



Ethnic Minority Development Framework

Project Number: 37579-03
September 2008

Proposed Asian Development Fund Grant and
Technical Assistance Grant

Lao Peoples Democratic Republic: Sustainable
Natural Resource Management and Productivity
Enhancement Project

Asian Development Bank

ABBREVIATIONS

ADB	Asian Development Bank
AfD	French Agency for Development
AP	Affected Persons
DAFO	District Agriculture and Forestry Office
DMS	Detailed Measurement Survey
DoI	Department of Irrigation
DPI	Department of Planning and Investment
DDI	Domestic Direct Investment
EMDF	Ethnic Minority Development Framework
EMDP	Ethnic Minority Development Plan
EM	Ethnic Minority
FDI	Foreign direct investment
GIS	Geographic information systems
GoL	Government of Laos
ha	Hectares
HHs	Households
IP	Indigenous People
ISF	Irrigation Service Fees
LAR	Land acquisition and resettlement
LARP	Land acquisition and resettlement plan
MAF	Ministry of Agriculture
NGPES	The National Growth and Poverty Eradication Strategy
NRM	Natural Resource management
O&M	Operations and maintenance
ONPD	Office of the National Project Director
PAFO	Provincial Agriculture and Forestry Office
PMO	Provincial Project Management Office
PPMS	Project performance and monitoring system
PPTA	Project Preparation Technical Assistance
WUA	Water User Association
WUG	Water User Group

Contents

I.	INTRODUCTION	1
II.	PROJECT DESCRIPTION	1
	A. Capacity Building in Sector Management	2
	B. Agricultural Productivity and Commercialization Subprojects	2
	C. Project Management	2
III.	BACKGROUND	3
IV.	SITUATION OF ETHNIC MINORITIES IN THE LAO PDR	6
	A. Gender Issues among Ethnic Minorities	6
	B. Development Needs of Ethnic Minorities	6
V.	GOVERNMENT OF LAO ETHNIC MINORITY POLICY	6
VI.	ADB POLICY ON INDIGENOUS PEOPLES	7
VII.	INDIGENOUS PEOPLE ETHNIC MINORITY DEVELOPMENT FRAMEWORK	8
	A. Impacting Ethnic Minority Communities in Target Villages	9
	B. Community Identified Subprojects	10
	C. Feasibility Study	11
	D. Role of Focal Groups	11
	E. Infrastructure Subprojects	12
	F. Additional Institutional Support for EMs	13
	G. Participatory Impact Evaluation	15
	H. Safeguard Monitoring	16
Appendix		
1.	Development Framework Summary	17

I. INTRODUCTION

1. An Ethnic Minority Development Plan (EMDP) is required for any ADB-funded development activities when:

- (i) an EM community is the main beneficiary of a development project;
- (ii) a project component may significantly benefit the community; and/or,
- (iii) the project or a project component may have significant adverse impacts on EM.

2. Approximately half of the population in the proposed project target 5 provinces (Savannakhet, Champasak, Sekong, Saravane and Attapeu) comprises of indigenous peoples/ethnic minorities in the Mon-Khmer language family. Given the project objectives and approach (explained in more detail below), it is reasonable to assume that 50% of the sub-projects funded under Component Two of the project, will be implemented in EM communities.

3. During field studies for the Project Preparation, consultations have been held with ethnic and indigenous communities to assess required processes to enhance their involvement in project implementation. Based upon these enquiries an Ethnic Minority Development Framework was prepared and accepted by MAF in May 2008. Due to the nature of the project's final design, it is not possible to know exactly what specific subprojects will be approved for implementation under the Project. This therefore prevents preparation of a specific EMDP. This framework has therefore been adjusted to fit the final design context of the project and provide as much specific detail as possible on implementing an EMDP.

4. The purpose of this document is to provide a detailed framework and generic plan for use in those subprojects involving EM peoples, to ensure that members of ethnic minority communities are able to access and benefit from project investments and initiatives, that they participate in the planning and decision making regarding development initiatives, and that no ethnic minority communities are in any way disadvantaged by the project.

II. PROJECT DESCRIPTION

5. The Project aims to improve agricultural productivity through more efficient and sustainable use of natural resources, and will build the capacity of Government to make more informed decisions on land use planning and zoning particularly as a response to the increased level of FDI in the southern provinces. The influx of FDI has had both positive and negative impacts on local communities. In some cases communities are growing and selling cash crops to foreign companies under contract, or working on concessions or plantations and earning a wage. In some cases communities have lost access to traditional land and forest areas as concessionaires seek out increasing areas to plant sugar, rubber, palm and maize. The Project will also contribute to poverty reduction and agricultural commercialization through the financing of community identified and requested sub-projects. These sub-projects must demonstrate an increase in agricultural productivity and are pro-poor targeted. The eligibility and selection criteria for sub-projects is discussed later in this document.

6. Line agency staff will be trained in conducting comprehensive feasibility studies that will better assess impacts on land, natural resources and local community livelihoods. Future FDI, and DDI, proposals will be scrutinized more rigorously. The identification of sub-projects and the approval process used under the Project, will provide on-job training for central, provincial and district staff in conducting feasibility studies.

7. **Outputs.** The Project will generate three main outputs covering: (i) capacity building in sector management; (ii) agricultural productivity and commercialization subprojects; and (iii) project management.

A. Capacity Building in Sector Management

8. Capacity building initiatives will target: (i) land suitability assessment, (ii) social and environmental safeguards compliance requirements, (iii) investment appraisal, (iv) producer association sustainability, and (v) policy development. Subcomponent 1.(a) will build land suitability assessment, land use classification and zoning, and digital mapping skills in participating Provincial Agriculture and Forestry Offices (PAFOs) where technical responsibility for management of ANR including forests and agricultural land, and FDI or local land use concessions has been delegated. Subcomponent 1.(b) will be directed at existing provincial government structures¹ involved in approving both public and private investment proposals, developing their capacities to incorporate social and environmental safeguards in project designs. This will develop investment appraisal techniques (financial and economic analysis, including risk assessment), being undertaken at the national level within MAF's Department of Planning (DOP). Subcomponent 1.(c) will strengthen the capacity of producer associations to make them financially independent and sustainable in the longer term. The subcomponent will provide support for operations, management, and monitoring of producer groups, including WUAs. Subcomponent 1.(d) will enhance the capacity of MAF's policy development agencies to prepare policy alternatives for consideration by higher echelons of government – thereby recognizing that policy decisions are based on both technical grounds and also political considerations.. This subcomponent will therefore provide technical assistance to assist the Government develop policy in areas related to land concessions. EM will benefit through improved planning and decision making by local authorities in regards to land use planning and the allocation of land to FDI and other direct investment initiatives. The capacity building will result in improved feasibility study which will more accurately assess the impact of investment proposals on the livelihoods of local communities and particularly EMs. EMs can also benefit from capacity building provided to producer groups where these are established and are requesting assistance.

B. Agricultural Productivity and Commercialization Subprojects

9. Associated with capacity building will be a parallel program of subproject investments contributing to local development priorities to which the strengthened capacities can be applied in identifying, screening, prioritizing, implementing and monitoring development initiatives. These investments will contribute to the Government's overall objectives of increasing agricultural productivity and the commercialization of agriculture. Being a demand based initiative EM communities can benefit through improved productive infrastructure such as irrigation and feeder road rehabilitation, post harvest handling facilities such as drying pads, and other investments that they may request.

C. Project Management

10. The Project has a strong capacity building focus that must be effectively managed at the national level to ensure consistency of application. Similarly, the implementation of between 6-13 subprojects in each province, all identified using bottom up procedures with possible multi

¹ Existing institutional structures include the provincial governors' office, PAFOs, transport, planning and investment, environment, social affairs etc.

agency implementation arrangements will demand a high level of project management skills. The component will provide technical support for the management of this process whilst providing the resources to establish and operate a management structure at both national and provincial levels. As EMs constitute close to 50% of the target population in the 5 provinces EMs will benefit from efficient project management that is able to deliver project interventions in a timely manner and with full regard to the implementation of safeguard policies.

III. BACKGROUND

11. **Demography of Ethnic Groups.** The Lao PDR officially recognizes 49 ethnic groups², classified in four ethno-linguistic families³: Lao-Tai (Tai-K'dai)⁴, Mon-Lao, Sino-Tibetan, and Hmong-Mien⁵. Members of the latter three ethno-linguistic families (i.e. the non Lao-Tai speaking people) comprise about half of the country's population.

% Ethnic Minorities and Lao Loum in 5 Project Provinces

Project Province	% Ethnic Minority	% Lao Loum
Savannakhet	38	62
Attapeu	63	37
Sekong	87.66	12.34
Salavane	42	58
Champassack	15	85
Overall:	49%	51%

Ethnic Classifications in Lao PDR

No.	Groups	Subgroups	Summary Characteristics
1.	Lao-Tai (Tai-Kadai; old classification: Lao Loum/Lowland) 8 ethnic groups	Xaek, Nhouan, Tai, Thaneua, Phouthay, Yang, Lao, Lue	<ul style="list-style-type: none"> ▪ 65% of the population, living mostly along the well-connected Mekong corridor along the Thai border or in Northern lowlands; ▪ settled cultivators with or urban dwellers; migrated to Lao PDR from 13th century onwards; Buddhist and animist
2.	Mon-Khmer (old classification: Lao Theung/Midlander) 32 ethnic groups	Khmu, Katang, K'tu, Kriang, Kree, Khmer, Ngouan, Pray, Cheng, Phong, Samtao, Oy, S'dang, Xuay, Xingmoun, Nhaheun, Ta Oi, Triang, Tri, Toum, Thaen, Bid, Brao, Pa Co, Makong, Moy, Yrou, Yae, Lamed, Lavi, Oedou, Harak	<ul style="list-style-type: none"> ▪ 24% of the population, living mainly in highland areas in the North and Central South, and smaller groups (Khmu) in the Northern lowlands; ▪ the most diverse ethnic group and the first to inhabit large areas of Lao PDR; ▪ animist and shifting cultivators; ▪ fairly assimilated due to hundreds of years of interaction with Lao-Tai, ▪ other communities live in isolation as

² Population & Housing Census 2005

³ classifications and numberings vary greatly depending on the system applied; one survey revealed 236 ethnic groups and subgroups (Chamberlain et. al.1996)

⁴ Officially referred to the Lao-Tai group within Laos, generally referred to as Tai-K'dai by linguistic sources

⁵ also known as Hmong-Yao or Hmong-lu Mien

			huntergatherers
3.	Chine-Tibet (old classification: Lao Sung) ⁷ ethnic groups	Singsily, Sila, Lahu, LoLo, Hor, Akha, Hanyi	<ul style="list-style-type: none"> ▪ 3% of the population, living mainly in poorlyconnected upland areas in the North; ▪ animist and shifting cultivators; migrated to Lao PDR in 19th century
4.	Hmong-Iu Mien (also Hmong Mien, Miao-Yao; old: Lao Sung/ Highlander) 2 ethnic groups	Hmong and Iu Mien	<ul style="list-style-type: none"> ▪ 8% of the population, living mainly in mid-and upland areas in the North; Hmong as largest subgroup; ▪ animist with strong ancestor cults, although many converted to Christianity

Sources: NSC/CPI, ADB, SIDA and the World Bank, 2006.

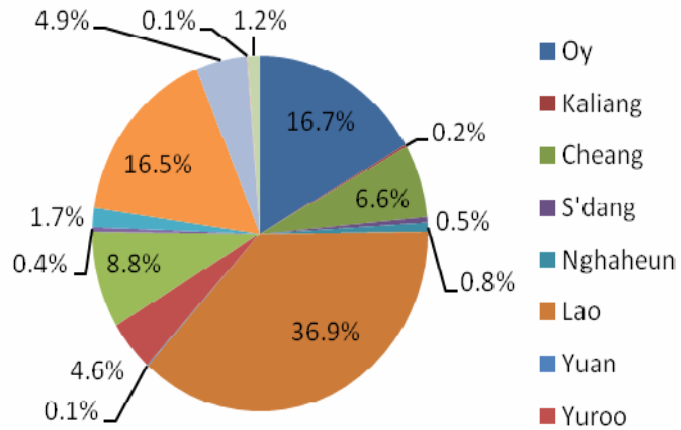
Source: Provincial Committees for Planning & Investment, 2006, nd = no data available

12. The five project provinces officially recorded 33 distinct ethnic minorities, not including small numbers of migrated groups from other provinces such as Lolo, Akha and Hor. Identified minorities indigenous to the provinces belong to seven different Austro-Asiatic language groups and subgroups, including 13 Bahnaric (6 Bahnaric, 6 Bahnaric West, 1 Bahnaric North), 2 Palaungic, 9 Katic, and 1 Vietic. Austro-Asiatic ethnic groups are considered especially vulnerable to malnutrition and food insecurity⁶. These groups constitute a higher proportion of the population in districts classified as poor. For example, while Brao form 16.5% of Attapeu's provincial population, they constitute 95% of Phouvong district's population, a priority poor district. The following pie charts indicate the 14 most numerous ethnic groups indigenous to the project area and their proportion of provincial population.

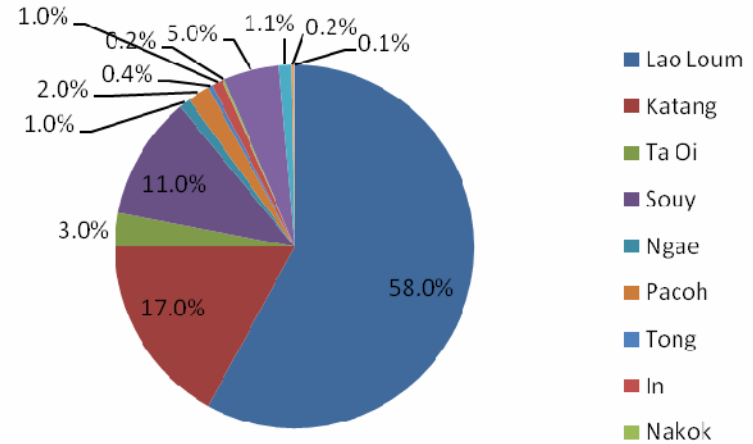
13. The distribution of different EM communities is available for three target provinces only. GoL has just completed an extensive study into EMs but this will not be available until October or November 2008:

⁶ WFP Report, op cit; James Chamberlain et al, PPA II 2006, op cit – EMDF – May 2008, MAF

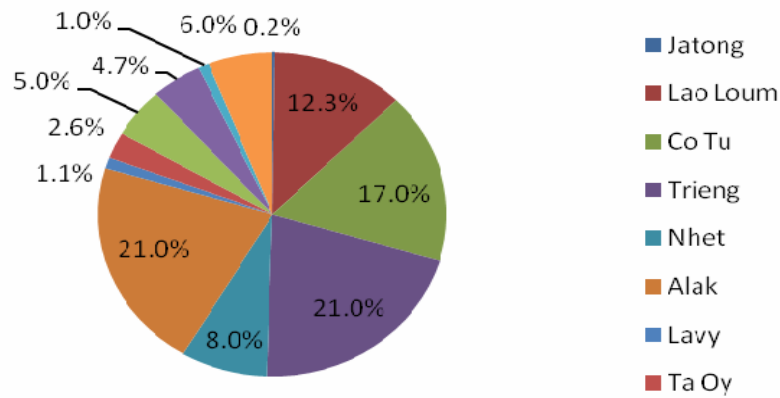
Ethnic Minorities in Attapeu Province



Ethnic Minorities in Salavane Province



Ethnic Minorities in Sekong Province



IV. SITUATION OF ETHNIC MINORITIES IN THE LAO PDR

A. Gender Issues among Ethnic Minorities

14. Among most ethnic groups the status of women is subordinate to that of men, with the exception of matrilineal, matrilocal groups such as Brao and Katang. As with most external interventions, specific efforts are needed and specific methodologies required to ensure that women can be involved in the public decision-making process as much as men. This is especially important in relation to land and property, as women from such groups may have well-defined property rights and responsibilities which are in danger of being lost or marginalised under statutory law.

15. Both men and women from all ethnic minority groups confirm that women work longer hours each day than men, as their work load includes both domestic and agricultural activities. Due to labor constraints, women work alongside men and take a lead role in many tasks including planting and weeding vegetable, rice and cash crop plots, harvesting, clearing land, fencing agricultural plots, feeding livestock and marketing products. Women take more responsibility for more tasks in producing crops such as cassava, maize, sweet potato and taro. Men do heavier work such as in land clearing felling and cutting trees, removing tree stumps, ploughing, burning swidden plots, slaughtering large animals. The project must therefore ensure that any activities directed at farmers account for female as well as male farmers.

B. Development Needs of Ethnic Minorities

16. Studies undertaken in different locations and with different ethnic groups show varying needs, depending on their circumstances, and especially on whether or not they have been re-settled. Numerous communities have been relocated in kum bans, village administrative groupings, resulting in communities of mixed ethnicity. Many EM villages are in the more remote areas and lack access to basic social services such as schools, health centers, with poor, or no road access to the village. They lack infrastructure such as reliable water supply and irrigation. For many groups, particularly for women, education for their children is seen as mechanism to escape poverty. All ethnic groups surveyed in the PPTA confirmed their priorities centre on land access and tenure security, both of residential and cultivable land. Some (such as interviewed Laven) with settled cash crop cultivation, prioritised (i) adequate credit on terms accessible to farmer households; (ii) assistance with finding the right crops suitable for their soil types; (iii) improved market access. Upland cultivators also identified (ii) and (iii) as a shared difficulty, as well as (iv) potentially cultivable land heavily contaminated with UXO and therefore inaccessible; (v) low productivity of existing land; (vi) crop and seed loss due to pest and rodents.

V. GOVERNMENT OF LAO ETHNIC MINORITY POLICY

17. The Government of Lao PDR (GOL) officially acknowledged 47 main ethnic groups or categories, and 149 subgroups in 1995 as part of conducting the national census. This list was revised by the Lao Front for National Construction (LFNC) and now contains 49 categories, and over 160 subgroups. The official terminology for describing the diverse population of Lao PDR is 'ethnic groups'. This terminology was introduced with the 1991 Constitution, where reference is often made to "citizens of all ethnic origin". Articles 8 and 22, guarantee that there will be no discrimination on the basis of ethnicity or gender. The term 'ethnic groups' is used by some to classify the non Lao ethnic groups while the term 'indigenous peoples' is not used in Lao PDR. Most ethnic minorities are upland and highland dwellers and most engaged in rainfed subsistence agriculture. In general they are more likely to live in poverty than the majority

lowland Lao. This is reflected in higher levels of illiteracy, child and maternal mortality and other key indicators such as agricultural productivity.

18. In regards to specific EM policy, in 1992 the Government announced a formal EM policy, the “ Resolution of the Party Central Organization Concerning EM Affairs in the New Era”. The policy contains three main objectives:

- (i) strengthening political foundations at the community level to ensure EM loyalty and commitment to the national development,
- (ii) increasing agricultural production and facilitating a shift away from subsistence agriculture to more market driven agriculture,
- (iii) expand access and provision of social services such as health, education etc.

19. The Government gives an emphasis on eradicating slash and burn agriculture through resettlement of remote ethnic communities to bring them closer to government services such as irrigation, water supply, extension, education, and health services. However, this Project is not intended to support such Government strategy and Project activities, particularly those under Component 2, will not be implemented in association with such strategy.

19. Ethnic minorities are acknowledged in government poverty reduction strategies such as the National Growth and Poverty Eradication Strategy (NGPES) as well as in agriculture development. Agencies such as Health and Education make special arrangements to reach ethnic minorities in remote areas although these efforts are too often constrained by lack of funds.

VI. ADB POLICY ON INDIGENOUS PEOPLES

20. The ADB’s *Policy on Indigenous People* (1999) focuses on the circumstances of indigenous peoples (“ethnic groups” in the Lao context) and on identifying and satisfying the needs and developmental aspirations of these people. It emphasizes the participation of ethnic groups in development and the mitigation of its negative effects and impacts. The ADB policy stipulates that Bank-funded projects in which ethnic groups are affected should be:

- (i) Consistent with the needs and aspirations of affected ethnic minority peoples.
- (ii) Compatible in substance and structure with affected ethnic groups’ culture and social and economic institutions.
- (iii) Conceived, planned, and implemented with the informed participation of affected communities.
- (iv) Equitable in terms of development efforts and impact.
- (v) Not imposing the negative effects of development on ethnic groups without appropriate and acceptable compensation.

21. The approach adopted by ADB in project and program development is to seek the greatest possible reduction in poverty amongst indigenous peoples and in cases where adverse cultural effects are unavoidable, to minimize these effects through identification of appropriate mitigation measures. The Project design and strategy is led by ADB EM policy and in particular OM-F3 (Sept 2006) and will ensure that EM communities are provided access to participation and benefits and that they are in no way worse-off following Project interventions. This requires the preparation of an indigenous peoples’ development plan (IPDP) to ensure that people of ethnic groups are included in appropriate ways in the development process. In the Lao project

context this will be referred to as the ethnic minority development plan (EMDP). The plan will specify basic mechanisms and principles for ensuring the equitable opportunity for participation of ethnic households/communities to benefit from project activities, with particular attention to the needs of ethnic women.

22. This recognizes that project planning must include strategies to facilitate and ensure that the mechanisms for participation and access to decision making and benefits are made available to ethnic minority communities. This is particularly important when conventional approaches to information dissemination may not be adequate due to language, literacy and other cultural factors. Any such strategy would also need to provide specific mechanisms for EM women's concerns to be identified and mainstreamed through the project process.

23. The needs of EMs in development are numerous, including literacy in Lao, numerical skills, health and social services, road access, village water supply, irrigation, vocational training, credit for investment, technology and knowledge, communal forest land rights and security of land tenure, to name but a few. The Project can contribute to some of these needs, namely those linked to agriculture production and productivity. The main benefits to these communities will be improved feeder road access, and improved incomes from agriculture, and a protection of traditional livelihood through better land use planning and management by GoL. Improved incomes should allow the EM households to build more economically robust communities that are able to exert more demand for services and that are more resilient to catastrophe.

VII. INDIGENOUS PEOPLE ETHNIC MINORITY DEVELOPMENT FRAMEWORK

24. Specific EM development plans will be formulated on a case by case basis as subprojects funded under Component 2 are identified and approved for full feasibility and then implementation. Actual subproject implementation is not expected to commence until the beginning of year three of the Project. The EMDF guidelines must be prepared and written into the subproject proposal and tested at feasibility.

25. This section of the document provides an explanation of how and what social safeguards can be put in place during project implementation to protect EM interests and ensure access to participation and benefits. The framework integrates with the Consultation and Participation Plan incorporating Gender and Disadvantaged concerns which is being mainstreamed into subproject planning.

26. A lesson learned in rural development in Laos is the need to translate policy and frameworks into actionable and implementable activities. The action plans need to be clear, particularly as project implementers are staff at provincial and district level and are known to lack capacity.

27. An acceptable EMDP addresses:

- (i) aspirations, needs and preferred options of the affected EM;
- (ii) local social organization, cultural beliefs, ancestral territory, and resource use patterns among the affected EM;
- (iii) potential positive and negative impacts on EM;
- (iv) measures to avoid, mitigate, or compensate the adverse project effects;
- (v) measures to ensure project benefits will accrue to EM;

- (vi) measures to strengthen social, legal, and technical capabilities of government institutions to address EM issues;
- (vii) the possibility of involving local organizations and non-governmental organizations with expertise in EM issues;
- (viii) budget allocation; and
- (ix) monitoring procedures.

A. Impacting Ethnic Minority Communities in Target Villages

28. In the project context, Component 2, activities will impact on EM communities via two different scenarios. The Project will be implemented in villages that represent:

- (i) Single ethnicity (homogenous) village communities, or,
- (ii) Multi ethnicity (heterogeneous) village communities

29. The issue regarding EM participation and access can be regarded as two-fold:

- (i) that such homogenous EM communities are able to access the benefits provided under the project in competition with other, particularly ethnic majority, communities, and,
- (ii) whether EM who are minority groups within heterogeneous communities are able to participate in the project and decision making and access benefits provided under the project.

30. Under the first concern Sub Project selection criteria provide higher points for poorer communities and provincial and district staff will receive training in the Gender and Disadvantaged Groups action plan. The project will make use of local community resource persons to assist in situations where EM communities do not have sufficient organizational capacity or where communications problems are severe.

31. In ethnic homogeneous communities, and because the subproject identification process is participatory and consultative within the community, the subproject should reflect the needs and priorities of the EM concerned. In this case there is no issue other than, at feasibility study, to test that all households in the community had access to the decision making process and that there was real consultation.

32. In heterogeneous communities there are likely to be several different EM subgroups as this is the consequence of the kum ban consolidation in some cases. In these "mixed" villages there is the additional need to ensure that the EM minority groups and subgroups and households, were able to participate and were consulted by the ethnic majority in the community.

33. In the second case, organizational structures and mechanisms will be implemented that ensure the participation of EM households in mixed villages. Special forums are provided for this target group to meet express views and agree on priorities, needs, preferences and play an active role contributing to the decision making process. A separate EM focal group(s) is formed in the community to allow subgroup members a forum to discuss issues, debate priorities and reach consensus on priorities, preferences and other issues. This group will be represented in pre-project organizing and decision making, and in community based management bodies when the project is implemented.

34. Similar mechanisms have been recommended in the Gender and Vulnerable Action Plan and the setting up of focal groups within communities for participation, consultation, planning and evaluation is described further below.

B. Community Identified Subprojects

35. The main impact of the project on ethnic minorities will be through subproject implementation under Component Two. The process of identification of subprojects will be community demand driven. Requests will be forwarded from the community to the line agency technically responsible for the proposed subproject. Most requests will probably be for the rehabilitation of rural infrastructure such as feeder road, irrigation, or post harvest improvements, however, the range of subprojects would include others that contribute to increasing agriculture productivity. These proposals are supposed to be the result of a community's internal consultation and consensus – leading to an official request signed and stamped by the village head (and kum ban head if applicable), and being submitted to the district. In this respect, subprojects requested should reflect the community's desires and reflect community consensus.

36. At feasibility study stage, the consultative and participatory process used to identify the subproject by the community must be tested. Checks must be undertaken to ensure that all groups and sub-groups have been given the opportunity to enter the debate, and that decisions taken are transparent, equitable and supported by the community.

37. **Subproject Selection Screening Checklist.** As mentioned the Project has established eligibility and selection criteria for Component 2 subprojects. These provide a pro-poor scoring mechanisms which will, by default, would facilitate higher scores in EM communities where these communities suffer a higher incidence of poverty. In addition to those formal criteria, and at feasibility study of proposed subprojects, special consideration should be provided the following issues:

- (i) can farmers can be actively involved in decision-making (if villages are selected for project implementation convenience rather than for good potential to benefit from project skills, knowledge and technologies, the project is unlikely to be successful)
- (ii) is project expertise is relevant to farmers' needs
- (iii) similar farming practices (different ethnic groups have different farming systems and therefore will have very different priorities; technology options offered by the project will not be able to meet all priorities)
- (iv) is there potential to benefit from technology inputs and share successes with other villages (other villages nearby which could benefit from solutions developed in initial villages through farmer exchange visits)
- (v) no village should be selected which will be compulsory resettled under the GoL relocation programme, or which has received resettled households in the previous 5 years⁷
- (vi) the community should not be affected by other sector projects (e.g. hydropower, mining, etc.)⁸

⁷ For reasons outlined in Section D3, ADB funds used for subprojects in villages which will be relocated or which have received resettled families in the previous 5 years, would constitute lost investment

⁸ For example, areas of Paksong District, Champassack, will be lost to bauxite mining interests, while numerous proposals for dams will affect many areas of Savannakhet, Salavane, Sekong and Attapeu. It is the responsibility

- (vii) where there are local organisations with potential for partnership (NGOs, other projects, ethical private business)
- (viii) are special arrangements needed to counter language barriers or other constraints to transferring knowledge and information during subproject implementation (are the arrangements viable).

C. Feasibility Study

38. EM sensitivity and an appreciation of the impact of the expansion of commercial agriculture and agri-business on EM livelihoods and culture must be instilled institutionally under capacity building in Component 1. Sub project feasibility study must ensure that subprojects do not threaten traditional and practised EM livelihood systems, and do not require the adoption of totally new livelihood systems. Rather, more benefit and impact will be achieved making improvements to the existing systems and activities.

39. In relation to the identification of subprojects, safeguards must ensure that:

- (i) The subproject identification process is participatory, including with communities
- (ii) The decision making process is representative of community needs and priorities, and transparent in methodology
- (iii) Structures and mechanisms for community-wide participation and articulation must be established prior to subproject identification
- (iv) In regards to infrastructure, mechanisms are put in place that ensure community input into all phases of the project cycle, starting with survey and design, O&M.
- (v) No person or group of persons are disadvantaged by the subproject

40. This combined with some administrative regrouping of villages into what is known as kum bans, means that EM communities may either live in communities that are comprised of their own ethnicity, or, may reside in villages of mixed ethnicity. There are obvious implications in regards to equitable decision making and access to project benefits.

D. Role of Focal Groups

41. Depending upon the context, focal groups are formed at Feasibility Study phase. In heterogeneous communities, special focal groups are formed for members of the EM group or subgroups. Depending upon the numbers of different EM households involved, it may be also be worthwhile to establish separate EM gender focal groups; a men's group(s) and a women's group(s), and these are in addition to focal groups comprised of members of the majority ethnic group).

42. In homogeneous ethnic communities focal groups are also formed and these are based upon i) gender, and, ii) disadvantaged and vulnerable status.

43. The role of these groups is to provide EM households and also EM women and disadvantaged households their own forum in which to discuss issues and identify specific needs in order that these may be fed into the village and project decision making process. They

of the FDI to compensate people affected by these proposals, including livelihood restoration, and it would be a serious loss of ADB's investments in the ANR Sector if subprojects were to be implemented in locations which will disappear in their current form and from which households will be moved. (EMDF – May 2008, MAF).

must participate in deciding road alignment or irrigation canal alignments, or the location and design of other infrastructure to ensure they are not disadvantaged and have equal access to the investment's benefits. These groups will hold subgroup meetings to assess and understand members' positions and ideas, seek to reach consensus on a common position in order to properly convey these at community decision making meetings. The elected representatives will require support from district staff with on-job training in empowerment, negotiation skills, and/or public speaking to assist them in their representative role.

44. It is important that these subgroup members are provided this opportunity to meet separately as they are unlikely to speak in wider village meetings. This is due to feelings of inferiority and low self esteem; they may be afraid to say the wrong thing and be laughed at, or dismissed as "poor and stupid". The focal group arrangement will provide them with the forum and opportunity to identify and prioritize their needs and then also provide them with more leverage or bargaining power when seeking to introduce these needs to the wider community.

45. **Establishing Focal Groups.** Following project staff gender and vulnerability sensitivity training and at feasibility study, following a community briefing on the project, with village committee assistance, EM household representatives, women, and disadvantaged households are asked to volunteer as members of a focal group. These households are invited to a subsequent meeting where the purpose and objective for forming a focal group is explained. Depending upon the case at hand, an EM, a women's group, and a disadvantaged group (made up of disadvantaged male and female HHs) are formed. Each group then selects a leader and deputy. This leader will also be the group's representative in village discussions and meetings with project staff.

- (i) Special initial training is provided to these groups and with follow-up for leaders to ensure that they understand their role and how to participate. These groups should be formed prior to any construction in order that the groups may be consulted during survey and design.
- (ii) Formation of such groups and subsequent training and organization provides capacity building at the lowest levels, building confidence and sense of purpose.

E. Infrastructure Subprojects

46. For rural infrastructure projects such as road and irrigation development, there is an immediate need for two phases of community participation; i) at survey, design and project planning stage, and ii) for ongoing management and operations. It is important that any such bodies established at community level to provide these functions include EM representation at a level appropriate to the proportionate number of EM households in the community.

1. Construction Committee

47. In order to convey community needs and preferences, and to coordinate and mobilize the community to work with project surveyors and engineers, there is a need for the community to form a construction committee. The construction committee is the conduit for the exchange and dissemination of information between project planners and the community. The construction committee dissolves once the rehabilitation is completed. To establish the committee:

- (i) Use village head to organize village community meetings.

- (ii) Explain the role of the Construction Committee, how they will work and also the personal attributes that will be needed in the people selected. Explain why it is recommended that one man and one woman from each unit in the target village, as well as one representative (male or female) from the Focal groups (see below) need to be appointed, to take into account EM, gender and vulnerability interests and achieve balance. The community should be asked whether they would rather have a general women's group with vulnerable women also then being members of the Vulnerable Group, or if they prefer that the Women's Group is set up to represent vulnerable women.
- (iii) Form focal groups – explain the need for focal groups to ensure all people have access to the decision making process and that these are mechanisms to ensure representation and participation by all subgroups in the community. Discuss with the community and let them decide on one of two options:
- (iv) 3 focal group option in homogeneous communities – at least one men's, one women's, one disadvantaged group mixed gender, or,
- (v) 4 focal group option in heterogeneous communities – at least one men's, one women's, one vulnerable and disadvantaged HHs group and one EMs group.
- (vi) Each group will select their leader to act as group representative in village meetings. Let each group discuss the role and need. Then call for nominations from the community or volunteers in each group. Different means can be used for voting depending on the case at hand.
- (vii) 7. The results are then announced.

2. Infrastructure Management Committees

48. Once the Project completes rehabilitation of infrastructure such as irrigation, the community will have an ongoing role in operations, management and maintenance. Water user organizations are built from block level whereby land owners within the irrigation unit elect a unit leader. One unit may have around 20 to 30 members. Each unit leader then represents the "block" at water user group meetings. If EMs are poorly represented at block level, the water user committee must include an additional EM representative.

49. Similarly in other infrastructure projects such as roads, there is a need for a community body to assist project designers as well as take some responsibility for organizing the community's maintenance role. In the case of roads, there is no reason why the construction committee cannot continue as the management body.

F. Additional Institutional Support for EMs

1. Local Ethnic Minority Resource Persons

50. EM communities do consult with each other and discuss community needs and establish priorities. Due to language and communication difficulties with some communities, district staff will require assistance from local people who can speak and read Lao as well as the EM dialect. It would be impossible to recruit sufficient staff at district level to cover all EM dialects encountered in the area; there are too many.

51. However it will be possible to recruit local EM assistance on a specific case basis. In some EM communities there is no problem with communication as many men and women and youths are fluent in Lao language. In the poorest and more remote EM communities this is different. Where district implementing agencies do not have EM staff, or staff fluent in the EM

language concerned, budget flexibility must be given by the project to obtain such communication capacity on a case by case and part time basis.

52. At project start-up it is important that any information dissemination offered to communities making them aware of the project is provided in a medium appropriate to EM communities. Local resource persons may be hired to assist project staff in informing communities of the project and its participatory methodology and process.

53. At subproject feasibility study stage it is important that EM communication is facilitated by the use of local EM resource persons. The project will pay a daily allowance for assistance provided from key local people who will assist in conducting meetings, disseminating information and facilitating participatory consultations. These resource persons will be members of the EM group who are fluent in Lao, if they are not available from the target village, they may be sourced from other locations in the area. This will extend into subproject implementation. Beneficiary communities require training under the project in different activities and training will need to be delivered in an acceptable format and at a convenient time. The resource persons will be used to assist in delivering training needed.

2. Lao Women's Union

54. The Lao Women's Union has representation in almost all villages in Laos, regardless of ethnicity. This network will also be a resource tapped during subproject implementation. The LWU district staff and village representative will assist in organizing focal groups and also in delivering training to communities. Allowances will be provided from the project for travel and out of pocket expenses for the district representatives involved on a "when needed" basis.

3. Extension Methods

55. Particularly in regards to subprojects involving agriculture extension, the method of communicating information needs to be (i) sensitive to gender differences in agricultural responsibilities and resource access; (ii) sensitive to ethnic minority differences in land use and decision-making processes; (iii) adapted to different community absorption rates based on ability to speak or read and write Lao language. Methods to facilitate communication and knowledge exchange in EM communities can include:

- (i) information exchange between similar activity or focal groups and villages
- (ii) meetings and workshops
- (iii) building alliances between farmer groups and villages
- (iv) developing a market information network
- (v) develop different training approaches for men and women
- (vi) develop visual aids to communicate relevant information for non-literate communities

56. Where the subproject requires new skills, management or production extension, the project needs to ensure there are funds available to provide this additional support.

4. Support Budget

57. An allowance of \$200 per subproject is to be made available from the Project finances to pay for assistance and services provided by local EM resource people at the subproject level.

This mainly represents a daily per diem for working and assisting implementing agencies in organizing and coordinating with the community.

58. The Project Gender Plan includes budget provision for assistance from the LWU and this of course includes EM communities. Other technical inputs from service agencies such as agriculture are to be identified at feasibility stage and then included as an overall cost of implementing the subproject being requested by the community.

5. Study on Land Tenure Security and Equity

59. Land tenure security must be an important project component, as this has an impact on the level of investment made, the type and variety of crops people are willing to plant, on the poverty status of communities, on any potential for farmer cooperation, and on the social equity of rural households. For poorer households, increased productivity on its own may not mean increased participation in the market economy, but may mean improved food security if coupled with tenure and resource access security. Thus rights to land and forest resource access and use must be more clearly defined and formalised.

60. No link between types of land tenure and productivity growth has yet been satisfactorily analysed in Lao PDR. However, studies in neighbouring countries shows the more secure the tenure, the higher the likelihood of productivity as farmers will be more willing to invest both time and money in securely tenured land, whether this belongs to the individual or the village. Tenure security has mainly focused on individual land tenure via land allocation and land titling. Traditional land resource tenure tends to be perceived as common to all members of a village rather than individually owned. This can leave EM communities very vulnerable to alienation from their customary resource base.

61. While customary tenure cannot mobilise land for raising capital in the same way that individual tenure is promoted, it has been provides for a varied livelihood base which ensures both food and livelihood security⁹. Different livelihood coping strategies have evolved from this traditional base. Thus tenure reform should not rely on individual tenure alone, but encompass common use land, including grazing land, rotational cultivation areas, and forests. User rights must be linked to activities concerned with buffer zone management and the demarcation of forest area boundaries. Thus diverse forms of tenure security should be pursued, including not just the ongoing land titling programme, but facilitating traditional tenure security through certification of village land.

62. It is suggested that such a study could be conducted under Component 3, Policy Development. Recommendations approved by GoL from that study would then be incorporated into Component 1 Capacity Building, through training.

G. Participatory Impact Evaluation

63. As already mentioned, there must be a participatory impact evaluation with implementers and the community, and this must include EM households and communities. The use of the Focal Groups established is recommended as the vehicle to use in conducting the subproject evaluation. Meetings are held with the focal groups and a SWOT analysis conducted. The focal group discuss initial subproject objectives, expectations and then actual benefits,

⁹ World Food Programme (WFP), *Lao PDR Comprehensive Food Security and Vulnerability Analysis*, October 2007

strengths and weaknesses in implementation and also identify recommendations for improvement.

64. The appropriateness of the project's consultation and participation strategy can be reviewed with the target beneficiaries and changes made in the approach in future initiatives. The effectiveness of the participatory structures and mechanisms can be assessed through a public discussion process. The Focal Groups will be able to report as to whether or not their inputs to subproject design and implementation were mainstreamed into the community decision making process. Impact evaluations must be organized and reported by the provincial project office through the implementing line agencies.

H. Safeguard Monitoring

65. Safeguard monitoring will be performed internally due to the small and disaggregated nature of the subprojects that will be requested under Component Two, and the fact that actual resettlement and involuntary land acquisition under the Project is not envisaged. Safeguards relating to EM, the environment, Gender and vulnerability will be built into the subproject feasibility process with formal checklists that must be completed and signed off on. Actual implementation of safeguards will be reviewed by the Project technical assistance, both the long term advisors in the provinces and also at the central level by the PMO advisor. The approval process must ensure that the safeguards are being addressed and policy observed. The Project will also mobilize short term specialist input on EM and Gender and the Environment. These short term specialist will also review the identification, screening and approval process to ensure that safeguards are being applied in accordance with policy and project design and as per their Terms of Reference, provide written assessments to project management and the ADB. Technical assistance should also avail themselves the use of the Focal Groups to assist in the assessment of safeguard application and effectiveness.

DEVELOPMENT FRAMEWORK SUMMARY

Component	Activities	Indicators	Targets	Key Implementation Responsibility	Timing
1. Capacity Building in Sector Management	1. Project orientation and EM needs and safeguards and participation training for implementing agencies.	1. EM training completed at central, provincial and district levels.	1. All participating provinces and districts and central level receive EMDF training and refresher training in GoL and ADB EM policy.	1. PMO and MAF Gender Unit with assistance from LWU and TA.	1. Agency mainstreaming and policy training to be completed by end of Year 1.
	2. Mainstreaming of EM Concerns into formal Feasibility Study procedures.	2. EM concerns and checklists for EM safeguards included in subproject feasibility study and assessment and in project planning	2. EM issues feasibility study checklists formulated and included in formal feasibility study procedures.	2. PMO and MAF Gender Unit and assistance from TA.	2. Checklists and Feasibility Study procedures are formulated within first 6 months of Project implementation
	3. Training in use of Project participation strategy and use of focal groups, community infrastructure management groups, and in participatory impact evaluation	3. Participation strategy training conducted at provincial and district level with line agency staff.	3. All target provinces and districts.	3. PMO and TA team with assistance from MAF Gender Unit and LWU	3. Completed within first 2 years of project implementation
2. Agricultural Productivity and Commercialization Subprojects	1. Community training and formation of Focal Groups including EM groups and vulnerable groups for project planning and consultation.	1. EM and vulnerable focal groups established and consulted during project planning. Group representatives included in decision making process.	1. Focal groups and participatory structures established and consulted during each sub project planning phase.	1. PPO and implementing line agencies with assistance from LWU and local EM resource persons	1. At subproject Feasibility study.
	2. Formation of Construction	2. Construction Committee established	2. Construction Committee established and includes	2. PPO and implementing line	2. At subproject selection and

	<p>Committees for infrastructure subprojects as per Participation strategy.</p> <p>3. Formation of infrastructure management committees that include women's representatives.</p> <p>4. Training of infrastructure management committees.</p> <p>5. Activity groups established for technical training where requested include EMs</p> <p>6. Use of EM focal groups in conducting participatory impact evaluations.</p> <p>7. Review and checking EM safeguards and use of Participation strategy in subproject feasibility study and assessment and approval procedures</p>	<p>that includes EM representation.</p> <p>3. Groups formed and include EM representation in all infrastructure subprojects.</p> <p>4. Training in roles and responsibilities in infrastructure and user group management conducted in all infrastructure subprojects.</p> <p>5. Training provided to organized groups including EM in requested areas.</p> <p>6. Participatory impact evaluations conducted at least after 1 year following subproject implementation.</p> <p>7. Subproject feasibility review checked to ensure that EM plan and strategy followed.</p>	<p>women representatives in each infrastructure subproject.</p> <p>3. Infrastructure management committees established that include EM as members.</p> <p>4. Training conducted</p> <p>5, Training conducted</p> <p>6. Impact evaluations conducted in each subproject and report with findings and recommendations prepared and submitted to PMO and ADB.</p> <p>7. Subproject feasibility studies and approval process reviewed for each subproject. Report and recommendations to PMO and ADB.</p>	<p>agencies with assistance from LWU.</p> <p>3. PPO and implementing line agencies with LWU assistance.</p> <p>4. PPO and implementing line agencies with LWU assistance</p> <p>5. Implementing line agencies with LWU assistance.</p> <p>6. PMO and PPO with TA assistance.</p> <p>7. PMO and PPO with TA assistance</p>	<p>approval stage.</p> <p>3. During infrastructure development stage.</p> <p>4. During and after completion of infrastructure development stage.</p> <p>5. At subproject approval stage.</p> <p>6. At least once following 1 year of subproject completion</p> <p>7. Prior to subproject approval.</p>
--	--	---	---	---	--

3. Project management	1. Management trained in Participatory and EM strategy, supportive and responsive to community needs.	1. Training completed.	1. All levels of project understand EM policy and action.	1. TA and MAF Gender Unit	1. Project start up
------------------------------	---	------------------------	---	---------------------------	---------------------