



Ethnic Group Policy Framework (EGPF)

Introduction

The Lao Poverty reduction Fund's First Phase (PRF 1: 2003-2011) included an Ethnic Group Policy Framework (EGPF) aimed at including ethnic minorities in its community driven development process in PRF targeted poverty districts and communities. The Second Phase or PRF 2 builds on the lessons learned in Phase 1 and aims to facilitate communities in improving ethnic minority access to, utilization and sustainability of basic infrastructures through improved inclusive community and local development processes. The EGPF is based on the Approach for Inclusion of all Ethnic Groups and a quick identification of vulnerable groups. It is also connected to the Compensation and Resettlement Policy Framework (CRPF) and Environment and Social Management Framework (ESMF).

Objective

- To ensure that vulnerable ethnic groups are afforded meaningful opportunities to participate in planning that affects them,
- To ensure that opportunities to provide ethnic groups with culturally appropriate benefits are considered, and
- Any project impacts that adversely affect them are avoided or otherwise minimized and mitigated.

Policy to Encourage Ethnic Groups

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

The policy requires identifying ethnic groups in each village to ensure they can engage fully in the participatory processes, and also, that ethnic facilitators are recruited and/or appropriate materials in local languages prepared when necessary. Additionally, all frameworks and policies should be made in close consultation with the Lao Front for National Construction (LFNC) Office.

Adopting the Ethnic Groups Inclusion Approach

Adopting the approach includes ensuring that:

- Ethnic groups receive culturally compatible social and economic benefits from community driven development (CDD) PRF Sub-Projects.
- The concerns of all ethnic groups are met through the design of PRF II itself as well as in accordance with government policy.
- Throughout PRF facilitated sub-project implementation multi-ethnic cultures are respected, and gender issues are integrated at all levels.

Government Policy and Regulations

The 1992 Ethnic Minority Policy of the Lao PDR identified three essential tasks:

1. Strengthening political foundations;
2. Increasing production and opening distribution channels in order to convert subsistence based economics towards market-based economics, and
3. Focusing on expanding education, health and other social benefits.

This policy states that Lao PDR must discourage ethnic minorities from continuing practices associated with shifting cultivation by arranging for permanent, more reliable and lucrative livelihoods alternatives. The aim is for the benefits of other forms of agriculture to outweigh those associated with shifting cultivation.

Challenges Faced by Vulnerable Ethnic Groups

Ethnic minorities face many challenges and obstacle to participating in and benefiting from development activities. The challenges faced by vulnerable ethnic groups in Lao PDR can be grouped into three areas:

1. The vulnerable ethnic groups may be unable take advantage of the market-economy opportunities, and women are often the least able to;
2. The creation of the Kum ban committees, also has a direct impact on vulnerable ethnic groups insofar as it demonstrates their difficulties in accessing information and being represented in decision-making; thus, contributing to imbalanced negotiation discussions;
3. The changes mentioned above, also have an impact on traditional gender roles that may lead to persistent gaps between men and women.

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Changing Lives !

The Poverty Reduction Fund Feedback and Resolution Mechanism / FRM provides 5 ways for community members and other stakeholders to ensure their project is effectively and honestly managed, and results in high quality, sustainable infrastructures and opportunities for development. Anyone can anonymously report project irregularities and problems, and PRF staff will respond. Calls to the PRF hotline: 161 are toll free. In each participating community there is an FRM Box for reports or they can be mailed to: FRM, P.O.Box 4625, Vientiane, Lao P.D.R. Those with internet connections can email: FRM@prflaos.org or leave a message on the PRF website: www.prflaos.org.



ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK (ESMF)

Introduction

The World Bank has determined that the Environmental and Social Management Framework (ESMF) is a significant priority for the Poverty Reduction Fund's (PRF) target groups / stakeholders.

The results of PRF I's review of the Environmental and Social Management Framework, concluded that the ESMF was effective in reducing detrimental social and environment impacts. PRF II needs to build on this and further improve PRF local staff's understanding so they can apply the ESMF Draft Plan based on the policies and principles implemented in PRF I, and their revisions.

In PRF II, PRF staff at central and local levels will be responsible for implementing the ESMF and ensuring full compliance.

Objective

The Environmental and Social Management Framework (ESMF) aims to provide guidance for all levels: government, local authorities, the PRF teams, consultants, private and public sector agencies and beneficiary community members so they can effectively address safeguard issues particularly regarding compensation and resettlement issues.

Actions to Forge Effective Safeguards Implementation

To be effective the Environmental and Social Management Framework needs to improve several aspects:

1. Update the "negative list".
2. Provide clear guidelines on how to integrate safeguard measures into the PRF II planning and implementation process.
3. Improve the screening and recording system effectiveness at local level by providing clear safeguard screening and monitoring forms.
4. Increase Provincial and District PRF Teams and Community Leaders / Facilitators' awareness knowledge about and understanding of potential social and environmental negative impacts resulting from Sub-Project decisions and activities.
5. Promote active local community cooperation in the areas that reduce potential negative environmental and social impacts.
6. RF/PMT should provide periodic training and supervision to PRF local staff.
7. PRF/PMT should include a section on safeguard performance in the project progress report;
8. The World Bank should review and provide implementation support including Safeguard Training as needed.

Government Regulation on Environment Impact Assessment

The Environmental Protection Law, Ref., No. 02/99/NA, dated 03/04/1999, and request from Minister to Prime Minister's Office, President of the Water Resources and Environment Administration (WREA),

Ref., No. 2843/PMO.WREA, dated 21/12/2009 are the basis for the ESMF. The aim of the decrees was “to lay down principles and rules for an environment and social management framework, and to adopt measures for their establishment, function, management and monitoring.”

Negative Impacts and Mitigations

PRF II needs to focus on:

- Improving reporting and recording systems.
- Improving coordination among the PRF team (technical, community development and monitoring and evaluation).
- And when possible, making an effort to reduce indirect impacts and the potential natural resources degradation in nearby natural habitats, conservation, and/or protected areas, and/or enhance the positive impacts of PRF Sub-projects.

Safeguards Training

Before beginning Cycle IX implementation, PRF will organize Safeguard Training for PRF teams on how to use the various checklists, tables on typical environmental impacts and mitigation measures, and other tools. Safeguard Training for PRF staff should be carried out as part of the overall PRF staff training throughout the PRF process. Adequate budget will be allocated for Safeguard Training as well as, for implementing mitigation measures. Mitigation of safeguard activities during construction will be part of the construction costs.

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Compensation and Resettlement Policy Framework (CRPF)

Introduction

The Poverty Reduction Fund Phase II (PRF II) has been designed and implemented following a community-driven approach developed during the implementation of the first phase of the Poverty Reduction Fund (2003-2011) and consistent with the scope of activities planned for PRF II. The Compensation and Resettlement Policy Framework (CRPF) follows the Government of Lao PDR Decree 192 on compensation and resettlement of people affected by development projects (2005).

Objective

The main aim is to avoid involuntary resettlement when feasible, or to minimize and mitigate its adverse social and economic impacts. It promotes the participation of displaced people in resettlement planning and implementation. The key economic objective is to assist displaced persons in their efforts to improve or at least restore their incomes and standards of living after displacement.

The Framework for Resettlement and Acquisition of Land or Assets (FRALA)

Voluntary Contributions: Community members have the right to make a contribution of their land or other assets, or to move their homes temporarily or permanently, without seeking or being given compensation. This can often be justified because the Sub-Project will either increase the value of the remaining property or provide another direct benefit to the affected people. Voluntary contribution is an act of informed consent and is obtained without coercion or duress. Voluntary contributions will not be submitted for approval where they would significantly harm incomes or living standards of individual owners or users or the size of the land contributed on a voluntary basis exceeds 5% of that individual's total land holding.

Voluntary Contributions with compensation: The guiding principles of FRALA are as follows:

- Land will be replaced with an equally productive plot or other equivalent productive assets.
- Materials and assistance will replace fully any solid structures that will be demolished.
- Damaged crops will be replaced at market value.
- Other acceptable in-kind compensation.

Compensation and Entitlements

Eligibility: All Project Affected Persons (PAPs) who are identified in the project-impacted areas will be entitled to compensation for their affected assets, and rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and production levels.

Entitlements: PRF II will assist the community in preparing specific entitlements following the entitlement matrix as appropriate. In case they prefer their loss of land or other assets to be compensated for rather than they donate them for the implementation of relevant Sub-Projects there are different categories of PAPs for each type of impact. Each is entitled to specific compensation and / or

rehabilitation measures that are sufficient to restore their pre-project level of livelihood.

Vulnerability, Gender: Women in rural villages play a key role in house hold economy and community livelihood development, and the Project will give special attention to women and female households as beneficiaries of project interventions.

FRALA Guiding Principles

The guiding principles of FRALA are as follows:

1. Acquisition of land and other assets should be avoided when feasible and otherwise minimized.
2. If any persons will be adversely affected, mitigation measures must provide them with sufficient opportunities to improve, or at least restore, incomes and living standards;
3. Lost assets should be replaced in kind, or compensated at replacement cost.
4. Compensation should be paid in full, net of taxes, fees or any other deductions for any purpose.
5. If any persons are required to relocate, transfer costs and subsistence allowances will be paid in addition to compensation at replacement cost for lost structures and other assets.
6. Absence of legal title to land or other affected assets will not be a barrier to compensation or other suitable forms of assistance.
7. Adversely affected persons will be provided information relating to impacts and entitlements, will be consulted as to their preferences regarding implementation arrangements, and will be informed regarding methods and procedures for pursuing grievances.
8. PRF will not work in villages which have been resettled/recipient in the last four years and/or which will be resettled/recipient in the next four years.

Right to complain and take legal action

All complaints should be handled and solved at the village level. If the problem cannot be solved in the village, complaints and legal action against these guidelines, the implementation of agreements found in the minutes.

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Pest Management Plan (PMP)

Introduction

A review of safeguards issues in PRF I revealed that providing agriculture infrastructure may indirectly support the use of expensive, potentially dangerous and detrimental chemical fertilizer and pesticide in some project areas. Consequently PRF II will support livelihoods with a view of testing models for effective and sustainable rural livelihood improvements for poor communities. PRF II will also not support the use of chemical fertilizer and pesticide .

It may be unrealistic, however, to completely prevent all farmers from turning to chemical inputs. To offset this PRF will promote non-chemical alternatives, such as, organic farming techniques and natural pest control methods. PRF II will work closely with the agriculture sector to apply the Conservation Agricultural Technology approved by Ministry of Agriculture and Forestry. The World Bank determined that pesticide management control policy is a significant priority for PRF II. The Pest Management Plan (PMP) of PRF II will be implemented for 5 years (2011-2016).

Goal

The objective of this policy is to minimize and manage the environmental and health risks associated with pesticide use plus, promote and support safe, effective and environmentally sound pest management, and develop sustainable living.

Responsible Agency

PRF staff at central and local levels will be responsible for implementing the PMP and ensuring full compliance, including keeping proper documentation in project files for possible review by the World Bank.

Policy and Regulations of Pest Management

The Government of Laos (GoL) regulation number 2860/MAF (January 2010), the companies who import pesticides, fertilizers and seeds into Lao PDR. Registered pesticide has been adjusted in May 2010, companies who import pesticides, fertilizers and seeds into Lao PDR need under the rule. PRF I did not support any use of pesticide or chemical fertilizer, however, has shown that providing agriculture infrastructure may provide indirect support to the use of chemical fertilizer and pesticide in some project areas. PRF II will support communities with a view of testing models for effective and sustainable rural livelihood improvements for poor communities

PRF Staff Training

PRF II will provide basic knowledge on alternative options for agriculture development and /or livelihood activities, including safe use of pesticides and other toxic chemicals re:

1. Government and Bank policy on Pest Management .

2. Basic knowledge on potential negative environmental and health impacts the use of pesticide and chemical fertilizer.
3. Basic knowledge on how to prevent or mitigate the negative impact resulting from the use of pesticides and chemical fertilizers.

Provide Knowledge to Farmers

If a village or community prioritize agriculture infrastructure and livelihood support then, training on pest management should be provided.

Promotion of Non Chemical Agriculture

It is anticipated that linking PRF II agriculture activity with conservation agriculture technique will be important for improving the quality of life among farmers. During the planning process, action will be carried out jointly between the PRF and DAFO to plan and train farmers.

Implementation Arrangement

PRF staff at central level will be responsible for providing training to PRF staff at province and local level and Kum ban facilitators. During the consultation and budget planning training will be included in the subproject cost or capacity building at the appropriate stage.

Monitoring

PRF staff at local level will work with DAFO staff for the monitoring of the use of pesticide in target community to ensure the procured pesticide is not on the negative list provided including transport them to the target area and carry out a joint Implementation Support Mission in every six months period to review the compliance. The World Bank will use its Pest Management Guidebook as a standard to monitor compliance in the use of pesticide procured under the project.

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