lao PDR (Lao-DRM or the Project) is being implemented with financing from the World Bank (WB) with an aim to reduce the risk of flooding and enhance disaster risk financing capacity ~~within the Lower Mekong Sub-region. The proposed SEA-DRM Project will be funded by the WBG through an International Development Association (IDA) loan in three SEA countries — namely, Lao PDR, Cambodia, and Myanmar. The project will allow these aforementioned riparian countries to achieve and expand outcomes in three key areas, including flood risk management investments, disaster risk assessment and financing, and a zero-balance contingent emergency response component.~~

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~~The overall tripartite country SEA-DRM of Lao PDR. The Project objective is "to promote and harmonize disaster risk management at the regional level". Each of the three SEA countries have developed a number of sub-projects which will be subject to further assessment and consideration for funding purposes.~~

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~~The Lao PDR country specific DRM was approved on July 6, 2017 and became effective on 11 October, 2017, with a commitment amount of US\$30 million. The Project Development Objective (PDO) is "to help reduce the ~~risk~~impacts of flooding in Muang Xay of Oudomxay (ODX) Province and enhance disaster risk financing capacity within the Mekong region".~~

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## 1.2 PROJECT COMPONENTS

The Lao PDR-DRM Project is comprised of the following five components:

### **Component 1: Urban Flood Risk Management**

This component includes a set of structural and non-structural investments designed to strengthen flood resilience in Oudomxay Province, particularly, for the provincial capital of Muang Xay and areas in close proximity. Urban flood risk management infrastructure investments proposed for Oudomxay provincial capital and close proximity include financing for riverbank protection, dike, drainage canal, flood gates, weirs and riverside parks. Such infrastructure will protect the urban core from flash floods that occur regularly during the rainy season. The designated implementing agency (DIA) for this sub-project will be the DOW under the MPWT.

### **Component 2: Hydromet Modernization and Disaster Risk Management Systems**

~~This component includes financing for capacity building measures to enhance and strengthen forecasting, early warning and disaster risk management (DRM) systems in the Ministry of Natural Resources and Environment (MONRE). This component is further bifurcated into two sub-components including: (i) weather forecasting and early warning systems to strengthen the Department of Meteorology and Hydrology (DMH) capacity to predict floods and enhance early warning communication systems; and (ii) DRM through enhanced regulatory capacity in the Department of Disaster Management and Climate Change (DDMCC).~~

### **Component 3: Disaster Risk Financing and Insurance**

~~This component includes technical assistance to increase financial resilience of Lao PDR against natural disaster and climate risks in terms of the Government of Lao PDR's PDR (GoL) capacity to meet post-disaster funding needs. This component is further segregated into three sub-components including: (i) national-level disaster risk financing technical assistance for the development of a national financial protection strategy building on a combination of national and regional disaster risk financing instruments. The strategy would build on existing GoL capacity and previous WB support to the Ministry of Finance (MOF) and Ministry of Planning and Investment (MPI); (ii) establishment of the Asia Disaster Resilience Insurance Fund (ADRIF) to support activities for the establishment of a regional disaster risk pooling mechanism; and (iii) financing of the GoL contribution to join the ADRIF to provide hydro-meteorological services and disaster response. The Project consists of 5 components.~~

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

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

**Component 2 – Hydromet Modernization and Early Warning Systems (US\$10 million).** To support preparedness and help avoid unnecessary damage and losses, the project supports the modernization of hydromet and early warning systems on national level, with physical installations including in the Nam Ou River Basin, where Muang Xay is located. Both types of investments will serve as examples for other cities and river basins in the country. Component 2 is implemented by the Department of Meteorology and Hydrology (DMH) of the Ministry of Natural Resources and Environment (MONRE).

**Component 3 – Financing Planning for Disaster Resilience (US\$5 million).** To strengthen financial protection, the project helps to devise a comprehensive approach to the disaster risk financing and insurance (DRFI), to develop a national DRFI strategy and enable access to sovereign disaster risk insurance under Component 3, implemented by the State Reserve Department (SRD) in the Ministry of Finance (MOF).

**Component 4 – Knowledge and Coordination (US\$1.5 million).** Implemented by the Department of Planning (DOP) of MPI, Component 4 supports overall project

coordination and management, studies for mainstreaming DRM in planning and investment, and supporting day-to-day implementation.

**Component 5 – Contingent Emergency Response Component (US\$0).**  
Component 5 allows for a reallocation of credit proceeds from other components to provide emergency recovery and reconstruction support following an eligible crisis.

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

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

#### 1.2 Description of the Component 1 of the AF

It is proposed that the \$25 million of AF will tentatively be allocated as follows: (i) US\$6 million to Muang Xay; (ii) US\$13 million to Luang Prabang; and (iii) US\$6 million in Borikhamxay. Changes are to **Component 1 – Integrated Urban Flood Risk Management** are as follows:

*(a) Component 1.1 Structural Investments:* AF investments will support the reconstruction and construction of flood protection infrastructure including those damaged by the 2018 floods and the construction of river bank protection, and strengthening the protection and preparedness of people and assets in disaster prone areas including the application of soft-measures in 2-3 pilot areas. The incorporation of climate-resilient investments will further enhance the resilience of infrastructure to future disaster risks and help protect development gains and people's livelihoods in these rapidly growing areas. Three tentative target areas were identified for the AF and will be confirmed during AF preparation: (i) Borikhamxay, (ii) Luang Prabang, and (iii) Oudomxay Provinces - where the scope of the parent project activities would be expanded. The proposed investments under the AF will support flood protection infrastructure, specifically climate resilient rehabilitation and construction of river bank protection and/or embankments.

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#### **In Component 4: Project Management**

This component will support management and implementation of the project. It will include technical and fiduciary staff who will be seconded to the Project Management Unit (PMU) from relevant implementing departments. The project management component will finance institutional support and capacity development for implementation and fiduciary arrangements; including procurement,

financial management, management of safeguards issues, internal and external auditing, and the establishment of the project monitoring, evaluation and reporting systems.

#### ***Component 5: Contingency Emergency Response***

(i) This “zero component” allows rapid reallocation of project proceeds for emergency recovery and reconstruction support in the event of a declared disaster. This component would finance disbursements against a positive list of critical goods and/or the procurement of specific works, goods, services and operation costs required for emergency recovery. An Emergency Response Operational Manual would be developed for this component detailing financial management, procurement, safeguards and any other necessary implementation arrangements to be submitted to and accepted by the WBG prior to the disbursement of project funds. **Borikhamxay**, limited non-regret investments will be covered, comprising of the river bank protection in the Mekong River downstream of the Nam Xan confluence including development of a small public park along the proposed site and 3 flood control gates located along the southern part which are experiencing floods from the Mekong River. In addition, flood risk preparedness and response measures such as the provision of boats and other equipment could be financed.

(ii) In **Luang Prabang Province**, proposed infrastructure include the river bank protection along the lower part of Nam Khan (right bank and part of left bank), erosion protection sites in Luang Prabang City including rehabilitation of a river-side park, and installation of 4 water gates.. Further joint assessment by the Bank and MPWT will be required to determine the likely extent of works that can be financed.

(iii) In **Muang Xay City of Oudomxay Province**, the flood risk management infrastructure is planned to be upgraded to 1 in 20 years return period design standards. Infrastructure will be upgraded in line with “build back better” principles for long-term climate resilience. Options that minimize the need for resettlement will be prioritized. Building on flood risk management analytics conducted Parent Project preparation, which considered a range of high benefits solutions, the AF will supplement planned structural investments including riverbank protection, embankments, canal improvements, sluice gates, pumping stations, a river-side park, and tree planting, enhancing the range of investments to increase Muang Xay’s disaster resilience.

(b) *Component 1.2: Non-structural investments: Asset management system.* Alongside physical investments, sustainable urban design, and the use of nature-based/ green infrastructure solutions will be integrated into the design of infrastructure improvements. Similarly, support for the development of adequate flood monitoring and warning mechanisms and equipment, as well

as local contingency plans, will be provided, along with institutional capacity-building to better prepare, manage, and recover from disasters. A consultancy would be engaged under the ongoing project Subcomponent 1.2. to (i) review the urban planning policy and institutional framework for Lao PDR; and (ii) support master planning for provinces of Oudomxay and Borikhamxay. Key tasks could include: (i) identification of urban development opportunities, and implementation strategies; (ii) review of vision, goals and objectives of existing masterplans; (iii) preparation of a GIS base map with all available layers of previous maps; (iv) spatial masterplans assessment; (v) development of zoning map with codes; and (vi) preparation of infrastructure plans; and (vii) drafting an implementation roadmap for the masterplans.

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

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

The scope of these investments will be refined during project preparation. Guiding principles for selections will include the following: (i) impact at scale; (ii) effectiveness and sustainability; (iii) poverty

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~~alleviation impact; (iv) leveraging potential/value added; (v) feasibility (political, budget, implementation, safeguards); (vi) institutional readiness; and (vii) regional benefits.~~

~~Major safeguards documents to be developed for the country-specific Lao PDR Project include an environmental and social management framework (ESMF), ethnic group engagement framework (EGEF) and resettlement policy framework (RPF). The current EGEF for the project only covers Components 1 and 2 above. The other three components either do not have works associated with them (i.e., Components 3 and 4) or, are being conducted under separate contract (i.e., Component 5).~~

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

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

The ~~Under the Lao PDR DRM Project, it is intended that disaster-prone areas of Lao PDR will be targeted for specific investments. Various levels and magnitude of potential environmental and social impacts are envisaged from the implementation of sub-projects depending on their scale and location. The construction of two riverside parks and flood mitigation sub-projects to be implemented under Component 1 might involve potential land acquisition and/or resettlement impacts for ethnic groups (including Khmu, Thai Dam and Phou Noi). Based on the initial consultations with the recipients regarding possible investments, the project will likely trigger the following two WB social safeguard policy: *Indigenous Peoples (OP/BP 4.10)* and *Involuntary Resettlement (OP/BP 4.12)* and the following five WB environmental safeguard policies: *Environmental Assessment (OP/BP 4.01)*, *Natural Habitats (OP/BP 4.04)*, *Physical Cultural Resources (OP/BP 4.11)*, and *Projects on International Waterways (OP/BP 7.50)*.~~

~~As the proposed urban flood risk management 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 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 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-projects to be financed under the Lao PDR DRM Project.~~

~~While the non-structural investments planned (under sub-component 1.2) will involve technical assistance, some of these plans or studies financed under this component (such as land use planning or the design of green investments) could lead to changes in land use that might adversely affect the livelihoods or environments of ethnic communities. These plans and studies will therefore assess potential affects on ethnic communities, and include appropriate measures to address adverse impacts and risks (and to enhance culturally appropriate benefits) as needed. The relevant TORs for these activities will include provisions to this effect. Policy defines that ethnic groups can be~~

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identified in particular geographical areas by the presence in varying degrees of the following characteristics:

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

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

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

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## 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.

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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.*

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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.

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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.

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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) 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.

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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 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.

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

All land in Lao PDR belongs to the population as a whole, and the State must safeguard long-term rights to land by ensuring protection, use, usufruct, transfer and

inheritance rights. The Land Law lays out categories of land (agricultural, forest, water area, industrial, communication, cultural, national defense and security and construction) and defines the scope of use rights for each. It also establishes the basic organization of land-use management authorities and framework for land registration. The Land Law provides the basis for registering land rights and defines land certificates and land titles. Individuals and organizations access land through land-use rights. Recent land titling programs have formalized permanent land-use rights in urban and peri-urban areas, and land allocation programs have formalized temporary land-use rights for agricultural and forest land. Communal tenure, which is common in rural areas, has not been formalized.

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

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

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

### 2.1.5 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.

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

No	Name of Convention	Date of Signature	Date of Ratification/Accession
1	International Covenant on Civil and Political Rights	7 December 2000	29 September 2009
2	Convention on the Rights of Persons with Disabilities	15 January 2008	29 September 2009
3	International Convention for the Protection of All Persons from Enforced Disappearance	29 September 2008	Not yet ratified
4	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Not yet signed	Not yet ratified
5	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	21 September 2010	26 September 2012
6	Convention on the Rights of the Child		8 May 1991 (a)
7	Convention on the Elimination of All Forms of Discrimination against Women	17 July 1980	14 August 1981
8	International Covenant on Economic, Social and Cultural Rights	7 December 2000	13 February 2007
9	International Convention on the Elimination of		22 February 1974 (a)

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All Forms of Racial Discrimination

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10	UN Convention Against Corruption	10 December 2003	29 September 2009
11	UN Declaration on the Rights of Indigenous Peoples		13 September 2007

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### 3.0 ETHNIC GROUPS IN THE PROJECT AREAS LAO PDR

~~Lao PDR is one of the most ethnically diverse countries in South East Asia. The country's population of approximately 6.8 million people can be categorized into four broad ethno-linguistic families: The Lao-Tai (67%), the Mon-Khmer (21%), the Hmong-Lu 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 Lao PDR, there are 49 EGs that are officially recognized by the government. They are categorized according to four ethno-linguistic families. The Tai-Kadai family includes Lao, Lue, Phoutay, and other lowland groups, and account for 67% of the national population. The Mon- Khmer family includes groups such as the Khmu, Khuan, and Samtao that account for 23% of the population. The Hmong, Yao, and other Hmong-Tien groups account for 7%, and the SinoTibetan groups account for 3% of the national population. Nationally, EGs make up approximately 34% of the total population of Laos. The four main ethno-linguistic families are often re-categorized according to three topographic locations reflecting the traditional and preferred environments in which they live, and these three terms are commonly used by both government workers and civil society when describing the classification of the non-Lao EGs (although use of these three categories is now officially discouraged, they remain the most widely used in practice):~~

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

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

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

~~The poverty rate is still highest among the Mon-Khmer (42.3%) and Hmong-luMien (39.8%) groups. The large Lao-Tai group have substantially lower poverty incidence than the other ethnic groups (15.4%). The Mon-Khmer have poverty incidence more~~

than two and a half times the rate of the Lao-Tai and have seen a relatively slow decline in poverty incidence compared to the Lao-Tai (lowland dwellers).

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In Oudomxay Province, there are approximately 12 different ethnic groups, of which the largest is the Khmu ethnic group. According to the provincial administration, the Khmu, who are part of the Mon-Khmer linguistic family and include Khmu Lue, Khmu Khong, Khmu Ou, Khmu Bit, constitute approximately 60% of the population. The Hmong Khao ethnic group, the second largest ethnic group, is part of the Hmong Miao and comprises 14% of the ethnic groups. The Tai-Dam ethnic group, the smallest ethnic group, is part of the Tai-Kadai family and comprises 2% of the ethnic groups. Other ethnic groups living in the province include Akha, Phouthai (Thai Dam and Thai Khao), Phou Noi (Phou Xang, Phou Kongsat, and Phou Nhot), Lao Houy (also "Lenton"), Phouan, Ly, Yang, Ikho and Ho (Oudomxay Provincial Information, Culture and Tourism Department). Each of the twelve ethnic minorities has its own languages, cultural heritage and traditions.

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In one of the villages identified for sub-project infrastructure development, Nasao Village, there are Khmu, Phou Noi, and Kar Mouk ethnic groups. The ethnic group composition for a second village, Nalao Village, is provided in Table 2.

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**Table 2 — Ethnic group composition in Nalao Village, Oudomxay capital city, Oudomxay Province, 2016.**

Ethnic Group	Number of Households	Total Population	Number of Females
Lao-Loum	13	64	38
Thai-Dam	1	5	2
Lue	253	1,182	663
Kar-Mouk	5	54	20
Hmong	3	27	14
Hor	12	132	47
Phou-Nei	12	111	35
Total	299	1,675	819

The information below on the two largest ethnic groups residing in Oudomxay Province, Khmu and Hmong, is from the Study on Women's Land and Property Rights under Customary or Traditional Tenure Systems in Five Ethnic Groups in Lao PDR (Mann and Luangkhot, 2008).

**Khmu** are said to be the oldest inhabitants of northern Lao PDR, and are now settled throughout all northern provinces and as far as Bolikhamxay Province. Next to the Lao-Loum, they are numerically the largest ethnic group in the country. They have several sub-groups which co-reside, including Rok, Luu, Ou, and Khrong. Khmu are strongly governed by spirits, both benevolent and dangerous, which influence foundations of customary law. The world of the spirits consistently influences gender relations, land use and property rights, and change disturbs the relationship between the Khmu and the external world. Different levels of spirits govern different choices made by men and women — some spirits are territorial, associated with particular places or locations, others are associated with the village and under the authority of the territorial spirit. The belief in spirits can influence the choices made by men and women in their daily routine, seasonal activities, property rights and relationships.

~~between the sexes. Other spirits govern the structure of the household and are normally ancestral who continue to protect the well-being of families. Lastly, there are individual spirits, linked to the household.~~

~~Each sub-group may be composed of several patrilineal clans called "ta". Ta names are totemic, meaning they are taken from a natural object, or animal, or bird, to which the clan considers itself closely related and usually has prohibitions associated with the totem. Among Khmu Lue in Oudomxay, ta may include Teu Mong (a kind of civet cat), Teu va (a kind of fern), Teu Kok (a species of bird), etc. The totem is the household spirit, and membership of a ta depends in which house a child is born. Ta membership determines marriage choices and by association, property rights.~~

~~**Hmong Khao** ("White" Hmong) is one of five Hmong sub-groups present in Lao PDR. After Khmu, Hmong has the largest population of all ethnic groups in the country. The Hmong trace their origins in Lao PDR to waves of migration from China in the early years of the 19th century. Causes for this migration attributed by both Hmong respondents and research sources include historical conflict between Hmong and Han Chinese, population growth, unacceptable burden of taxation and refusal to integrate with Han Chinese. Migrated Hmong are now found throughout the northern provinces of Lao PDR, southern Yunnan, northern Viet Nam and northern Thailand.~~

~~Typically, Hmong have settled in the highest areas of the upland, even preferring to be buried on mountain tops. They have a reputation of being both hard working and more recently, assertive in Oudomxay Province over acquiring land and property. Hmong Khao are also structured by clans, or seng (e.g., Toe, Veu, Tsiong, Moa, Lee, Va, Ya, Ha, Ja, and Keu). The seng determines the boundaries of land and property rights, and protects the role of men as transmitters of those rights by constraining women's choices, particularly as to who and when a woman may marry.~~

## 4.0 POTENTIAL PROJECT IMPACTS ON ETHNIC GROUPS

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

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

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

## 5.0 IMPLEMENTATION ARRANGEMENTS FOR THE EGEF

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

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The construction of two parks and flood mitigation sub-projects ~~to be implemented under Component 4~~, might involve potential land acquisition and/or resettlement, with potential for adverse impacts for ethnic groups and other vulnerable groups. An important component of the EGEF is to ensure that social safeguard policies protecting ethnic groups are implemented in conjunction with the existing processes for local planning and engagement with the communities.

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

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

### 5.1 SCREENING FOR THE PRESENCE OF ETHNIC GROUPS

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

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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.

## 5.2 SOCIAL IMPACT ASSESSMENT

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

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

~~During the preliminary community consultations in Oudomxay's provincial capital, 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;~~
- ~~• Inclusion of Disaster Risk Reduction (DRR) awareness training is important in public awareness messaging; and~~
- ~~• 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.~~

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

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- a) Depending on the scale of the sub-project, a review of the institutional framework applicable to ethnic groups living in the affected community. For example, are there communal authorities or decision making structures and what is their relationship with local authorities?
- b) Collection and analysis of relevant baseline information on the cultural, socio-economic and political characteristics of the impacted indigenous communities, and if relevant on the land and territories they traditionally occupy and natural resources they depend on. This may be particularly relevant if the livelihoods of ethnic groups are dependent on water resources that may be impacted by civil works financed by the project.

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- c) Using this baseline information, key project stakeholders will be identified within the affected communities, and a culturally appropriate process for consulting with the ethnic groups during sub-project preparation and implementation will be identified with those stakeholders.
- d) An assessment, based on free, prior, and informed consultation, with the affected ethnic group communities, of the potential adverse and positive effects of the sub-project. This assessment should be sensitive to the unique vulnerabilities of ethnic group communities, considering their distinct circumstances, ties to the land and natural resources, and potentially limited access to development opportunities compared to other groups.
- e) The identification and evaluation, based on free, prior, and informed consultation with the affected ethnic group communities, of measures necessary to avoid adverse effects, or if such measures are not feasible, the identification of measures to minimize, mitigate, or compensate for such effects, and to ensure that the ethnic group receive culturally appropriate benefits under the sub-projects.

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### 5.3 FREE, PRIOR AND INFORMED ~~CONSULTATION~~ CONSENT PROCESS

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

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

The consultation process needs to ensure:

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

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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.

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

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

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

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~~Consultations conducted to date are listed in the ESMF Section 7.0 and Appendices A10, A12, and A13. These include the kick-off meeting in Vientiane on 9<sup>th</sup> May 2016, the 1<sup>st</sup> public consultation in Vientiane on 20<sup>th</sup> June 2016, district and community consultations between 24<sup>st</sup> and 24<sup>th</sup> June 2016 and the 2<sup>nd</sup> consultation meeting on 22<sup>nd</sup> September 2016. Two weeks in advance of the two public consultation meetings, the safeguard instruments in Lao and English languages were posted online.~~

## 5.4 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 SIA 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

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establishment of mutually agreed environmental and social safeguards procedures, supervision and training of safeguards for MPWT.

The Lao PDR DRM Project: Additional Financing will be implemented following GoL processes. MPWT will be the DPW through the DOW, with technical assistance and support from the Environmental Research and Disaster Protection Division of the Public Works and Transport Institute (EDPD/PTRI). Overall management and coordination will be the domain of the Department of Planning and Cooperation (DoPC). The DOW will be responsible for planning and implementation of urban flood risk management related activities falling under the project Components 1, 2 and 3 through a dedicated project, namely, the project established with a mandate to coordinate an urban flood risk management plan at central and local levels. The DOW will work in close coordination with and provide technical support to the Department of Public Works and Transportation (DPWT) Waterway Sector in the Provinces of Oudomxay Province, Luang Prabang and Borikhamxay, with conducting the works and supervision. The DPWT Waterway Sector in Oudomxay Province ~~the Provinces~~ will establish a Project Implementation Unit (PIU) responsible for implementation and monitoring of environmental and social safeguards. The DOW will also be responsible for implementation of an urban flood risk management safety program to be implemented under the Lao PDR Project.

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Depending upon training and professional experience in environmental and social safeguards implementation and monitoring, it is likely that DOW and cooperating department staff will require additional training and support. They should be supported by a technical assistance consultant team that will assist in the implementation of the ESMF requirements while building staff capacity to address safeguards issues. Table 3 presents key DPW and cooperating subnational government responsibilities at different stages of the project life cycle, particularly if it relates to ethnic groups.

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The DOW PMU (under MPWT) will clarify tasks and responsibilities regarding implementation of the urban disaster risk management sub-project ~~in Oudomxay's provincial capital, Muang Xay.~~ The DOW will review screening reports prepared by the local DPWT PIU and prepare draft terms of reference for an environmental and social management plan (ESMP) and requirements to prepare an abbreviated Resettlement Action Plan (ARAP), if applicable, and EGDP, as necessary. The ESMP and planning documents (i.e., ARAP and EGDP) will be shared with stakeholders during consultations. Issues and observations noted from the consultations will be incorporated. Documentation will also be released for public disclosure and submitted to the World Bank for review.

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

Bank and DOW is estimated at ~~USD205,000~~ USD [redacted] (see ESMF section 9.4) ~~which will be supported by a combination of IDA and counterpart financing, from the project management component.~~

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

Sub-project Cycle	EDPD of PTRI	MPWT/DOW-PMU	DPWT Oudomxay Sector (as sub-projects)-PIU
Screening	Advise applicants and other stakeholders about environmental and social safeguard procedures. Review the concept note/idea and screen for potential safeguard issues, and advise applicants regarding the nature and content of the safeguard documents and measures to be prepared.	Actively participate in the process with EDPD	<ul style="list-style-type: none"> <li>Assess any potential safeguard issues early in the preparation process, including screening for the presence of ethnic groups/indigenous peoples.</li> <li>Describe potential safeguard issues in the safeguard screening form to be attached to the sub-project proposal.</li> </ul>
Preparation	Advise applicants on safeguard issues as needed. Recruit environmental and social safeguard consultants to support the preparation, implementation and monitoring of safeguard documents (such as ESMP, EGDP, ARAP).	Actively participate in the process with EDPD	<ul style="list-style-type: none"> <li>Undertake safeguard preparation actions as required, such as consultations with local communities and/or collection of data.</li> <li>Design safeguard measures and prepare documents such as an Environment Code of Practice (ECOP), ESMP, ARAP/ESMP/EMP, EGDP, etc. as agreed with EDPD/DOW. If applicable, disclose draft safeguard documents with the sub-project proposal to affected communities prior to final review of proposal by the MPWT/EDPD/DOW.</li> </ul>
Review and approval	<ul style="list-style-type: none"> <li>Review sub-project proposals for safeguard impacts and social risks.</li> </ul>	Actively participate in the process with EDPD	Submit sub-project proposal with

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	<ul style="list-style-type: none"> <li>Assess the adequacy and feasibility of the safeguard assessment and consultation process. If needed, request further steps.</li> </ul> <p>Assess the adequacy and feasibility of safeguard measures and documents. If needed, request appropriate changes to these and reassess prior to final approval.</p> <ul style="list-style-type: none"> <li>If the ethnic groups (Ethnic Group equivalent to WB OP/BP 4.10) are affected, ascertain that they have provided their free, prior and informed consent to sub-project activities affecting them.</li> <li>If applicable, publicly disclose safeguard related information on the website after sub-project approval.</li> </ul>		<p>safeguard measures and documents as agreed. If requested by the EDPD/DOW, take takes additional steps to meet ESMF and safeguard policy provisions. Re-submit proposal with revised safeguard measures and documents, as needed. All national and local legislation and regulations will be complied with.</p> <ul style="list-style-type: none"> <li>Prepare an action plan as needed if the sub-project is likely to have impacts on CSOs (non-profit associations and Community Based Organizations (CBOs)).</li> </ul>	<p>Formatted</p> <p>Formatted</p> <p>Formatted</p> <p>Formatted</p> <p>Formatted</p> <p>Formatted</p> <p>Formatted</p> <p>Formatted</p>
Implementation	<ul style="list-style-type: none"> <li>Supervise and review safeguard documents and issues during sub-project implementation. If needed, request changes to safeguard measures.</li> <li>Review and approve Plan of Actions that are required to be prepared during implementation of sub-projects.</li> </ul>	<p>Actively participate in the process with EDPD</p>	<p>Disclose final safeguard documents, if any, to affected communities.</p> <p>Monitor and document the implementation of safeguard measures.</p> <p>When the ethnic groups (equivalent to WB OP/BP 4.10) are affected, include them in participatory monitoring and evaluation exercises.</p>	<p>Formatted: English (U.S.), Character scale: 110%</p> <p>Formatted: Font: 9 pt, English (U.S.)</p> <p>Formatted: Normal, Left, Right: -0.01", Line spacing: single</p> <p>Formatted: English (U.S.), Not All caps</p> <p>Formatted: Font: 9 pt, English (U.S.), Character scale: 119%</p> <p>Formatted: Normal, Left, Right: -0", Line spacing: Multiple 1.06 li, Bulleted + Level: 1 + Aligned at: 0" + Indent at: 0.25"</p> <p>Formatted</p> <p>Formatted</p> <p>Formatted</p>
Evaluation	<p>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.</p>	<p>Actively participate in the process with EDPD</p>	<p>EvaluateMonitor and document the implementation and outcomes of safeguard measures.</p> <p>When the ethnic groups (equivalent to WB OP/BP 4BP4.10) are affected, include them in participatory implementation exercises.</p> <p>Evaluate the implementation and outcomes of safeguard measures.</p>	<p>Formatted</p> <p>Formatted</p> <p>Formatted</p> <p>Formatted: Normal, Left, Line spacing: single</p> <p>Formatted: English (U.S.)</p> <p>Formatted: Font: 9 pt, English (U.S.)</p> <p>Formatted: Normal, Left, Right: -0.01", Line spacing: single</p> <p>Formatted: English (U.S.), Not All caps</p> <p>Formatted</p> <p>Formatted</p> <p>Formatted</p>







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

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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.

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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.

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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.

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

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However, the complainant also retains the right to bypass this procedure and can address a grievance directly to the Provincial DPTW PIU office or the national assembly, as provided by law in Lao PDR. At each level grievance details, discussions and outcomes will be documented and recorded in a grievance logbook. The status of grievances submitted and grievance redress will be reported to Provincial DPWT ~~Qudemxay~~ Waterway sector management through the monthly

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report. In order to effectively and quickly resolve grievances PAP and PAH may have, the following process will be applied:

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

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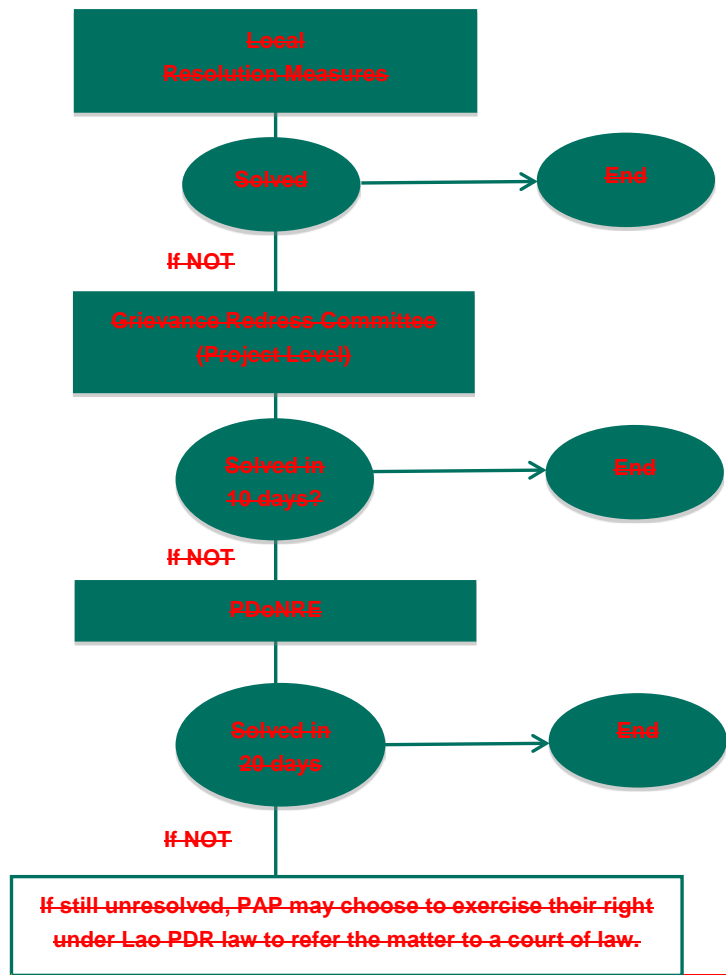
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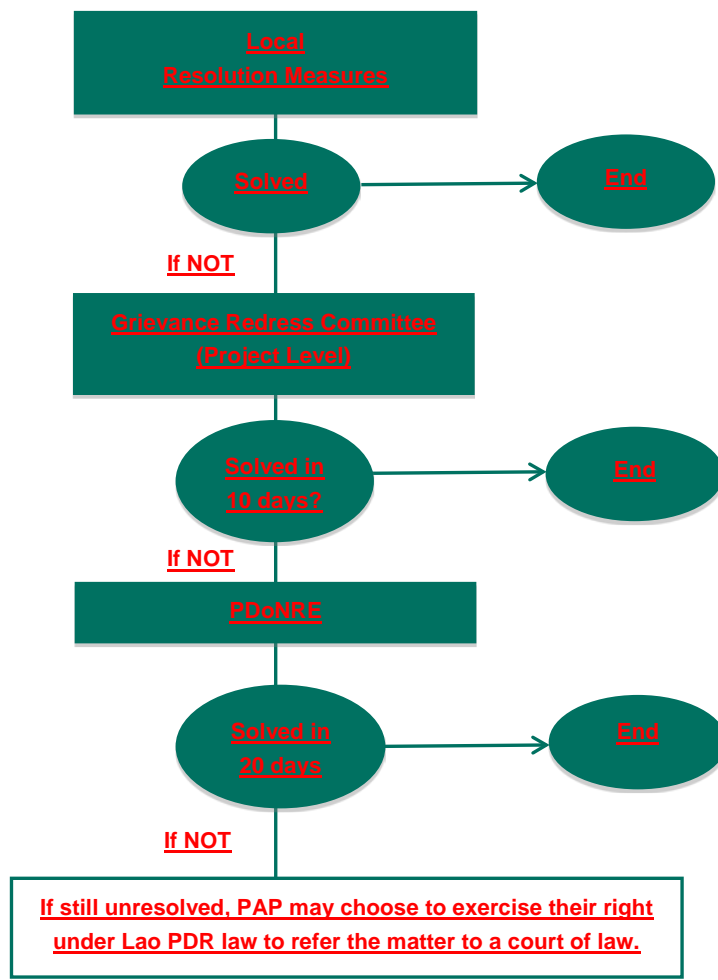
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Figure 1 GRM process.



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

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

## 9.0 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 using EMOs at the appropriate national, regional, and local levels to reach ethnic groups who are likely to be affected by the project. Where EMOs do not exist, the document may be disseminated using other CSOs as appropriate. At the local level, the SIA report and draft 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.

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Before sub-project approval, the borrower must send the SIA 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.

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## 10.0 BUDGET

The budget estimated to implement the EGEF and the related sub-projects is estimated at USD 65,000 (Table 4). The source of financing will be from Component 4, Project Management.

**Table 4 — Indicative budget for implementation of the EGEF and related sub-project initiatives.**

No.	Description	Indicative Cost (USD)
1	Consultation with ethnic groups at preparation for ESMP and Ethnic Group Development Plan (EGDP)	20,000
2	Recruitment of national consultant(s) (part-time) to prepare EGDPs and relevant sections of EMSPs	30,000
3	Recruitment (as needed) of bilingual facilitators to support ethnic groups PAH during the grievance redress process	5,000
4	Recruitment of national consultant to conduct participatory evaluation of EGDPs	40,000
<b>Total</b>		<b>65,000</b>

At this point an estimated cannot be provided for the implementation of the EGDPs to be prepared, as the exact location 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 4 (project management).

