



## Enhancing Systematic Land Registration Project (P169669)

### ETHNIC GROUP DEVELOPMENT FRAMEWORK (EGDF)

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## GLOSSARY

CHF	Cultural Heritage Framework
COC	Code of Conduct
DIA	Designated Implementing Agencies
DOL	Department of Land
ECOP	Environmental Code of Practice
EGDF	Ethnic Group Development Framework
EP	Ethnic Peoples
ESLRP	Enhancing Systematic Land Registration Project
ESCP	Environmental and Social Commitment Plan
ESF	Environmental and Social Framework
FGD	Focus Group Discussion
FPIC	Free, Prior and Informed Consent
GBV	Gender-Based Violence Plan
GOL	Government of Lao PDR
GRM	Grievance Redress Mechanism
IFP	Investment Financing Project
ISWSC	Implementation Support and Works Supervision Consultant
LMP	Labour Management Procedures
MONRE	Ministry of Environment and Natural Resources
NTFP	Non-Timber Forest Product
OHS	Occupational Health and Safety
PPA	Project Preparation Advance
SEA	Sexual Exploitation and Abuse
SEP	Stakeholder Analysis and Stakeholder Engagement Plan
RP	Resettlement Plan
SWMP	Simple Standard Waste Management Plan
VAC	Violence Against Children
WB	World Bank

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## **PART 1 INTRODUCTION**

### **1.1 Project Background**

Most people in Lao PDR live in rural areas, depending heavily on natural resources, especially land and forests for livelihoods. They use and inherit land of various categories (residential, agriculture, livestock, forest land) from generation to generation. Where land registration has been conducted, a land-use certificate (for State Land) and land title certificate (for Private Land) is issued to the land users. The land users are authorized to sell their land by transfer of their land-use right to others. Land title and land-use certificates are commonly used for mortgages and guarantee to access finance from banks and microfinance institutions as well as individual lenders. Informal use on land occurs across the country and often involves socially vulnerable households located in rural areas, utilizing the land for traditional swidden (shifting) agriculture and other livelihood practices. The categorization of different types of agricultural and forest land is difficult to standardize and changing land use patterns that contradict official land categorization may further complicate registration. Overlapping tenure can also result from the granting of private sector for exploration and development of land subject to existing informal local use. Programs that are not carefully managed and resourced risk leading to land grabs by influential investors and the displacement of vulnerable households.

Land is the national property in accordance with the Constitution of the Lao PDR. This is re-confirmed by the Resolution on the Enhancement of Land Management and Development in the New Era, No. 026, dated 03/08/2017. The Resolution emphasizes the importance of land for livelihoods and residence of various ethnic groups, and national socio-economic development in the country. It, however, also acknowledges challenges the country has faced in the last decades since the change in the political regime in 1975. Challenges and difficulties include, but not limited to, conversion of land use classification, which has not been carried out strictly in accordance with the laws, uneconomic use of land, grabbing of land, wide spread of unlawful allocation of State land to individuals, continuous increase of land price especially urban lands. The Resolution also acknowledges issues related to the lack of good land management and administration, there have been problems associated with collection of land tax, transfer of land rights, day-to-day increase of land complaint cases, lack of detailed legislation on conversion of land use classification constraining the State and the Lao peoples to accrue actual benefit from lands as it should be; land acquisition for various projects is both heavy burden and sensitive causing social impacts.

Efforts have been made by the Government of Laos (GOL) to address the challenges through adoption of various policies, laws, and regulations on lands. Management of land has been improved with clear division of mandates, duties, and responsibilities between central and local authorities. The policies, laws and regulations have been implemented, but enforcement has not been as effective as it needs to be. The 10<sup>th</sup> Congress of the Lao People's Revolutionary Party

(LPRP) reached resolution, urging for urgent, strict compliance with laws and regulations of management and administration.

The Resolution on the Enhancement of Land Management and Development in New Era, No. 026, was adopted by the Lao People's Revolutionary Party's Central Committee on 03/08/2017, aiming at accelerating land titling, modernizing land services, and strengthening individual, collective and customary land tenure. The Resolution provides general principles to achieve its goals, including expanding recognized land rights to collective and customary lands, enhancing access to justice in relation to expropriation, strengthening regulations on land concessions, improving land dispute resolution mechanisms to promote fairness and transparency, and strengthening land institutions.

The Resolution was followed by the National Assembly's adoption of *The National Master Plan for Land Allocation* in 2018, which provides guidelines for systematic and sustainable planning of allocations of land and natural resources. According to the Master Plan, 70% of the total area of the country is allocated for forest cover, while 30% of the total area is allocated for economic development and residential areas.

The National Assembly (NA) endorsed in June 2019, an Amended Land Law subject to some editorial comments to be addressed and the Forestry Law. The Amended Land Law was signed by the President of Lao PDR on 2 August 2019. In line with existing national laws and legislation (Allocation of Land and Occupation Law (2018), Degree no. 84 on Compensation and Resettlement Decree (2016) and Agriculture Law (1998-being revised), the Amended Land Law includes provisions on recognition of customary land use of local community and land acquisition with appropriate compensation.

The *Land Law* recognizes land use rights of individuals, legal entities, and organizations, and stipulates that these rights are managed "by registering land books, certifying land use, issuing land titles and registering transfer and changes of land use rights". The Law also acknowledges and protects customary land use rights pending the issuance of official land titles. Lands that are not transferred to the previously described entities are considered public lands, which can be granted to Party organizations, state agencies and local administrative authorities through a titling process. Public land can also be transferred to the use of a village or cluster of villages in accordance with local land allocation plans to select land uses with temporary land use certificates. Both the permanent land titles and temporary land use certificates are issued by district (DONRE) and provincial (PONRE) offices in paper format, which is the only legally binding version of the documents.

Out of the estimated 3 to 3.5 million public and private land parcels in Lao PDR, roughly 1.2 million parcels have been registered and titles primarily cover urban areas. As part of its goal to complete the registration process, the GOL has set concrete targets in its Eighth National Socio-Economic

Development Plan (NSEDPP) and Vision 2030 to issue 400,000 new titles by 2020 and a further 800,000 titles by 2025. Since the World Bank-financed Second Land Titling Project's (LTP-II; P075006) closing in 2010, MONRE's Department of Lands (DOL) has been implementing a systematic land registration process using government resources. While many of the processes introduced by LTP-II have been maintained, activities remain primarily in urban and peri-urban areas and the costs of titles are too high for many citizens to pay. MONRE needs considerable extra resources to enhance systematic land registration in rural areas and to reduce the costs associated with individual titles. A total 780 staff (including 390 contract staff) will work in mobile units to carry out land registration on the ground in all 18 target provinces.

In this context, the MONRE has requested the World Bank (WB) to provide an Investment Project Financing (IPF). The objective of the project is to support the Government of Lao PDR in scaling up systematic land registration and improving delivery of land administration services. The project activities will be primarily implemented in rural areas, though some urban and peri-urban areas will also be included in all 18 provinces of Lao PDR.

## 1.2 Project Description

The objective of the project is to support the Government of Lao PDR in improving tenure security and the delivery of land administration services in selected areas, and to provide immediate and effective response in case of an eligible crisis or emergency.

The Project Development Objective (PDO) will be achieved by supporting and improving the GOL's systematic land registration process and advancing the issuance of property titles to beneficiaries. The PDO will also be achieved through support to the modernization of the land administration system and related services for citizens.

### 1.2.1 Project Components and Activities

The project comprises of five components, as described below:

**Component 1: Systematic Registration of Land Use Rights** (US\$20.5 million, of which US\$16.9 million IDA and US\$ 3.7 million SDC). This component will support the GOL, MONRE and DOL in enhancing and scaling-up systematic land registration and issuance of 1,000,000 land titles and use certificates initially in Lao PDR. Land titles and use certificates are considered issued when they have been prepared and printed, regardless of if the land holder collects them from the DONRE. The component will be implemented through:

**1.1: Scaling-up Systematic Land Registration** (US\$19.6 million, of which US\$16.2 million IDA and US\$3.4 million SDC). This subcomponent will finance i) the implementation of systematic land registration in the project provinces, including associated the Environmental and Social Framework (ESF) activities, public awareness campaigns,



technical assistance, contract staff recruitment and operating costs; and ii) goods required in the process such as vehicles, survey equipment, Continuously Operating Reference Stations (CORSs), ICT equipment, boundary markers and stationery. Under this subcomponent, land parcels will be surveyed and/or mapped systematically based on their occupancy. Those land parcels eligible for land titles or land use certificates will be registered to the land registry, while other land occupancy, such as certain forms of communal land holdings in the state forestlands, will be recorded to the cadastre as possessions to improve their tenure security against land grabs, land acquisition, overlapping claims and concessions without proper compensation.

**1.2: Training, Capacity Building and TA** (US\$0.9 million, of which US\$0.7 million IDA and US\$0.2 million SDC). This subcomponent will finance the planning and implementation of systematic land registration related training and capacity building of government and contract staff involved in the process, through i) consultancy service to develop training and capacity building plan; and ii) carrying out the training.

**Component 2: Modernization of Land Administration and Service Delivery** (US\$6.2 million, of which US\$5.6 million IDA and US\$ 0.6 million SDC). This component will support the GOL, MONRE and DOL in improving delivery of land administration services (surveying, registration, transactions, subdivisions, etc.). This will be achieved through:

**2.1: Enhanced Service Delivery** (US\$2.8 million, of which US\$2.2 million IDA and US\$0.2 million SDC). This subcomponent will finance improvements to service delivery through i) a Business Process Reengineering Assessment and Customer Satisfaction Surveys; ii) planning and piloting of land administration service centers; iii) construction and renovation of PONRE, DONRE office and service centers; iv) procurement of goods such as office equipment, furniture, stationery and ICT equipment; v) recruitment and training of staff.

**2.2: Scanning, Digitization and Archiving of Existing Land Records** (US\$0.6 million, of which US\$0.6 million IDA). This subcomponent will finance digitization of about 440,000 existing land records to ensure their safety, accelerate transition to a digital land administration system and enhance the use of office space. This is achieved through i) TA to prepare Document Management and Digital Archive Strategy; and ii) outsourcing the digitization to a professional company.

**2.3: Lao LandReg Development and Rollout** (US\$2.8 million, of which US\$2.0 million IDA and US\$0.4 million SDC). This subcomponent will finance further development and roll-out of Lao LandReg to enhance digitalization of land administration system and service delivery. This is achieved through i) preparation of ICT Strategy and Technical Quality Review of Lao LandReg and Data Protection and Cyber Security Study; ii) office renovations to enhance the server room facilities of DOL, PONREs, DONREs and service

centers; iii) ICT equipment; iv) further developments of the Lao LandReg; and v) training of Lao LandReg operators.

**Component 3: Implementation, Policy and Legal Framework Development** (US\$1.2 million, of which US\$1 million IDA and US\$0.2 million SDC). This component will support the further development of inclusive and comprehensive land policies and regulatory framework, as well as their implementation procedures, through i) preparation of policy and system studies and technical guidelines and manuals; ii) dissemination of policies, laws, and regulations; and iii) organizing training workshops for government staff. These policies will address at least the issues related to survey and registration of customary and communal lands as well as lands within state forestlands.

**Component 4: Project Management** (US\$3.4 million, of which US\$1.5 million IDA and US\$1.9 million SDC). This component will support the overall project management, coordination with Development Partners and operations of the Project Management Unit (PMU) and the Project Steering Committee (PSC), through i) operating costs associated with project implementation, PMU and PSC; ii) consultancy services for financial management, procurement, coordination, ESS, public awareness raising, training, ICT, mid-term and final evaluation, audits as well as short term consultants based on needs; iii) training programs and study tours; and iv) office equipment and furniture.

**Component 5: Contingent Emergency Response Component** (CERC, US\$0.0 million). Reflecting the strategic approach taken in Lao PDR across the Bank's portfolio, this Component will provide immediate response to an eligible emergency. As such, in the event of such eligible emergency (as defined in the CERC Operational Manual, an annex to the Project Operational Manual (POM)), and at the request of the Government, the Component would finance emergency activities and expenditures through the reallocation of funds from the Project.

**Support to project preparation:**

To support the preparation of this project, the GOL and World Bank agreed a Project Preparation Advance (PPA) to finance the following activities:

- 1) Assessing ongoing land administration practices related to community awareness raising, surveying, and mapping, adjudication, public displays, and registering titles and other transactions; and providing recommendations on administrative reforms to improve processes efficiency.
- 2) Assessing the status of land information systems including Lao LandReg and providing recommendations for systems enhancement.

- 3) Building capacity in district offices through training on new procedures and use of Information and Communications Technology (ICT).
- 4) Prepare environment and social document agreed under the Environment and Social Commitment Plan (ESCP).
- 5) Developing strategies to enhance information and awareness programs for persons to be affected by land titling activities to begin under the subsequent project, including design of an enhanced website.
- 6) Development of a scanning and digital archiving strategy for existing land records.
- 7) Training and awareness program for MONRE staff and contractors on WB requirements under environment and social standards.
- 8) Analysing the legislative and regulatory framework in line with well-established land policy principles.
- 9) Purchasing hardware and software for supporting surveying work and expanding the CORS network.
- 10) Procure office furniture and ICT equipment, including computers, scanners, printers, servers, and photocopy machines to prepare for project implementation;
- 11) Purchase of vehicles to support piloting activities under the subsequent project; and
- 12) Establishing a PMU including hiring consultants to support advice on land registration, project preparation and management, procurement, financial management and monitoring and evaluation.

It is important to highlight that the PPA to support project preparation will finance training for MONRE staff and contractors for the preparation and implementation of the ESF aspects of this project. It is also providing support inter-departmental coordination and collaboration between DOL and the other critical department of MONRE, i.e., DOE to prepare and implement the ESF tools needed to address ESF requirements.

### **1.2.2 Project Beneficiaries**

The primary beneficiaries of systematic land registration will be landholders of primarily rural areas of the all 18 provinces nationwide while the primary beneficiaries of improved land administration services will include also those urban, peri-urban, and rural residents that have their land rights already registered. Special attention will be paid to the rights of women and vulnerable persons as possible under the current legal framework. The Land Law and Forest Law forbid issuance of full titles to certain types of communal lands and lands within state forestlands, which are used mainly by ethnic (minority) groups and poorest segments of the society. Therefore, some types of communal lands in the state forestlands will be recorded to the cadastre as possessions to improve their tenure security against land grabs, land acquisition,

overlapping claims and concessions without proper compensation, while the policy component of the project aims to address the limitations of both communal land rights and land rights within state forestlands. Investors will benefit from secure access to real estate, improved access to credit, and improved speed of registration. Additional beneficiaries will include land market professionals (surveyors, lawyers, valuers) and organizations associated with mortgaging (commercial banks), who will benefit from more accurate and accessible real estate data and the ability to provide improved, more informed services to the public. Government institutions and agencies, including MONRE and the Ministry of Finance (MOF), will benefit from increased revenues from land and real estate taxes and fees (e.g., property tax, transfer tax, and transaction fees). Improved land data information will also improve the GOL's ability to provide services, and the private sector in providing additional services using land information. Investments in geodetic infrastructure, the LIS and property registration will benefit government authorities who are responsible for climate change adaptation and mitigation and disaster management planning and response. More generally, the Project is expected to benefit the country's population by increasing capacity to respond to emergencies through the CERC.

### 1.2.3 Project Cost and Financing

The total project financing is USD 25 million loan from the World Bank's International Development Association (IDA) and USD 6,312,250 grant from the Swiss Agency for Development and Cooperation (SDC). Table 1 provides a summary of the project cost by component.

**TABLE 1: PROJECT COSTS BY COMPONENT**

<b>Project Components</b>	<b>Project cost (UD\$ millions)</b>	<b>Amount of IDA Credit Allocated (US\$)</b>	<b>Amount of SDC Grant Allocated (US\$)</b>
<b>Component 1: Systematic Registration of Land Rights</b>	20.5	16.9	3.7
<b>Component 2: Modernization of the Land Administration and Service Delivery.</b>	6.2	5.6	0.6
<b>Component 3: Implementation, Policy and Legal Framework Development</b>	1.2	1.0	0.2
<b>Component 4: Project Management.</b>	3.4	1.5	1.9
<b>Component 5: CERC</b>	0	0	0
<b>Total Financing Required</b>	30.5	25.0	6.4

### 1.3 Geographical Coverage

The project is expected to be carried out in all 18 provinces including Vientiane Prefecture and all districts that are outside state forestlands.

Note that the German Cooperation through KfW/GIZ, is planning to implement a similar project on land registration in three provinces in the north. That project is currently under preparation, and there is a strong coordination among both projects. In addition, with the proposed development objective of improving sustainable forest management and enhance livelihoods and tourism opportunities in selected landscapes in northern, central, and southern Lao PDR, the World Bank is also currently preparing a new project on forest lands: Lao Landscapes and Livelihoods Project (P170559).

The objective of the project is to support the Government of Lao PDR in improving tenure security and the delivery of land administration services in selected areas, and to provide immediate and effective respond in case of an eligible crisis or emergency.

The Project Development Objective (PDO) will be achieved by supporting and improving the GOL's systematic land registration process and advancing the issuance of property approximately 1,000,000 titles to beneficiaries. The PDO will also be achieved through support to the modernization of the

land administration system and related services for citizens.

Key results indicators for the project are:

- For part one of the PDO – improving land tenure will be measured by:
  - Land titles or land use certificates issued in Lao PDR (Number; disaggregated by gender; disaggregated by sole and joint registration);
  - Coverage of cadastral index maps prepared in the project showing all land holdings, including communal lands (Hectares);

For part two of the PDO - improving land administration services will be measured by:

- Number of monthly transactions registered in selected offices, excluding first-time registration (Number by provincial office per month; disaggregated by first time registration, sales, mortgages, leases and inheritance); and
- Customer satisfaction with land administration services in selected offices (Percentage; disaggregated by gender).

#### **1.4 Purpose of the Ethnic Group Development Framework**

The Environment and Social Standard 7 on Indigenous Peoples (ESS7) of the World Bank, hereafter referred to as “Ethnic People” is triggered for this project because there is likelihood that Ethnic Peoples reside in, or have collective attachment to, some areas of the 12 target provinces of the ESLR Project. Due to the fact that exact locations for the project have not been identified at this stage before the project appraisal, this Ethnic Group Development Framework (EGDF) has been prepared by the Department of Land (DOL), Ministry of Natural Resources and Environmental (MONRE) with assistance of consultants to guide the project in case Ethnic Group Peoples (EGP) are found in the target areas of the project.

Following the ESS7 definition, for this project, the term Ethnic People (or Indigenous Peoples, following the WB’s terminology) is used in a generic sense to refer exclusively to a distinct social and cultural group possessing the following characteristics in varying degrees.

- (a) Self-identification as members of a distinct ethnic social and cultural group and recognition of this identity by others; and
- (b) Collective attachment to geographically distinct habitats, ancestral territories, or areas of seasonal use or occupation, as well as to the natural resources in these areas; and
- (c) Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture; and
- (d) A distinct language or dialect, often different from the official language or languages of the country or region in which they reside.

## PART 2 OVERVIEW OF ETHNIC GROUPS IN LAO PDR

Lao PDR is a culturally diverse country, comprising of 50 ethnic groups, under 4 ethno-linguistic families, namely: the Lao-Tai, Mon-Khmer, Hmong-Mien, and Sino-Tibetan. Table 2 presents composition of each ethno-linguistic families.

**TABLE 2: GROUPING OF THE ETHNO-LINGUISTIC FAMILIES AND CATERGORIES**

Ethno-linguistic Families	Ethno-linguistic categories	Ethnic Group
<b>Lao-Tai</b>	1) Lao	Lao
<b>(Tai-Kadai)</b>	2) Tahi; Thay	Phou Thau; Tai; Nyouan; Lue, Yang, Sek, Tai Neua; Lao (in Huaphanh, Xiengkhouang, Borikhamxay, Vientiane Province, Hinboun District in Khammuane).
<b>Mon-Khmer</b>	3) Khmuic	Khmou; Pray; Ksing Moui (Sing Moun); Phong in Huaphanh, Xiengkhouang, Vientiane Province; Thene; Oe Dou, Kri (Xayabury)
<b>(Austro-Asiatic)</b>	4) Palaungic	Lamet; Bit, Sam Tao.
	5) Katuic	Katang; Makong; Tri; Ta Oy, Katu, Kriang; Souay, Pacoh.
	6) Bahnaric-Khmer	Jrou (Laven); Triang; Ye; Brao; Halak; Oy, Cheng; Sadang, Nya; Heun; Lavi, Khmer.
	7) Vietic	Toum; Ngouan; Meuang; Kri (except in Xayabury); Phong (except Phon assigned to Khmuic).
<b>Chino Tibetan</b>	8) Tibeto-Burman	Akha, Singaily; Lahu; Sila; Hanyi; Lolo; Ho
<b>Hmong-</b>	9) Hmong	Hmong
<b>Iew Mien</b>	10) Mien	Iew Mien

Source: Lao Statistics Bureau 2018 (reproduced from Messerli et al., 2008)

According to results of population and housing census 2015, the ethnic groups under Lao Tai family account for the majority of the population (53.2%), followed by the Khmou (11.0%), and the Hmong (9.2%). Beside those shown by Table 3, their population is less than 1% of the total country population.

Overall, most of ethnic minorities in Laos are dependent on forest and natural resources for their livelihoods. Many of them have their own language or dialect and different religious beliefs. Many of them live in remote rural areas.

**TABLE 3: POPULATION BY ETHNIC GROUP**

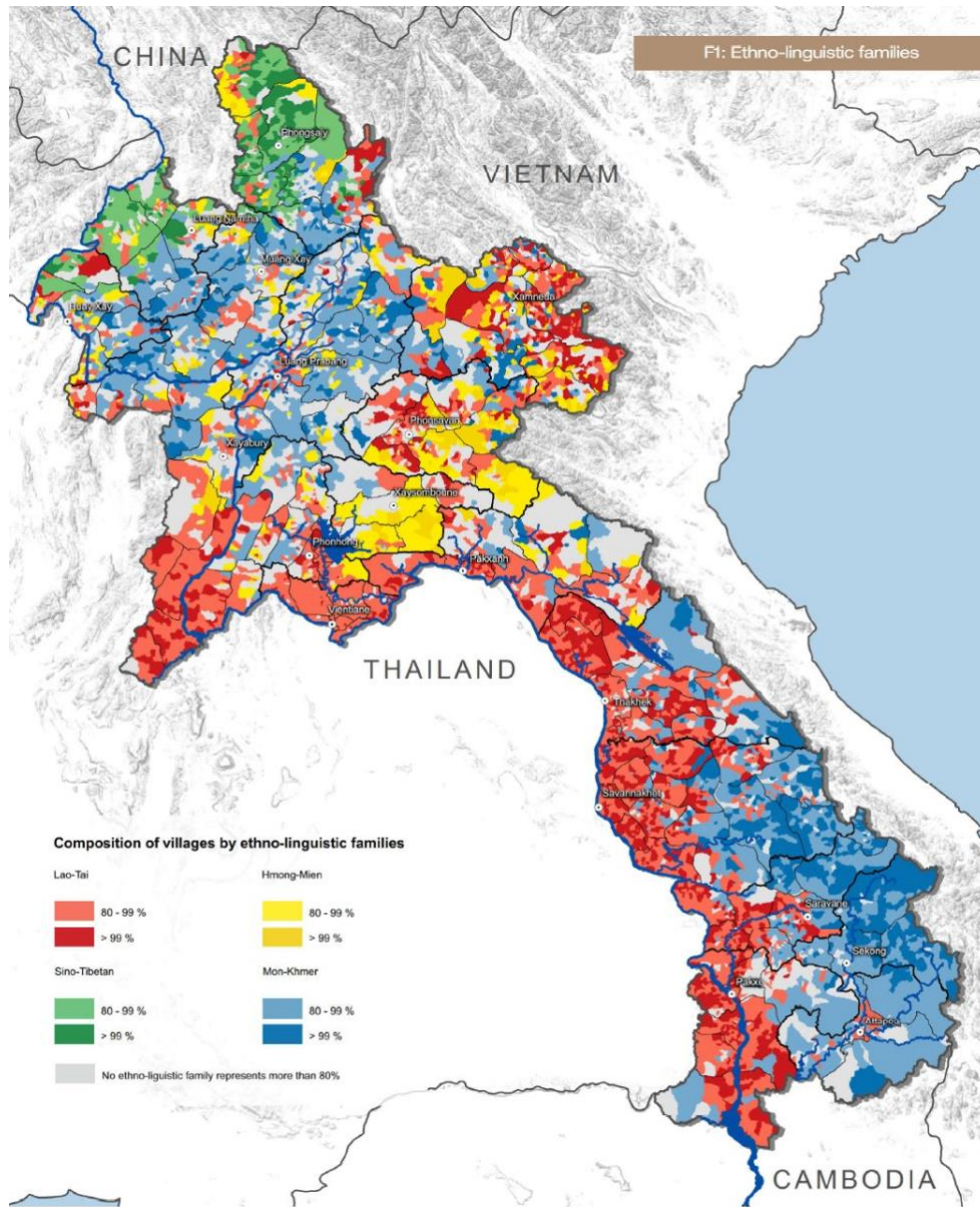
	Population	% of Total Population
<b>Lao</b>	3,427,665	53.2
<b>Khmou</b>	708,412	11.0
<b>Hmong</b>	595,028	9.2
<b>Phouthay</b>	218,108	3.4
<b>Tai</b>	201,576	3.1
<b>Makong</b>	163,285	2.5
<b>Katang</b>	144,255	2.2
<b>Lue</b>	126,229	2.0
<b>Akha</b>	112,979	1.8
<b>Others</b>	749,153	11.6
<b>Total</b>	<b>6,446,690</b>	<b>100.0</b>

Source: Lao Statistics Bureau, 2016

### 1.5 General Information about Ethnic Peoples in the Project Area

The project is expected to be implemented in all 18 provinces including Vientiane Prefecture and all districts that are outside state forestlands. The Government of Lao PDR (GOL) does not use the term “indigenous” people. The GOL uses the term “ethnic” group to refer to different ethnic groups of all citizens of the country, including the ethnically Lao. The term “ethnic minorities”, however, is used from time to time to refer to non-Lao Tai ethnic groups. Hence, in this EGDF, the term “ethnic groups” or “ethnic people” are used for reference to groups other than the ethnic groups under Lao Tai Ethno-linguistic family for the sake of clarity. As per the ESS7 definition and the four main characteristics discussed in the above Section 1.3, all ethnic groups of none-Lao Tai ethno-linguistic family (Mon-Khmer, Hmong-lew Mien and Chino-Tibetan) are considered to be Indigenous People in Laos. However, some ethnic groups and ethnic people may identify themselves and be recognized by others as Lao-Tai citizens as they may have assimilated into the Lao-Tai community and intermarried with the Lao-Tai people. The Chino-Tibetan groups reside mainly in the northern part of Laos, namely Phongsaly and Luang Namtha and Bokeo provinces.. The Hmong-Mien Group live in the north and central part of Laos, including Khammouan. The Mon-Khmer Group are also found in those provinces of Xayaboury down to Khammouan. The majority of the population living in Salavan, Xekong and Attapeu will be Mon-Khmer-Group, while the majority of the population residing in Savannakhet and Pakse in the Plateau along the Mekong River will be the Lao-Tai households (National Statistics Bureau, 2018). Figure 1 shows the distribution of the ethno-linguistic families in Lao PDR.





Source: Lao Statistics Bureau, 2018.

**FIGURE 1: DISTRIBUTION OF ETHNO-LINGUISTIC FAMILIES**

While 3 main ethno-linguistic families are listed in the over the countries, that does not mean they are necessarily always considered Ethnic people (EPs) as per the 4 criteria of the World Bank (Para 8, ESS7). The ESS7 of the World Bank recognizes that Indigenous Peoples (IPs), or Ethnic Peoples (EP) in the context of Laos as used in this project, have identities and aspirations that are distinct from mainstream groups in national societies and often are disadvantaged by traditional models of development, and that they are inextricably linked to the land on which they live and the natural resources on which they depend. Case by case will be assessed during the project

implementation, following the guidelines in this EGDF. DOL with assistance of an independent expert (hired by the project) will undertake the screening. Specific information on the extent of ethnic groups in the project areas and detailed information on their beliefs, traditions, benefits and impacts of the project and others will be a part of the screening to be conducted after specific target areas of the project are identified. Once the project locations are known, the screening form is applied in order to learn if there is presence of IPs/EPs in the project area.

## **PART 3 LEGAL FRAMEWORK AND REGULATIONS**

### **3.1 Relevant Policies, Laws, Rules and Regulations on Ethnic Peoples in Lao PDR**

The guiding policy document to address ethnic group people's issues in the Lao PDR is the Constitution of the Lao PDR, revised in 2015. Its Article 8, states that "The States implements policy on solidarity and equity between ethnic groups. All ethnic groups have the right to protect and promote traditions and culture of their own and the nation. All actions of discrimination is prohibited". The 1992 Party policy on ethnic groups emphasizes realizing equality between ethnic groups and gradually improving the lives of ethnic groups while promoting their ethnic identity and cultural heritage. National Guidelines by the LFND in 2012, highlights the importance of meaningful consultation and participation of the potentially affected ethnic groups in development project affecting their livelihoods and the environment. The Guidelines contains provisions on principles and procedures to carry our meaningful consultations with and obtain free, prior and informed consent of, all ethnic groups affected by development projects.

According to the revised Land Law 2019, land in Lao PDR is the national community property, where the State represents the owner of the rights in the management of land in a centralized manner across the country. The State grants the rights on the long-term and secured land use to individuals, collective groups and organizations of Lao citizens (Article 3). The State acknowledges and protects the customary land use rights of individuals. The acquisition of customary lands refers to land acquisition and use by Lao citizens through exploration, development, protection and regular land use for more than 25 years before the Land Law becomes effective and without the need to provide document certifying the acquisition, but only a certificate from village administrative authorities and of the owners of nearby land certifying continuous land acquisition and use without any disputes or with disputes being already settled (Article 130).

Goals of the 8<sup>th</sup> National Socioeconomic Development Plan (8<sup>th</sup> NESDP) relevant to ethnic minorities include: 1) improving infrastructure in remote areas, especially those by ethnic groups, 2) social welfare policy and poverty reduction to meet specific needs and capabilities of ethnic people and 2) promoting diverse heritage and cultural values of different ethnic groups to enhance equality and unity among multi-cultural people.

Ethnic affairs are addressed by a number of government agencies and mass organizations. The Lao Front for National Development (LFND) is directly responsible for Ethnic Affair in the country, including Department with the mission of mobilizing, protecting and promoting the benefits of all ethnic groups and relaying the requirements, frustrations and real desires of all Lao People to the higher hierarchy. Meanwhile, drafting and evaluating proposals of legislation related to ethnic groups is under the responsibility of the Ethnic Minority Committee of the National Assembly. Research related to ethnic groups is under the responsibility of the Ministry of Information, Culture and Tourism. As the term 'ethnic' is used for all groups of people in the

country with little focus on specific ethnic group/s, the distinct needs of specific ethnic peoples may go unaddressed (Open Development Initiative, 2019).

### **3.2 Relevant International Agreements**

Lao PDR is a signatory to a number of international instruments that protect the rights of ethnic peoples, including:

- a) UN Declaration on the Rights of Indigenous Peoples
- b) International Convention on the Elimination of All Forms of Racial Discrimination.
- c) Convention on the Rights of Persons with Disabilities;
- d) International Covenant on Civil and Political Rights; and
- e) International Covenant on Economic, Social and Cultural Rights.

The UN Declaration on the Right of Indigenous People was adopted by the United Nations General Assembly in September 2007. Although the Government of Lao PDR voted in favor of the adoption of the UN Declaration on the Rights of Indigenous Peoples, all ethnic groups in the country have the same status and the concept of ‘indigenous peoples’ is not used by the Government. It is important to note that Lao PDR has not ratified the ILO 169 on Indigenous and Tribal Peoples Convention.

The International Convention on the Elimination of all Forms of Racial Discrimination (“ICERD”), Article 5(e) ensures the enjoyment and without discrimination, of economic, social and cultural rights, in particular the right to education and training. Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), includes the provision of free primary education irrespective of gender, ethnicity or any other consideration.

### **3.3 World Bank’s Environment and Social Standard 7 on Indigenous Peoples/ Sub-Saharan African Historically Undeserved Traditional Local Communities (hereinto referred as Indigenous Peoples)**

The ESS7 of the World Bank recognizes that Indigenous Peoples (IPs), or Ethnic Peoples (EP) as used in this project, have identities and aspirations that are distinct from mainstream groups in national societies and often are disadvantaged by traditional models of development, and that they are inextricably linked to the land on which they live and the natural resources on which they depend. IPs are therefore particularly vulnerable if their land and resources are transformed, encroached upon, or significantly degraded. Projects may also undermine language use, cultural practices, institutional arrangements, and religious or spiritual beliefs. The ESS7 recognizes the roles of men and women in indigenous culture, often different from those in the mainstream groups and that women and children have frequently been marginalized both within their own communities and as a result of external developments and may have specific needs.

The objectives of ESS7 are:

- To ensure that the development process fosters full respect for the human rights, dignity, aspirations, identity, culture, and natural resource-based livelihoods of ethnic Peoples;
- To avoid adverse impacts of projects on Ethnic Peoples or, when avoidance is not possible, to minimize, mitigate and/or compensate for such impacts;
- To promote sustainable development benefits and opportunities for Ethnic Peoples in a manner that is accessible, culturally appropriate and inclusive;
- To improve project design and promote local support by establishing and maintaining an ongoing relationship based on meaningful consultation with the Ethnic Peoples affected by a project throughout the project's life cycle;
- To obtain the Free, Prior, and Informed Consent (FPIC) of affected Ethnic Peoples as described in ESS7; and
- To recognize, respect and preserve the culture, knowledge, and practices of Ethnic Peoples, and to provide them with an opportunity to adapt to changing conditions in a manner and in a time- frame acceptable to them.

The World Bank requires Free, Prior and Informed Consent (FPIC) from ethnic groups in a project when the following circumstances apply:

- a) Have adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation. Examples of the adverse impacts include:
  - Potential tension with communities, including customary communities areas and their ancestral territories located near forest areas.;
  - Reduced or loss of access to forest areas used for subsistence livelihood purposes.
- b) Cause relocation of Ethnic Peoples from land and natural resources subject to traditional ownership or under customary use or occupation; or
- c) Have significant impacts on Ethnic Peoples cultural heritage that is material to the identity and/or cultural, ceremonial, or spiritual aspects of the affected Ethnic Peoples' lives.

In those cases where FPIC is required, the following criteria will apply:

- (a) The scope of FPIC applies to cadastral mapping and land registration, implementation arrangements and expected outcomes related to risks and impacts on the ethnic groups;
- (b) FPIC builds on and expands the process of meaningful consultation described in the project's SEP, and will be established through good faith negotiation between the DOL and the ethnic groups;

- (c) The DOL will document: (i) the mutually accepted process to carry out good faith negotiations that has been agreed by the DOL and ethnic groups; and (ii) the outcome of the good faith negotiations between the DOL and ethnic groups, including all agreements reached as well as dissenting views; and
- d) FPIC does not require unanimity and may be achieved even when individuals or groups within or among affected ethnic peoples explicitly disagree.

### **3.4 Gap Analysis**

Although policy of the Lao PDR recognizes the importance of equity between ethnic groups, protection and promotion of traditions and culture of their own and that all actions of discrimination is prohibited, specific ESSs to protect the interests of certain distinct ethnic groups are emphasized. The term “ethnic” is used to refer to all groups of people in the country, rather than certain specific groups as defined by the ESS7 of the World Bank. As stated above, in this EGDF, the term “ethnic groups” or “ethnic people” are used for reference to groups other than the Lao ethnic group for the sake of clarity. Some ethnic groups have identities and aspirations that are distinct from mainstream Lao groups and often are disadvantaged by traditional models of development, and that they are inextricably linked to the land on which they live and the natural resources on which they depend as per ESS7.

The right to inheritance of land use rights is defined by the revised Land Law 2019 as the right to use land belonging to deceased persons and inheriting to descendant in accordance to the laws and will (Article 138). In practice, however, inheritance varies between ethnic communities, depending on whether matrilineal or patrilineal inheritance patterns are used (FAO, 2020).

As with the Mon Khmer, Hmong-Mien and Chine Tibet groups, inheritance usually follows patrilineal principles and land is transferred from father to son. Among the Hmong, women generally do not inherit land and other substantial assets that go from their parents to their brothers. As for the Lao Tai groups, who follows bilateral inheritance practices, both sons and daughters can inherit, it is customary for the family to give land to the youngest daughter who remains at home to take care of the parents. Usually, daughters are the majority who inherit from their parents. Other ethnic group, e.g., Khmou, practice more mixed residence and inheritances, whereby both male and female children are likely to inherit. In the recent years, however, inheritance patterns have changed as a result of rural-urban migration, relocation and merging of villages, allocation, registration and titling of land. Non-Lao Tai households adopted more bilateral kinship and inheritance patterns when they move closer to urban centers (FAO 2020).

Although Article 12 of the Inheritance Law 2008, states that part of the matrimonial property of the deceased father or mother is shared equally among the children, implying both son and daughter, succession tends to follow customary practices and varies among ethnic communities.

Although the Property Law Provides for the recognition of conjugal property, in practice most women do not have their names registered in their name, even in the case of land they have inherited or land that was jointly acquired with the husband, however (FAO, 2020).

While there are some complementary links between laws and regulations of the Lao PDR related to ethnic groups and the World Bank's ESS7, there is the lack of sufficiently detailed regulations or operating procedures to facilitate full implementation of the EGDF, conduct Free, Prior and Informed Consent (FPIC). There are no specific requirements for FPIC by the laws and regulations of the Lao PDR as those provided by the ESS-7. The EGDF is therefore prepared on the basis of the ESS7 of the World Bank, taking into account relevant policies, laws and regulations of the Lao PDR. Clear mechanisms for FPIC, if applicable, are outlined in this EGDF.. The EGDF also outlines a Grievance Redress Mechanism (GRM), based on the GRM for the project, which would have to be further refined in consultation with ethnic peoples. Training and capacity buildings will also be conducted to make sure that the PMU/DOL strengthen their knowledge on these issues.

To assist with the consultations, the Stakeholder Engagement Plan (SEP) has also been developed to ensure that there are clear mechanisms for stakeholder engagement throughout the project life cycle. This EGDF and SEP would be used together to make sure that consultations are carried out in a way that is consistent with the needs of ethnic groups if they are found to have collective attachment to the project areas and should be further refined in consultation with the ethnic groups (if found). Circumstances needed for FPIC are also detailed. The Lao Front for National Construction (LFNC) or Development (LFND) will be a partner of the project, especially when it comes to ethnic group issues and consultations. The LFND will have an active role in the development of this EGDF and SEP, among others.

A summary of what to follow under the project based on the identified gaps is as follows:

- a) The term "ethnic groups" or "ethnic people" are used for reference to groups other than the Lao ethnic group for the sake of clarity.
- b) This EGDF is prepared in accordance with the ESS7 of the World Bank, taking into account relevant policies, laws and regulations of the Lao PDR.
- c) The EGDF will be further refined in consultation with ethnic peoples.
- d) Training and capacity buildings will be conducted to make sure that the PMU/DOL staff are ethnic and gender sensitive and aware of ethnic culture and expectations
- e) To ensure a clear mechanism for stakeholder engagement, including EPs, the SEP developed for this project is to be followed. The SEP and EGDF will be used together to make sure that consultations are carried out in a way that is consistent with the needs of ethnic groups.

f) The LFND and LWU will continue to be the key partners of the project, especially when it comes to ethnic group issues and consultations. These mass organizations will also be partnered with the Helvetas, the JSDF grant recipient for Public Information Awareness Services for Vulnerable Communities to support legal, gender and ethnic awareness raising and counselling for the ethnic communities and women.



## PART 4 POTENTIAL IMPACTS ON ETHNIC GROUPS

### 4.1 Potential Impacts and Mitigation and Enhancement Measures

Project direct beneficiaries would include all land users of ethnic individuals, households, and communities whose security of tenure and access to land and natural resources would improve. The ESLR Project would positively contribute to poverty reduction and improved access to land rights by ethnic minorities, including vulnerable groups and reduced social conflicts on land, among others. Security of land tenure would increase capacity of ethnic people to adapt to climate change, impacting livelihoods and food security with longer term of investments and plans.

However, the project has the potential direct impacts of the project such as change in their settlement due to newly clarified boundaries during cadastral mapping and registration, certain areas not recognized in the survey, adjudication and survey process such as areas under fallow (beyond the 3-year cycle normally accepted) and livelihood locations as well as potential for downstream indirect impacts related to possible subsequent forced evictions and restrictions of access by third parties (government, non-forestry license holders and/or other land owners) due to clarification processes during cadastral mapping and registration process. There are also indirect impacts that arise after the implementation of the ESLR, attributable to project activities of various degrees, affecting livelihoods of ethnic groups with collective attachment to the project area. Such impacts are summarized as follows:

- Potential tension with communities, including customary community areas and their ancestral territories located near forest areas.;
- Potential land use changes/conversions due to misclassification; and

If ethnic peoples are found and they are impacted by the project activities, including office renovation, this EGDF and the Resettlement Framework (RF) will both apply. While the project is not expected to result in adverse impacts on ethnic minorities, assuming these are identified in the ESLR Project areas, there would be a need to ensure that the ethnic groups are not excluded and that there is equity in the benefits. They need to be closely consulted throughout the project lifecycle, including during identification, management and mitigation of risks plus enhancement of project's benefits.

As stated in para 29 of ESS7 of the ESF, EP are often closely tied to their land and related natural resources. Frequently, land is traditionally owned or under **customary use or occupation**. In those cases where ethnic groups do not possess legal title to land as defined by national law, their use of the land, including seasonal or cyclical use, for their livelihoods, or for cultural, ceremonial, and spiritual purposes that define their identity and community, can often be substantiated and documented.

Recognition of customary land rights, including those claimed by local and EP shall comply with the laws and regulations of GOL plus the WB's Environmental and Social Framework. The para 29 of the WB's ESS-7 states that in those projects involving the establishment of legally recognized rights to lands that ethnic groups have traditionally owned or customarily used or occupied, provisions need to be in place to ensure: (a) full legal recognition of existing customary land tenure systems of ethnic peoples; or (b) conversion of customary usage rights to collective and/or individual ownership rights. Following para 29 of ESS7, if neither of those two options are possible under national law, the project will need to include measures for the legal recognition of ethnic peoples perpetual or long-term renewable custodial or use rights. The project will need to document explanation as to why or why not the two options are possible. There is no legally recognized definition as to what "customary tenure" means, but for the context of the ESLR Project, the term is proposed to be understood as "the local rules, institutions and practices governing land and forests that have, over time and use, gained social legitimacy and become embedded in the fabric of a society" (FAO and MRLG 2019).

The Social, Legal and Institutional Evaluation carried out during the preparation of this project may help the project to find a solution to avoid the exclusion of customary and collective tenure rights from the registration process,. This review of the social, legal and institutional aspects of land administration would also help to discuss traditional tenure agreements and the costs and advantages associated with their acceptance or exclusion. This method will be used to review project activities to determine where customary tenure could be at risk of loss due to the registration process, and to recommend improvements in the nature and position of the registration process to prevent impacts on customary tenure. A summary of the social, legal and institutional assessment is provided under Appendix 2 of the ESMF.

Once the villages where land registration is planned, mapping and recording of customary land tenure in the state forestlands would take place as part of the screening and survey actions. Furthermore, any opportunity for the project to finance studies and accommodate international experience to inform policies for the recognition of customary tenure rights in the registration process for this and future projects will be encouraged.

There are several possible avenues which could be pursued by ethnic peoples and local ethnic communities, including the village use forest (VUF) scheme. Although the VUF is not relevant for this project as concrete action as it is under the mandate of MAF/DOF. However, the project can assist in documentation and facilitate engagement with MAF. The eligibility requirements are determined on the basis of communities' location of customary territories claimed (forest and non-forest areas), and status of the land claimed and whether or not the land in question is challenged, etc.

This EGDF aims to promote a proactive and inclusive approach to accommodate customary land rights by the following measures:

- 1) Ensuring the representation and participation of ethnic peoples in the overall implementation of ESLR;
- 2) During pre-screening, screening, scoping (when presence of ethnic groups have been screened in) and social mapping operations, the Project must systematically and accurately record ethnic communities and customary land claims from local ethnic groups. The Project will identify and map all the land holders and types of land uses, plus classify customary land claims based on their legal status. The ESLR team will consult ethnic people and customary communities with regards to their tenurial preferences (collective and/or individual) as guided by this EGDF;
- 3) The ESLRP staffs shall engage community representatives and ethnic leaders, relevant stakeholder with includes LFNC and LWU in dispute resolution roles. A functioning grievance redress mechanism needs to be in place. The ESLR shall include special training on mediation skills for ethnic people and customary representative as part of community capacity building;
- 4) The ESLRP will actively record customary land rights that have been mapped under the ESLR process and identify the number that has been granted land titles; and
- 5) The Project shall make a pro-active measure such as engagement with other WB's active projects, if any.

In addition, potential mitigation measures identified during the preparation period, which would need to be further refined working with any identified ethnic groups, include:

- a) Consultation with ethnic peoples throughout the project lifecycle;
- b) Through the scoping process (carried out in those villages where the presence of ethnic groups have been screened in), a nuanced understanding of how ethnic peoples are connected with the project area, including how they derive their livelihoods and any impacts that could result as a result of the ESLR project;
- c) If the ESLR could exacerbate land grabbing, close consultation with local authorities to put in place mechanism to mitigate such risks;
- d) Mitigation and benefit enhancement measures designed together with ethnic groups where possible; and
- e) A consultation process for Free, Prior and Informed Consent, if conditions under ESS-7 apply. FPIC would be required for the cadastral mapping land registration in EP communities. Based on findings of the screening on EP, the Mobile team will need to be well trained on the FPIC. The FPIC will be undertaken at the preparation stage of cadastral and land registration process by the Mobile Team.

## 4.2 Steps to Follow: Screening, Scoping and Preparation of Mitigation and Benefit Enhancement Measures at Village Level

A participatory approach is needed during consultative meetings with local authorities and communities during project screening, design, implementation and monitoring. The following steps will be followed in terms of screening.

- 1) Data collection, using risk screening form provided by the ESMF. This is the same process as identification of villages to be included in the project. Please see ESMF for brief methodological description of the data collection (including screening form), analysis, reporting, including screening as a part of the land registration process). This should be carried out by the E&S Specialist at DOL. Due to the fact that the data collection will make use of ODK, a data collection tool, using smart phones/tablets with data submitted online, it should be easy for the E&S Specialist at DOL to get the data anytime after data submission by field teams (mobile units or mobile teams). The E&S Specialist at DOL then can clean, analyse and include screening using the WB criteria in the report;
- 2) DOL and WB are to review and approve results of the screening. The screening itself is to identify whether Ethnic Peoples (EP), following the four criteria established in para 8 of ESS7- are present in, or have collective attachment to, the project area. If there are no EPs found, MONRE should explain the process for determining this and document it in the ESMP and no further steps are needed. The ESLR field teams then are to undertake screening village by village, including what to do specifically in the village;
- 3) If the screening concludes that ethnic peoples are present in, or have collective attachment to, the project area, DOL shall prepare a Scoping report. The report will substitute social assessment and serve as an ethnic group development plan as it will be proportionate to the nature and scale of the projects' potential risks and impacts on a community. The scoping report follow the template included as an annex of this EGDF. Since all this critical ES work will be carried out by the field team, it's essential to make sure that this people are properly trained and supported by more experienced ES team at national level. The approach will be as follows:
  - In those areas where the E+S screening form reports that there is presence of EPs, Scoping -including further consultations- will be carried out. This activity will be equivalent to a Social Assessment at village level,
  - The scoping and the consultations with the communities and their representatives, will end with the agreement of mitigation measures at village level.

This scoping is aimed to: (i) identify the tenure characteristics and existing claims of Ethnic Peoples communities; (ii) assess potential project benefits; (iii) identify additional

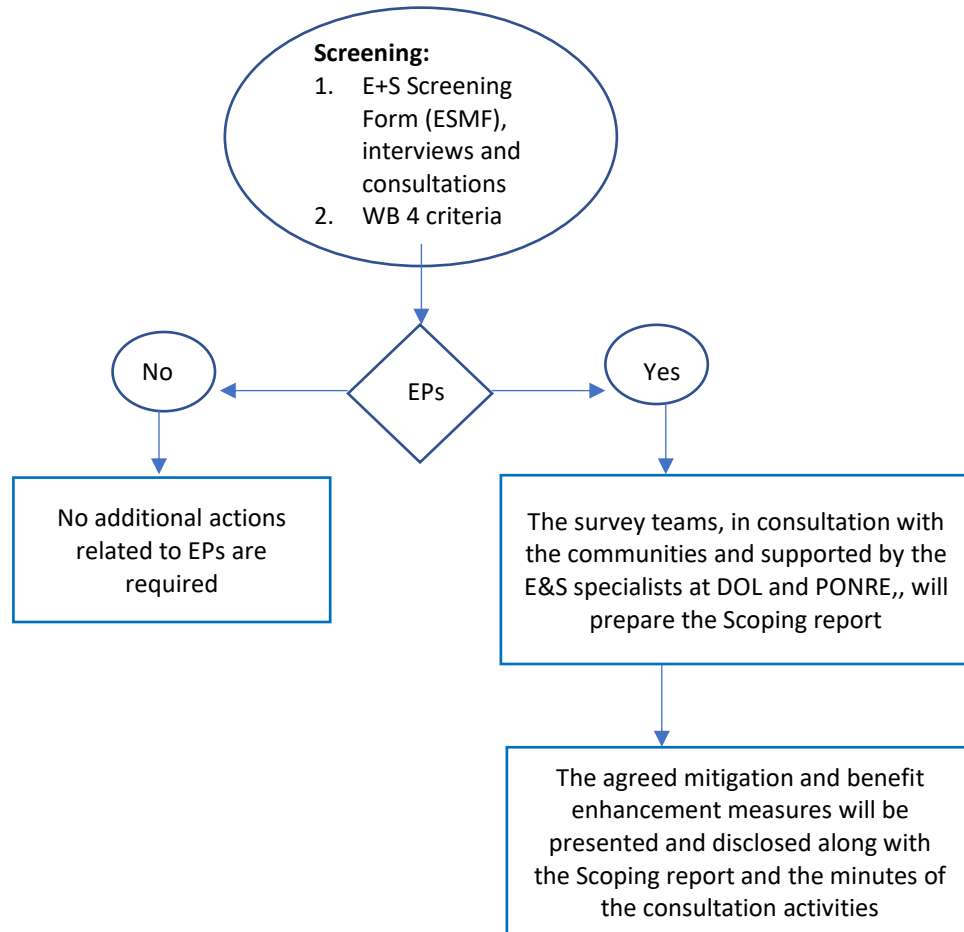
measures needed (e.g. community engagement, facilitation, access to information, etc.) to enhance such benefits as well as associated risks and impacts, including concerns over their customary land tenure claims; (iv) consult with ethnic communities concerned to obtain their broad support to the project, and (v) conduct assessment as to whether circumstances requiring Free, Prior and Informed Consent (FPIC) apply and/or are desirable. The scoping will be conducted through village meeting, with participation by villagers. The field team will be trained on methods of community participation in problem identification, particularly issues related to points (i)-v) above. 3 Criteria when the FPIC is also required is provided in Part 3 of the SEP as a stand-alone document The scoping is meant to verify whether one or all of the 3 Criteria would apply and under what conditions and hence FPIC would become mandatory in accordance with ESF. A stated elsewhere in the ESMF and under this EGDF, FPIC is required for cadastral mapping, land registration and titling in EP Communities. Regardless of whether FPIC is required, special attention should be given to the need for consultation with ethnic peoples with EGDF;

- 4) When FPIC is required, it will be obtained and documented in the Scoping report with signed agreements from the representatives of ethnic groups or ethnic community (see section 4.2.5 for details);
- 5) The results of the scoping in those areas with presence of EPs will inform potential risks before their participation in the mapping processes is sought. Broad steps to undertake scoping are: 1) consultation with ethnic Peoples leaders, ethnic group and community representatives, including women and youth to document local traditions and practices in land allocation and use practices, and 2) more community-wide consultations to identify risks and opportunities for land mapping and registration which will be recorded in a written agreement including the proposed mitigation and benefit enhancement measures. Examples of the potential mitigation measure and benefits enhancement include permission for the vulnerable and ethnic groups people to continue to access and use natural resources in certain areas which may be identified as state lands and forestlands as a result of land use mapping and registration. These also include recording communal land holdings (recognized by the current Land Law (2019) as “collective” land holdings) as well as individual land holdings and customary land use in the state lands and state forestlands in the cadaster as possessions to improve their tenure security against land grabs, land acquisition, overlapping claims and concessions without proper compensation. This action will be recorded in the Project Operation Manual (POM). The records will also be used as future reference for land registration after clear legislation and procedures are in place. Participatory tools such as problem trees with guiding questions to cover issues as listed under 3) above will be used at each level of consultations;
- 6) Disclosure of Scoping report and proposed mitigation and benefit enhancement

measures, including the minutes of the consultations carried out to the public.;

- 7) If necessary, updating the Scoping report and mitigation and benefit enhancement measures during project implementation as part of the monitoring process in order to identify unexpected adverse impacts and/or to propose mitigation measures; and
- 8) In the event if individual ethnic people are found to be assimilated (integrated or intermarried) with the Lao Tai mainstream communities, no Scoping report would be required for individual ethnic people. They may be covered by inclusive consultation and engaged in ESLR process.

This process is described in more detail by Figure 1.



**FIGURE 1: SCREENING AND SCOPING PROCESS OF ETHNIC PEOPLES IN ESLRP**

#### 4.2.1 Screening for EP Groups

As presented earlier, target provinces in Phongsaly, Luangnamtha, Bokeo, Luang Prabang, Xaysomboun, Vientiane, Vientiane Capital, Bolikhamxay and Khammouane will see the Hmong-Mien and Mon-Khmer Ethno-Linguistic Groups. In Salavan, Xekong and Attapeu, the Mon-Khmer-Group will be found. Meanwhile, in the Plateau along the Mekong River Savannakhet and Champasack provinces, the majority of the households will be the Lao-Tai groups, but other ethnic groups, particularly the Mon-Khmer group will also be found. In any case, specific ethnic groups will need to be identified and verified during the project implementation.

Once the E+S team have been created at national (DOL) and province level (DONRE), the following steps will need to be taken:

- 1) Support the team working at the local level, including data collection using the screening form (Please see ESMF for the screening form) and implementation of the ESMF throughout the project implementation,

- 2) Further review of primary and secondary data for screening of the EP groups, as identified by local authorities and survey teams (mobile units) working at local level,
- 3) Assess whether EP groups are found/not found in, near or connected to the project areas, and to assess whether the EP groups found meet, to some degree, all four criteria of the WB (Please see ESMF for details). The criteria are as follows:
  - a. Self-identification as members of a distinct ethnic social and cultural group and recognition of this identity by others;
  - b. Collective attachment to geographically distinct habitats, ancestral territories, or areas of seasonal use or occupation, as well as to the natural resources in these areas;
  - c. Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture; and
  - d. A distinct language or dialect, often different from the official language or languages of the country or region in which they reside.

Once field data is analysed and report written, DOL/MONRE shall submit the report to the WB Task Team, which of the Ethnic Groups located in the project areas meet or does not meet the four criteria of ESS-7. Based on the above criteria for identify ethnic People, those ethnic groups mapped under Mone-Khmer, Hmong Iewmien and Chino-Tibetan families most likely meet the World Bank Indigenous People while the Lao Tai groups may need to be examined case by case. It is important to emphasize that ESS7 applies when there are EPs in the project area, independently of the nature of its expected impacts (para 7 of ESS7):

ESS-7 applies regardless of whether Indigenous Peoples are affected positively or negatively, and regardless of the significance of any such impacts. This ESS also applies irrespective of the presence or absence of discernible economic, political or social vulnerabilities, although the nature and extent of vulnerability will be a key variable in designing plans to promote equitable access to benefits or to mitigate adverse impacts.

For locations of the ESLR Project, where it is clearly documented that there are no ethnic peoples after discussion and agreement with WB, there is no need for Scoping report to be prepared. But the Screening report prepared by DPL would need to explain and document why ESS7 does not apply. In case where there are EPs, after discussion and agreement with the WB, the Scoping report will include mitigation and enhancement measures for that specific project area.

#### **4.2.2 Requirements for a Scoping report and Meaningful Consultations**

Once, as a result of risk and impact screening and assessment, it is clear that the project will be implemented in an area where EPs are present, DOL/MONRE would be responsible for preparing the Scoping report and related meaningful consultations. The Scoping report will substitute social assessment and serve as an ethnic group development plan as its degree of detail will be proportionate to the nature and scale of the projects' potential risks and impacts on a community, whether such effects are positive or adverse and follow the template included as an annex of this EGDF. In most cases, the Scoping reports will be carried out by the field teams with the technical support and advice provided by the environmental and social specialists supporting



this project at national and provincial level. In some more complex cases, as required by the World Bank, the MONRE will need to hire an independent expert to assist in conducting the Scoping report and consultations in some villages or districts. Given the large coverage and number of ethnic villages and districts expected to be supported by the project, Scoping reports and consultation may be conducted clustering different villages, in case they are highly homogeneous from an social, ethnic and economic point of view.

To promote effective project planning, to build local project support or ownership, and to reduce the risk of project-related delays or controversies, as part of the Scoping report there should be an engagement process with affected Ethnic Peoples as required in WB ESS10. This engagement process will include stakeholder analysis and engagement planning, disclosure of information, and meaningful consultation, in a culturally appropriate and gender and inter-generationally inclusive manner, following the guidance in the project's Stakeholder Engagement Plan (SEP). For Ethnic Peoples, the process of meaningful consultation will also:

- a. Involve Ethnic Peoples' representative bodies and organizations (i.e., councils of elders or village chiefs) and, where appropriate, other community members;
- b. Provide sufficient time for Ethnic Peoples' decision-making processes, and
- c. Allow for Ethnic Peoples' effective participation in the design of project activities or mitigation measures that could potentially affect them either positively or negatively.

Meaningful consultation is a two-way process, that:

- a. Begins early in the project planning process to gather initial views on the project proposal and inform project design;
- b. Encourages stakeholder feedback, particularly as a way of informing project design and engaging stakeholders in the identification and mitigation of environmental and social risks and impacts;
- c. Continues on an ongoing basis;
- d. Is based on the prior disclosure and dissemination of relevant, transparent, objective, meaningful, and easily accessible information in a time frame that enables meaningful consultations with stakeholders in a culturally appropriate format, in relevant local language(s) and understandable to stakeholders;
- e. Considers and responds to feedback;
- f. Supports active and inclusive engagement with project-affected parties;
- g. Is free of external manipulation, interference, coercion, discrimination, and intimidation; and
- h. Is documented and disclosed.

The Scoping report will include the following elements (Please see Appendix 1 for detailed guiding questions), as needed, based on meaningful consultations:

- a) Profile of the land used by EP Groups and Description of the Group,

- b) Potential impacts to EP Groups; and
- c) Agreed mitigation measures, considering the potential impacts on EPs.

#### **4.2.3 Mitigation and Benefit Enhancement Measures**

Mitigation and Benefit Enhancement Measures will be agreed after consultations at the village level. Consultations will end with agreed mitigation measures at villages level. The scoping report will document such measures. Examples of potential mitigation measure and benefits enhancement include written permission granted for the vulnerable and ethnic groups people to continue to access and use natural resources in certain areas which may be identified as state lands and forestlands as a result of land use mapping and registration. These also include recording communal land holdings (recognized by the current Land Law (2019) as “collective” land holdings) as well as individual land holdings and customary land use in the state lands and state forestlands in the cadaster as possessions to improve their tenure security against land grabs, land acquisition, overlapping claims and concessions without proper compensation. The records will also be used as future reference for land registration after clear legislation and procedures are in place.

#### **4.2.4 Consultation and Disclosure**

Two rounds of public consultations were held at central and local levels during the project preparation. Feedback, recommendations and concerns raised during the consultations were used to validate key assumptions and improve risk mitigation measures proposed in the ESF documents particularly ESMF. These processes were also used to ensure that the ESMF is known to stakeholders. A brief summary documenting each of these meetings, including main results and list of participants, are included an annex to the project’s Stakeholder Engagement Plan (SEP).

The first-round consultation was conducted during July 10-16, 2020 to mainly to inform the stakeholders at both and local levels of the proposed project, potential risks and impacts (both positive and adverse) and obtain their feedback and suggestions on measures to manage risks. An information leaflet on the project had been distributed in both hard and electronic copy prior to the consultation. The stakeholders consulted understand the need and importance of the proposed project to support systematic land registration and improve land tenure for the land users while acknowledging the potential risks and impacts highlighted. The project should apply They suggested the project team provides more detailed project information and identifies mitigation measures to address and mitigate the risks with special attention to women’s right to land use, ethnic and vulnerable groups of people and customary land users. The project should promote ethnic people and women’s participation in decision making and in the land registration and the grievance mechanism should be in place for the land users to raise their concerns and feedback on the project. GIZ suggested that the existing Land Use Information System (LUIS),

owned by the Government of Laos (GoL) should be useful for the ESLRP. Almost all concerned agencies expressed their willingness to support and work with the project.

The draft ESMF was prepared with the above comments from the 1<sup>st</sup> round consultation largely reflected. The draft ESMF was publicly disclosed at MONRE's website on 18 February 2021 and copies disseminated to key stakeholders, including civil society groups. The electronic copy of earlier draft ESMF had been sent out via WhatsApp and email to some stakeholders in December 2020 prior to the 2<sup>nd</sup> round consultation workshop at central level on 22 February and local level on 23 February for stakeholders from government and civil society institutions (Please see Appendix 5 **Error! Reference source not found.** for documentation of the consultations). Public consultation at central level was physically conducted in Vientiane to discuss the draft ESMF as well as ESCP, SEP and EGDF. The meeting was chaired by Mr. Anongson, Director General, DOL, and attended by representatives of relevant departments (23 people) and civil society groups (6 people), while the consultation with provincial level stakeholders was virtually done via video connection due to the COVID-19 regulation in force and was chaired by the same chairperson with participation of Representatives of 18 provinces.

Although no representatives of districts and villages and ethnic groups directly involved in both round consultations due to the current travel restriction associated with COVID-19 control measures and limited on-line accessibility, the CSOs and government mass organizations at the provincial level including Lao Women's Union (LWU) and Lao Front for National Development (LFND) were representing these local stakeholders in their respective provinces. Before the consultation, the provincial stakeholders had been requested to either meet some of their district colleagues and ethnic communities to share the project information and obtain feedback from them. Consultation and FPIC with the ethnic villages and ethnic groups will be carried out following risk and impact screening during the project implementation.

- Key points of discussion (including responses) from the first round of consultations are as follows:
- What are your thoughts on this project?
- What are the project risks and impacts on the environment and society (both positive and negative)?
- Do you think the mitigation measures and ESF tools that have been prepared are sufficient and appropriate to address the impacts of the project?
- Do you have any additional suggestions or comments?

Responses to the key questions are as follows:

- The project should bring positive outcomes to the people of Lao PDR,

- There is strong support for application of the World Bank Standards and related environmental laws of the Lao PDR to ensure that environmental and social concerns of the project is addressed.
- Land use planning should be complete before land registration activities, but so doing may cause delays in the project, so they project should get started where possible.
- Addressing boundary issues between conservation areas of roads, forest lands, water bodies, and private lands will be challenging. There is a need for proper interpretation of relevant laws such as water law in terms of conservation of river bank. Relevant articles of the water resources law stipulates that it is prohibited to build structures in the conservation areas of rivers, but the Articles do not prohibit people to use the conservation areas for livelihood activities such as riverbank gardens.
- Compensation for losses of access will be important as the project would result in the restriction of access to certain areas for NTFPs for livelihoods previously available to certain groups of people in a given village.
- Gender aspect need to include names of both wife and husband if own by both. Also, all names of sons and daughters need to be included.
- Customary rights and livelihoods of local people need to be taken into account by the project.
- The current draft of ESMF can be improved with provision of a diagram. Currently, a description of the process is provided, but a diagram showing the process would be helpful.

In addition to the points of discussion, main takeaways are documented. Information obtained (including responses) during the consultations have been integrated into the ESF documents (if appropriate).

Key Points of discussion from the second round of consultations are as follows:

1. The project is seen as very important in many aspects and hence there is no objections expressed throughout the consultations.
2. There is significant support for the implementation of the project as well as ESMF tools, including the SEP, EGDF, LMP as they are highly inline with related, national laws and regulations.
3. The need for support through training, awareness raising, communication, equipment, and transportation so that local government agencies can carry out the project as well as the ESMF properly and on time. Sufficient financial resources will need to be allocated to rural, mountainous provinces and districts due to difficulties in access to all villages.
4. There are concerns over potential dispute between land holders and conservation areas such as roads, national borders, 3-types of forest, and water resources, including wetlands.

5. The project will need to pay special attention to gender issues. Different ethnic groups have different cultures and customs, hence the lack of such attention will result in the loss of rights of women in some ethnic groups.
6. Ethnicity issues will be important for the project to take into account. Some ethnic groups may have objections to the project if not well communicated.
7. There is a need for improved legislation to speed up the process of land registration and titling.
8. Customary land use rights will be an important part of the project. The current Land Law and legislation do not provide clear procedures on how customary land rights of a group of households can be registered and addressed, meaning if the land title can be given to each individual household or as a group.
9. It is important that the land registration and titling process be participatory by relevant stakeholders.
10. Land classification is needed before registration and titling, otherwise it will be difficult, if not possible.
11. Participatory approach will be needed for the project to be successful, including the implementation of the ESMF tools.
12. Need for setting up of committee at local level to oversee the project, including land registration and titling process and implementation of the ESMF tools.

#### **4.2.5 Free, Prior and Informed Consent**

When EPs are found, it is necessary to assess if the EPs are under any of the circumstances described below before Free, Prior and Informed Consent (FPIC) applies as defined in ESS7. Determination on whether FPIC applies should be done in consultation with EPs as part of the Scoping.

According to the WB's ESS7 FPIC is applied when projects:

- 1) Have adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation. Examples of the adverse impacts include:
  - Potential tension with communities, including customary communities areas and their ancestral territories located near forest areas.;
  - Reduced or loss of access to forest areas used for subsistence livelihood purposes.
- 2). Cause relocation of EPs from land and natural resources subject to traditional ownership or under customary use or occupation: *At this stage this is unlikely to be the case as there is no relocation expected*; and
- 3). Have significant impacts on the cultural heritage of EPs that is material to their identity and/or cultural, ceremonial, or spiritual aspects of their lives.

FPIC would be required for cadastral mapping, registration and titling altogether in areas with EP communities with customary tenure – even if there wouldn't be direct adverse impacts.

If FPIC is triggered, EPs will be consulted in good faith based on sufficient and timely information concerning the benefits and disadvantages of the project and how the anticipated activities occur, before they occur (i.e. 'prior'). 'Consent' refers to the collective support of affected EPs for the project activities that affect them, reached through a culturally appropriate process. Consent may exist even if some individuals or groups object to project activities. FPIC does not require unanimity and may be achieved even when individuals or groups within or among affected EPs explicitly disagree. This process should be properly assessed and documented. The FPIC will be undertaken through meaningful consultations with EPs.

In terms of documenting FPIC, if applicable, DOL/MONRE would ensure that the following is documented:

- a) The mutually accepted process to carry out good faith negotiations that has been agreed by DOL/MONRE and EPs; and
- b) The outcome of the good faith negotiations between MONRE and EPs, including all agreements reached as well as dissenting views.

The consultation process will document the consultations, interviews, attendance lists, photographic evidence and minutes of other meetings and/or back-to-office reports.

## **PART 5 IMPLEMENTATION ARRANGEMENT AND MONITORING**

### **5.1 Implementation Arrangement**

The EGDF implementation will follow the Project implementation arrangement with DOL/MONRE as the Implementing Agency (IA). MONRE has a project team in charge with a Project Director, based at DOL. The Lao Front for National Development (LFND) will play an important role in the screening and scoping of the ethnic groups.

The Project Director (PD) at DOL/MONRE will be responsible for overall guidance and policy advice, internal coordination, discussion and resolution of project matters with counterparts and other government agencies, donor alignment and harmonization, and public disclosure and civil society involvement. The project manager (PM) at DOL/MONRE will provide day-to-day support to the PD and will be responsible for ensuring that the Environment and Social documents prepared for the project are adhered to (such as this EGDF), Environment and Social activities are implemented – including this EGDF -, all consultants follow their terms of reference and delivery schedule, project activities are carried out on schedule and within budget, and financial management reports are submitted on time. It will be the responsibility of the PM to oversee the work of the assigned environmental and social specialists, ensure proper screening of EP groups has taken place, and that procedures described in this EGDF are followed if EP groups are/are not found.

The role of the assigned environmental and social specialists, under the direction of the PD and PM will be both to collect relevant info for the implementation of this project at national/province/district level about the EP groups in the project areas plus provide guidance, training and supervision to the teams on the field to make sure that the screening forms are applied. Based on the determination on the basis of the scoping report, before moving forward, DOL/MONRE shall approve which of the EP located in project locations meet or does not the four criteria of ESS7. Please see Negative List under Section 3.1.1 of ESMF. If the EPs are found in the target project areas, Scoping reports plus mitigation and benefit enhancement measures need to be prepared. Survey staff must be trained and have in place resources to be able to do this. As indicated by the ESMF, a dedicated team of environmental and social specialists plus focal staff of PONRE and DONRE is required to be officially appointed for project implementation in their respective provinces/districts. This is to ensure clear implementation arrangement and continuation of project activities at the local level.

A dedicated team of focal staff of PONRE and DONRE is required to be officially appointed for project implementation in their respective provinces/districts. This is to ensure clear implementation arrangement and continuation of project activities at the local level. Further details on the institutional arrangements for the implementation of the EGDF can be found at the project's ESMF.

The World Bank will review and confirm that adequate qualified staff and consultants are in place for project management, ESF/ESSs management and social and technical aspects. To provide timely implementation support and on-demand guidance, the majority of the ESF/ESSs personnel will be based in the target provinces.

## **5.2 Monitoring**

If Ethnic People are impacted adversely due to losses or restricted access to livelihood resources, or other impacts other assets, monitoring and evaluation shall examine the losses or restrict access or other impacts in line with this EGDF and the RF. Note, however, that the ESS5 only apply to access restrictions caused by state-private or state-collective land disputes, not between private and/or collective parties.

If EPs are found, the DOL will conduct internal quarterly monitoring activities during land registration, titling, and civil works and reports will be submitted to the project manager and the World Bank. Monitoring will focus on:

- 1) Compliance, to verify that the required mitigation measures are considered and implemented in line with the EGDF and ESMF, how grievances have been submitted, addressed and resolved, including those outstanding, and issues raised by stakeholders during monitoring; and
- 2) Impacts monitoring, focusing on the impacts experienced by EP groups as identified by the EGDF as well as any other unforeseen impacts if applicable, including gender impacts.

In order to ensure ethnic people communities are engaged in the monitoring and evaluation process, the project will strive to include EPs in their own monitoring. This process of internal EP monitoring would need to be described in the quarterly monitoring reports, taking into account results from consultation with the EP communities, decision-making structures, as well as gender and intergenerational balance.

## **PART 6 GRIEVANCE MECHANISM**

The Grievance Redress Mechanism (GRM) is set out in the project's SEP. The key principles of the grievance mechanism are to ensure that:

- The basic rights and interests of EPs are protected;
- The concerns of EPs arising from the project implementation process are adequately addressed;
- Entitlements or livelihood support for EPs, if required, are provided on time and



accordance with the above stated government and World Bank's ESF, and

- EPs are aware of their rights to access grievance procedures free of charge for the above purposes.

Based on the SEP, Wherever possible, the project team shall seek to resolve the complaint as soon as possible, and thus avoid escalation of issues. However, where a complaint cannot be readily resolved, then it must be escalated. In order to effectively and quickly resolve grievances of PAP; according to the Law on Grievance Redress 012/NA (December 5, 2014), to ensure an effective and efficient grievance, a mechanism for the project is proposed as follows:

**Stage 1:** The first level of complaint resolution, following traditional methods in Laos, should be the Village through its Village Mediation Unit (VMU) and/or Sub-district (*kum*) level who may be able to resolve issues on the spot. The VMU at the village level would comprise of representatives of ethnic group community leaders, and head of mediation unit or village elder persons.

Complaints can be submitted in verbal or written forms. It is expected that some complainants such as ethnic minority or vulnerable individuals/households might not be able to write any complaints. Complainants may also retain the right to bypass the VMU procedure and as such can direct their grievance directly to DONRE and PONRE, as provided by law in Lao PDR.

The VMU shall make the arbitrated decision within 10 days. The Village/Sub-district level, specifically the Chief of Mediation Unit, Village Chief and/or *Kum* Chief, should record the grievance and how it was resolved and communicate it to DONRE's Environment and Social Officers (ESO). There are no fees or charges levied for the lodgment and processing of grievances at this level.

In cases where grievance is related to a labour dispute, the grievance may be first submitted to the contractor and/or human resource staff of the contractor directly.

**Stage 2:** in cases where grievances cannot be resolved on the spot, the second level of complaint people will be able to file grievances directly with ESO at DONRE. People will have been informed of the ESO's contact information during consultations. The ESO will be able to record the grievance and offer a solution within 15 days, consulting with the DOL's Project Manager and Director, as needed. This may include a visit to the project site by the ESO if necessary. There are no fees or charges levied for the lodgement and processing of grievances at this level.

**Stage 3:** in cases where grievance still cannot be resolved, or not resolved to the satisfaction of the any complainant, he/she shall has the right to submit a complaint to the PONRE as desired by the complainant. The administrative arbitration organization shall make the arbitrated decision within 20 days. Like the two previous stages, there are no fees or charges levied for the lodgement and processing of grievances at this level.

**Stage 4:** if the complainants are still unsatisfied with the arbitrated decision made by the administrative arbitration organization at the Provincial level, after receiving the arbitrated decision, they can file a lawsuit in a civil court according to relevant laws and regulations of the Lao PDR. The complainant will bear the cost at this stage, but will be reimbursed for their expenses by the Implementing Agency, DOL, MORE if their complaint is successful.

It is important to note that the WB ESF and GRM does not apply to person-to-person disputes, but only state-to-person disputes. Person-to-person disputes should be dealt with by the regular land registration dispute resolution mechanism.

In cases where grievance still cannot be resolved, or not resolved to the satisfaction of the person making the complaint, the person has the right to submit a complaint to the District or Province authorities, as desired by the complainant. The Complainant could also decide to submit to complaint directly to the Courts. The complainant will bear the cost for these steps, but will be reimbursed for their expenses by the IA if their complaint is successful.

Where accessible, complainants may opt to raise their grievances directly to PMU/DOL via alternative means hotline call and/or text message (WhatsApp) largely used even in most rural area or via the project website to be set up under the project. Contact detail of focal staff from PMU and PONRE responsible for GRM should be provided in project information leaflet/booklet to be prepared and distributed to all project villages well in advance of consulting and GRM training for village mediation committees.

The project will provide GRM committee in all target villages and districts/landscapes with a logbook where grievances are registered in writing and maintained as a database for monitoring and reporting.

The above steps and procedures are at no cost to the complainant. Any cost or fee that may be required to be charged by the GRM committees and authorities at all levels for processing and resolving project-related grievances will be covered or paid by the project. Once all possible redress has been proposed and if the complainant is still not satisfied then they should be advised of the next steps and their right to next level of legal recourse. Following engagement and feedback, the GRM and its operationalization takes into account the needs of various affected groups including from vulnerable groups, ethnic groups and their representatives to ensure on methods are culturally appropriate and accessible and take account their customary dispute settlement mechanisms. Some sensitive cases of grievances, GBV may require a professional or concerned entities to be engaged to help investigate and resolve. Confidentiality shall be preserved for anonymous complaints.

As mentioned, if EP communities are found, this GRM will need to be adjusted based on the needs of EPs and this would be done in consultations with them

## APPENDIX 1: SCOPING REPORT TEMPLATE

Once it is clear that the project will be implemented in an area where EPs are present, the mobile team will undertake scoping assessment, with the technical support and advice provided by the environmental and social specialists supporting this project at national and provincial level.

This scoping is aimed to:

- a. identify the tenure characteristics and existing claims of ethnic Peoples communities;
- b. assess potential project benefits;
- c. identify additional measures needed (e.g., community engagement, facilitation, access to information, etc.) to enhance such benefits as well as associated risks concerning their customary land tenure claims;
- d. consult with ethnic communities concerned to obtain their broad support as well as level of acceptance to the project. The World Bank requires Free, Prior and Informed Consent (FPIC) from ethnic groups in a project when the following circumstances apply:
  - e) Have adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation. Examples of the adverse impacts include:
    - Potential tension with communities, including customary community areas and their ancestral territories located near forest areas.;
    - Reduced or loss of access to forest areas used for subsistence livelihood purposes.
  - b) Cause relocation of Ethnic Peoples from land and natural resources subject to traditional ownership or under customary use or occupation; or
  - c) Have significant impacts on Ethnic Peoples cultural heritage that is material to the identity and/or cultural, ceremonial, or spiritual aspects of the affected Ethnic Peoples' lives.

The scoping assessment is done for all EP villages based on annual land registration plan in a given district. In other words, the data collection is undertaken in a phase by phase manner, not necessarily for all villages in a given district. Service centers determine how many villages will be surveyed in the referenced year. EP villages of the referenced year will be taken for scoping assessment.

To undertake the scoping assessment, a number of steps must be taken:

- 1) Preparation of the field scoping assessment (at the village level), including design and installation of ODK. A social science specialist and software design specialist is required for the preparation.
- 2) Training to the field teams (mobile units): Training of trainers should be carried out for each regional/provincial services centers, so that the trainers can provide training to field

team in each district. Training should include methodologies, selection of participants, understanding the guiding questions, analysis, and reporting.

- 3) Testing of the ODK to ensure that ODK is working properly.
- 4) Data collection in each village by field teams with supervision by service centers,
- 5) Quality control and quality assurance: a number of measures for data collection must be applied, including training, design of ODK to limit errors, field data assessment monitoring,
- 6) Monitoring of responses to guiding question and conclusions, including mitigation measures can be done by E&S Experts at each regional Service Centers with support of the E&S Experts at central level.

**Selection of target participants**

- a. Involve Ethnic Peoples’ representative bodies and organizations (i.e., councils of elders or village chiefs) and, where appropriate, other community members; including women and youth to document local traditions and practices in land allocation and use practices.
- b. Provide sufficient time for Ethnic Peoples’ discussion and responses, and

**These guiding questions** for the scoping assessment is presented by Table below.

<b>PROFILE OF THE LAND USED BY EP GROUPS</b>	
1.	Describe the land used by EP groups that is located in the village’s area. What is the land type (public, state, collective, private, etc.)? Are there pressures on this land?
2.	Who else, legally or illegally, uses or occupies the land used by EPs for their livelihoods or any other use?
3.	Are there, or have there been, any dispute or conflicts relating to this land? If so, dispute/conflict between whom?

4.	How long has the EP group or community lived in the village? Do members of the EP community have historical knowledge of these ancestral lands – have these boundaries changed? Why? Is there anthropological, ethnographic or legal data that can validate?
5.	How are livelihoods attached to these lands? Do EPs rely on land and natural resources for housing, water, traditional subsistence, economic development, dress, traditional medicines, etc.?
6.	Is there a likelihood that ESLR will attract outsiders to lands that EPs have collective attachment to and/or are used by EP, or that it may exacerbate pressures on these lands?
<b>DESCRIPTION OF THE EP GROUPS</b>	
7.	How many people are there in the EP group? Please describe the EP group, including their name, heritage and how many people/households.
8.	What would be the information available about the EP group? How does the EP group (e.g. women, elderly, farmers) experience life?
9.	Which languages are spoken by the EP group? Do they speak Lao language?
10.	Are there any cultural or religious items/artifacts/areas connected with the other parcels of lands being registered/titled? Where? What is the belief/practices?

11.	Has there been migration into this village? If so, where from, and why?
12.	What is the main source of livelihoods for the EP group? What about for people in the commune?
13.	Are there traditional leaders or a traditional leadership structure within the EP group? If so, how do they work with local and other levels of government?
14.	Does the EP community have an internal decision-making process? How are representatives chosen? How do women, youth, elders, persons with disabilities participate?
15.	What are the main livelihoods for the EP community?

<u>18.</u>	Has there been any conflict or tension over the following issues during the past years with the/EP community and other local communities? With outsiders?
<b>POTENTIAL IMPACTS TO EP GROUPS</b>	
<u>19.</u>	Is the parcels of lands being registered near or within any of the following areas?
	<b>Yes/No</b> <b>NA</b> <b>Don't know</b>
Land EP group has collective attachment to (for example for cultural, spiritual or livelihood reasons)	
Other (Specify) .....	
<u>20.</u>	Are there any people in your EP group who are very poor/dependent/supported by others and/or considered vulnerable in any way?
<u>21.</u>	What types of social support networks exist within your EP community? Could you explain us when a person needs support, what types of contributions are provided to those in need?



22.	What do you think would be the positive effects of the ESLRP for your EP group?
23.	What do you think would be the negative effects of ESLRP for your EP group?
24.	What do you think is the main problem faced by your EP group? How do you think can this problem be solved?
25.	If there were opportunities for jobs in civil works, would men and women in your group be interested?
26.	What is the best way to provide information to your group? What is the best way for you to share information with project planners? Does the project's proposed SEP fulfil the needs of your group?
27.	Is the project's proposed GRM adaptable to the needs of your EP group? How would this GRM need to be adapted?
28.	Is there anything else you would like to talk about, or want me to know?
<b>AGREED MITIGATION MEASURES, CONSIDERING THE POTENTIAL IMPACTS ON EPs</b>	

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