Laos People’s Democratic Republic
Peace Independence Democracy Unity and Prosperity

Environment Protection Fund
Lao Environment and Social Project: Additional Financing

Environmental and Social Safeguards Framework

August 28, 2009
Preface

This Environment and Social Safeguard Framework (ESSF) will be applied to all the sub-grants to be approved by EPF for technical and/or financial support from the Lao Environment and Social (LEnS) Additional Financing Project. The LEnS Window Management Unit (WMU) of the Environmental Protection Fund (EPF) is responsible for ensuring compliance with the ESSF, including keeping proper documentation in the project file for possible review during the World Bank supervision. This document is considered a living document and could be modified and changed in line with the changing situation or scope of the activities. Close consultation with the World Bank and clearance of the revised ESSF will be necessary.
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I. INTRODUCTION

1. The Environmental and Social Safeguard Framework (ESSF) is designed to minimize adverse environmental and social impacts that may occur due to the implementation of LEnS sub-projects. Given the project’s objective and scope, it is anticipated that LEnS sub-projects will not generally cause negative social or environmental impacts. However, there is a risk that some sub-projects could involve small land acquisition or resource access restriction, or could affect ethnic communities, physical cultural resources, or natural habitats. To avoid or mitigate these risks, a “Negative List”, safeguard screening, and specific actions are provided to ensure that the issues are identified and adequate measures are undertaken. This is to ensure that the LEnS subprojects/activities are in compliance with the GOL regulations and the following World Bank Safeguard Policies: Environmental Assessment (OP 4.01), Natural Habitats (OP 4.04), Physical Cultural Resources (OP 4.11), Involuntary Resettlement (OP 4.12) and Ethnic Minorities (OP 4.10), and if possible maximize positive gains.

2. The ESSF will apply to all sub-grants and their proposed activities, to be implemented under the two EPF Windows financed by LEnS Additional Financing Project. Since the Project aims to improve environmental management, has capacity-building as a major focus, and is implemented through small sub-grants, no major environmental and adverse social impacts are expected. However, some eligible small-scale civil works or protected area management activities may require minor land acquisition or involve minor social or environmental impacts. By their nature, these activities will be mostly supported under the CBI window, but some proposals under the PICE may involve small works. The ESSF describes the project description (Section II), the safeguard screening process (Section III), and the implementation arrangement (Section IV).

II. PROJECT DESCRIPTION

3. The project development objective is to strengthen the management of environment and social issues associated with the sustainable use of natural resources in Lao PDR. To achieve this objective, LEnS provides funding support to government agencies, non-government agencies, and local communities given high priority to (a) build policy and institutional capacity of the target provinces (Bolikhamxay, Khammoune, and Savanakhet), (b) integrated river basin management in Nam Thuen-Nam Kading, (c) strengthening institutional capacity to implement the environmental and social safeguards, (d) implementation of the national policy to promote sustainable hydropower development, and (e) protection and conservation of natural habitats and biodiversity. The activities will be funded using a sub-grant mechanism in which fund will flow through the two windows (PICE and CBI) established under the Environmental Protection Fund (EPF).

4. The project comprises three components:
• Component 1: Policy Implementation and Capacity Enhancement (PICE). This component will strengthen at the national, provincial, and district levels: (i) environmental and social safeguard policy formulation and implementation; (ii) environmental assessment, and monitoring and compliance of institutional engaged in environmental management; (iii) integrated river basin management; (iv) hydropower sector sustainability; (v) environmental and social capacity development; and (vi) environmental education and awareness.

• Component 2: Community and Biodiversity Investment (CBI). This component will support initiatives to strengthen conservation practices and livelihood improvement activities in and around protected areas (building on the conservation planning approaches developed for the Nam Kading and Nakai Nam Thuen National Protected Area and its corridors) and to improve localized environmental conditions through partnership activities with communities, local governments, and civil society organization, in Central Laos.

• Component 3: Management and Monitoring Support. This component will support the following activities: the day-to-day operation of the EPF, specifically PICE and CBI windows; marketing and business development of the windows to assist beneficiaries to prepare sub-grants; developing and implementing a monitoring, evaluation and dissemination process to assess performance of the two windows, and training of WMU staff to perform all the above.

5. Type of activities include: (i) capacity building grants for Component 1 which will include studies, surveys, workshops, training, preparation of technical guidelines, monitoring and assessment of environmental conditions, etc.; and (ii) grants for protected area management and community environmental management and community livelihood activities. In addition, the project will also support the sourcing of international expertise to assist in the implementation of some tasks for the project activities.

III. SAFEGUARD SCREENING PROCESS

6. The safeguard screening comprises 4 major steps as follows:

(a) Step 1: Screening against the negative checklist

7. Negative List of Prohibited Activities: To avoid adverse impacts on the environment and people, proposals that involve the following activities are explicitly excluded from funding under LEnS:

(i) Relocation, and/or structural demolition of any homes or business.
(ii) Land acquisition that affect more than 200 persons or 40 households.
(iii) New settlements or expansion of existing settlements inside natural habitats and existing or proposed protected areas.

(iv) Likely to create adverse impacts on ethnic groups within the village and/or in neighboring villages or unacceptable to ethnic groups living in a village of mixed ethnic composition.

(v) Loss or damage to cultural property, including sites having archeological (prehistoric), paleontological, historical, religious, cultural and unique natural values.

(vi) New roads, road rehabilitation, road-surfacing, or track upgrading of any kind inside natural habitats and existing or proposed protected areas.

(vii) Purchase of gasoline or diesel generators and pumps; guns; chain saws; pesticides, insecticides, herbicides and other dangerous chemicals; asbestos and other investments detrimental to the environment.

(viii) Forestry operations, including logging, harvesting or processing of timber products; however support to sustainable harvesting and processing of NTFPs are allowed if accompanied with a management plan for the sustainable use of the resources.

(ix) Introduction of non-native species, unless these are already present in the vicinity or known from similar settings to be non-invasive.

(x) Significant conversion or degradation of natural habitat or where the conservation and/or environmental gains do not clearly outweigh any potential losses.

(xi) Large scale construction or small/medium scale construction expected to lead to significant negative environmental impacts.

(xii) Payments of salaries to regular staff of the organization to which the grant was awarded. Per diems for field activities and travel, payment for extra manpower contracted for sub-project purposes, and payments to communities for labor are allowed.

(b) Step 2: Identification of safeguard issues and preparation of mitigation measures

8. If a proposal is not excluded from funding because of the negative list shown in Step 1, it is necessary to identify key safeguard issues and provide mitigation measures relating to the following aspects:

- **Land acquisition.** Land acquisition must be avoided or minimized to the greatest extent possible through exploring alternate project design. If necessary, small land acquisition could be conducted in line with the principles and procedures described in Annex B. Bank prior consultation, appropriate documentation, and post review will be necessary.

- **Resource access restriction:** Any proposal that would impose new restrictions on access to resources in legally designated parks or protected areas would require preparation of a resettlement process framework (RPF). The purpose of the RPF
is to describe a participatory process to be undertaken during subproject implementation to identify and implement measures to mitigate adverse impacts caused by the access restrictions. WMU approval of the RPF of the subgrants is required prior to subproject implementation. Bank prior consultation, appropriate documentation, and post review will be necessary.

- **Ethnic Groups:** Any sub-project that would affect an ethnic group (with defining characteristics of Indigenous Peoples, as stated in World Bank OP 4.10) must first undertake a social assessment process, through which “free, prior and informed consultation” with affected ethnic groups results in expression of broad community support. Such consultations must be conducted in a language and location suitable for effective local participation. The subproject subsequently should be designed to ensure that it provides culturally appropriate opportunities for ethnic groups to benefit from the project, as well as to provide measures to mitigate any adverse impacts on ethnic communities. These measures are described in an *Ethnic Group Development Plan* (EGDP). World Bank approval of the EGDP, where required, is necessary prior to subproject implementation. “Ethnic groups” in the LEnS context refers to Mon-Khmer, Hmong-Mien, Sino-Tibetan and Tai-upland ethno-linguistic groups, who are culturally distinct from the lowland Lao majority population. For subprojects potentially affecting ethnic groups, guidelines in Annex C must be followed.

- **Civil works.** WMU will ensure that all sub-grants that involve civil works will comply with GOL regulations. Mitigation measures will be prepared, incorporated, and implemented for any proposal that involves construction work or changes to land or water use that may generate negative environmental impacts. The first fundamental measure is to avoid or minimize the negative impacts to the greatest extent possible through exploring alternate project design. Small-scale construction activities may proceed with the application of good engineering and housekeeping practices adapted by the LEnS project, as reflected in Annex D. Medium-scale construction, or any other activity expected to produce modest, local environmental impacts must produce a sub-grant Environmental Mitigation Plan. Annex D provides some guidance on the mitigation of the environmental impacts.

9. **Table 1 and Figure 1** below provides guidance on safeguard screening process and actions:

<table>
<thead>
<tr>
<th>Potential negative impacts</th>
<th>Required mitigation actions</th>
<th>Remarks</th>
</tr>
</thead>
</table>

Lao Environment and Social Project (LEnS) - 7 - Environment Protection Fund (EPF)
| (1) Permanent or temporary loss of land or resources for any families, including restriction of access to natural resources and/or impediments to movement of people and animals (Includes patrolling activities) | Identify the amount and nature of land required, owner, and/or other issues and prepare an Action Plan (AP) to provide compensation and/or assistance following the Resettlement Policy Framework established in Annex B | Prior consultation with WB, proper documentation, and Post review by WB will be necessary. |
| (2) Potential social conflicts arising from land tenure and land use issues and/or in water supply rights or related social conflicts | Develop a mitigation measure for conflict resolution through close consultation with stakeholders. | If the conflicts may deteriorate livelihoods or living conditions of women or the poorest families in the sub-project area or involve political influence, or likely to be escalated to higher level, inform WB. |
| (3) Likely to affect Ethnic Group | Carry out social assessment process through free, prior, and informed consultations and, if necessary, prepare an Ethnic Groups Development Plan (EGDP) in accordance with guidance in the Ethnic Groups Policy Framework (EGDF) provided in Annex C. | Prior consultation with WB, proper documentation, and Post review by WB will be necessary. |
| (4) Small activities in a Protected Area, Wildlife Reserve, Buffer Zone, Wetland, or other conservation area or activities involve civil works that may cause significant air, noise, and/or water pollution, soil erosion, and/or create public health risks, wildlife hunting, or impacts on downstream water uses. | • Prepare an Environmental Management Plan (EMP) to mitigate the potential negative impacts and/or the reduce safeguard risks. Annex D provides some guidance on the mitigation measures. • Conduct consultation with local authority and communities. | WMU will ensure that the activities are compliance with the government regulations. The documents will be kept in project file for WB post review. |
| (5) Sustainable forestry utilization, including NTFPs or introduction of non-native species | Consult with local community to reach an agreement on how to use forestry and NTFP in a sustainable ways. If a new species is involved making sure that the new species is already present in the vicinity or is known from similar setting to be non-invasive. If restriction of natural resources, social conflict, and/or Ethnic Groups as indicated in (1), (2), (3) follow the mitigation measures identified in (1), (2), (3). | Excluding logging, harvesting or processing of timber products. Close consultation with WB safeguard specialists is recommended. |
| (6) Activities involve small civil works that may cause small amount of air, noise, and/or water pollution, soil erosion, and/or create public health risks, wildlife | Apply good engineering and/or good housekeeping. Local population will be consulted (see Annex D). | WMU will ensure that the appropriate mitigation measures are included in the contract and that the sub-grantee and its contractor effectively implement |
(c) Step 3: Safeguard documentation and information disclosure

10. Documentation: potential negative impacts and the proposed mitigation measures will be identified and the results of the safeguard screening will be recorded (in form A1, A2, or A3) as follows:

- **Form A1** if the proposal will not involve any civil works, land acquisition, resettlement and/or cause negative impacts on ethnic groups, natural habitats, or physical cultural resources.
- **Form A2** if the proposal will involve small civil works and small land acquisition or may affect ethnic groups, physical cultural resources, or natural habitats, or otherwise may cause minor environmental or social impacts.
- **Form A3** if the proposal involves significant land acquisition, or may create significant impacts on ethnic groups, physical cultural resources, natural habitats, or other environmental or social aspects.

11. Information disclosure: Information related to the approved sub-grants and the mitigation of social or environmental impacts, including the mitigation plans, will be made available for local public access.

(d) Step 4: Safeguard clearance and implementation

12. Results of steps 2 with appropriate document will be reviewed by WMU before submission to the World Bank. WMU will invite WREA, Lao Front for National Construction, and other agencies to provide comments on the safeguard measures during the safeguard review process. After the review, WMU will request the WB to issue a “No Objection Letter” (NoL), as appropriate (Table 1). The screening results and/or mitigation will be included in the next steps of the proposal review process. If denied clearance, the proposal will be rejected. All the safeguard documentations (screening and other documents) will be kept in the projects files for possible review by the World Bank. WMU will ensure that the agreed actions are included in the sub-grants and that the applicants understand and commit to implement the mitigation measures.

(e) Step 5: Supervision, monitoring, and reporting

13. WMU will periodically supervise and monitor the safeguard implementation performance and include the progress/results in the project progress report. The World Bank will conduct safeguard supervision, monitoring, and post review.
**Identification and Screening Against Negative List by LEnS**

- **Pass:** Identification of potential impacts and safeguard requirements
- **Fail:** Discard grant application and inform applicant

**No Impact:** Complete Form A1 in Annex A

- **Small/Moderate Impact:** Complete Form A2 in Annex A
  - Review the proposed mitigation measures (good practices and/or consultation)
  - If Inadequate: Return to applicant for revision until adequate
  - If Adequate: Proceed with processing of sub-grant application
  - Obtain clearance from WB and process sub-grant application

**Larger Impacts:** Complete Form A3 in Annex A

- Make arrangement on the preparation of the safeguard doc. with applicants and/or WB as needed

Attach Safeguard Screening Check list and/or safeguard document to sub grant agreement

Sub-grant implementation and safeguard compliance monitoring
IV. IMPLEMENTATION ARRANGEMENT

14. WMU/EPF is responsible for ensuring compliance with the ESSF. All the subprojects will be screened according to the safeguard screening criteria (Table 1 and Figure 1) and the results will be documented using appropriate forms (A1, A2, or A3) describes in Annex A. The safeguard screening should be completed before it is submitted to the evaluation committee and peer review (if required). All safeguard documents, such as A1, A2, A3, and other related documents must be attached to the sub-grants as appropriate and kept in the project file. The screening should be conducted in close consultation with the applicants and agreement on next steps and/or mitigation measures should be reached. In cases where the applicant does not have the capacity or resources to complete all required planning and documentation, the applicant can apply for a smaller sub-grant to complete the required mitigation measures. Table 2 summarizes the responsibility of key parties.

Table 2.

<table>
<thead>
<tr>
<th>Who</th>
<th>Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicants [Sub-grant Implementers]</strong></td>
<td>During preparation:</td>
</tr>
<tr>
<td></td>
<td>- Read ESSF and annexes</td>
</tr>
<tr>
<td></td>
<td>- Ensure no prohibited activities or budget items are included in the proposal –see the negative checklist</td>
</tr>
<tr>
<td></td>
<td>- Identify potential impacts and prepare appropriate mitigation measures and required documents and plans, such as Good Engineering and Housekeeping practices, Environmental Mitigation Plans (EMP), and/or Ethnic Group Development Plan (EGDP) as needed. Consultation with WMU will be highly recommended. The proposed plan and/or actions should be made in consultation with the affected population (positive or negative.)</td>
</tr>
<tr>
<td></td>
<td>- Disclose all safeguard information in an appropriate manner.</td>
</tr>
<tr>
<td></td>
<td>During implementation</td>
</tr>
<tr>
<td></td>
<td>- Implement the agreed actions as indicated in the sub-grant documents and submit progress report to WMU periodically. The documents should be kept in the project files for possible review by WB.</td>
</tr>
<tr>
<td><strong>WMU (for the proposal from provinces procedure between the Provincial Facilitators and WMU Vientiane should be established)</strong></td>
<td>- Screens all proposals for safeguard compliance</td>
</tr>
<tr>
<td></td>
<td>- Maintains records of all proposals and screening decisions</td>
</tr>
<tr>
<td></td>
<td>- Highlights potential safeguards issues and provides recommendations for mitigation if required, based on consultations with the applicants and affected population</td>
</tr>
<tr>
<td></td>
<td>- If needed, make site visits during safeguard screening review to those projects that trigger safeguards in order to verify the physical characteristics of projects with environmental impacts and/or to verify the consultation process with project-affected persons</td>
</tr>
<tr>
<td></td>
<td>- Reviews safeguards documentation before submission to the WB</td>
</tr>
<tr>
<td></td>
<td>- Facilitates agreements between communities/stakeholders and implementers for safeguard mitigation measures</td>
</tr>
<tr>
<td></td>
<td>- Confirms agreed terms of mitigation in private discussions with affected communities/stakeholders</td>
</tr>
<tr>
<td></td>
<td>- Assist communities to identify potential impacts and mitigation measures.</td>
</tr>
<tr>
<td></td>
<td>- Oversees the implementation of the EMPs or other measures; Specialized technical assistance may be necessary;</td>
</tr>
<tr>
<td></td>
<td>- Periodic monitoring and supervision the safeguard implementation performance and include the results in the progress report.</td>
</tr>
<tr>
<td><strong>World Bank</strong></td>
<td>- Review and clear safeguards documentation, issue “No Objection Letter” as necessary.</td>
</tr>
</tbody>
</table>
ANNEX A: SAFEGUARD SCREENING FORMS (A1, A2, A3)
## Sub-Grant Safeguard Screening Form A1 (SF09)

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Proposal name:</th>
<th>Proposal number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grant type:</td>
<td>CBI ☐</td>
<td>PICE ☐</td>
</tr>
<tr>
<td>Amount requested:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

I certify that this sub-grant does not involve any of the twelve activities included in the negative checklist provided in Step 1 of the ESSF. The sub-grant also will not cause any adverse social or environmental impacts, and will not affect ethnic groups, and therefore does not require preparation and clearance of safeguards mitigation measures.

Screen by: ……………………………………………………………………

Date: 

Remarks: 

1. Briefly describe objective, scope, and/or location of the proposal
Sub-Grant Safeguard Screening Form A2 (SF09)

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Proposal name:</th>
<th>Proposal number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grant type:</td>
<td>CBI ☐</td>
<td>PICE ☐</td>
</tr>
</tbody>
</table>

Amount requested: 

I certify that this sub-grant does not involve any of the twelve activities identified in the negative checklist in Step 1 of the ESSF. The sub-grant will not affect ethnic groups. If the sub-grant involves small-scale land acquisition, an abbreviated RAP is required (as described in Annex B). If other minor social or environmental adverse impacts are likely, good engineering and management practices have been incorporated into the project design to minimize or mitigate them. Details of the potential impacts and mitigation measures are listed below.

Screen by: ………………………………………………………………………

Date: 

Remarks:

1. Briefly describe objective, scope, and/or location of the proposal

2. Briefly describe the mitigation measures

SCRENNING QUESTIONS

<table>
<thead>
<tr>
<th>Do the proposed activities or budget include any of the following:</th>
<th>No</th>
<th>Unknown</th>
<th>Yes</th>
<th>Proposed Mitigation Measures</th>
</tr>
</thead>
</table>

Lao Environment and Social Project (LEnS) - 14 - Environment Protection Fund (EPF)
### A. Social Issues

If yes, see Guidelines in Table 1 and Annexes B and C. If unknown, collect more information.

- Small land acquisition or may induce new settlements or expansion of existing settlements inside natural habitats and existing or proposed protected areas?
  - □
  - □
  - □  
  Briefly describe key mitigation measures

- Restriction on access to, or use of, natural resources in legally designated parks or protected areas.
  - □
  - □
  - □  
  Briefly describe key mitigation measures

- Potential social conflicts
  - □
  - □
  - □  
  Briefly describe key mitigation measures

- Likely to involve Ethnic Groups
  - □
  - □
  - □  
  Briefly describe key mitigation measures

### B. Environmental Issues:

If yes, see Guidelines in Table 1 and Annex D. If unknown, collect more information.

- Involve small civil works and requires contractors
  - □
  - □
  - □  
  Briefly describe key mitigation measures

- Introduction of non-native species, but there are already present in the vicinity or known from similar settings to be non-invasive
  - □
  - □
  - □  
  Briefly describe key mitigation measures

- Sustainable use of forest products, including tree cutting, harvesting of NTFPs
  - □
  - □
  - □  
  Briefly describe key mitigation measures

- Protected Area, Wildlife Reserve, Buffer Zone, or other conservation area
  - □
  - □
  - □  
  Briefly describe key mitigation measures.

- Wetland and/or other sensitive areas (schools, hospitals, etc.)
  - □
  - □
  - □  
  Briefly describe key mitigation measures
## Sub-Grant Safeguard Screening Form A3 (SF08)

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Proposal name:</th>
<th>Proposal number:</th>
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<tbody>
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<table>
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<tr>
<th>Grant type:</th>
<th>CBI</th>
<th>□</th>
<th>PICE</th>
<th>□</th>
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</table>

Amount requested: [ ]

I certify that this sub-grant does not involve any of the twelve activities identified in the negative checklist in Step 1 of the ESSF.

Screened by:

<table>
<thead>
<tr>
<th>Safeguard Requirements:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>□</td>
<td></td>
</tr>
<tr>
<td>□ (List and briefly describe required mitigation plans)</td>
<td></td>
</tr>
</tbody>
</table>

Recommendations for proposal improvement before submitting to Peer Review or Evaluation Committee:

Prepared with the following community members / Partner Organizations:

Remarks:

---

<table>
<thead>
<tr>
<th>SCREENING QUESTIONS</th>
<th>No</th>
<th>Unknown</th>
<th>Yes</th>
<th>Proposed Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lao Environment and Social Project (LEnS)</td>
<td>- 16 -</td>
<td>Environment Protection Fund (EPF)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Do the proposed activities or budget include any of the following:

<table>
<thead>
<tr>
<th>A. SOCIAL SAFEGUARDS TRIGGERS</th>
<th>Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOES THE SUB-PROJECT INVOLVE OR IMPACT ANY OF THE FOLLOWING:</td>
<td>If yes, see Guidelines in Table1 and Annexes B and C. If unknown, collect more information.</td>
</tr>
<tr>
<td>• Permanent or temporary or permanent loss of land or resources, including restriction of access to natural resources in legally designated parks or protected areas?</td>
<td>☐ ☐ ☐ Briefly describe the issues and key mitigation measures</td>
</tr>
<tr>
<td>• Affect ethnic groups?</td>
<td>☐ ☐ ☐ Briefly describe the issues and key mitigation measures</td>
</tr>
<tr>
<td>• Conflicts in water supply rights and related social conflicts?</td>
<td>☐ ☐ ☐ Briefly describe the issues and key mitigation measures</td>
</tr>
<tr>
<td>• Impediments to movements of people and animals?</td>
<td>☐ ☐ ☐ Briefly describe the issues and key mitigation measures</td>
</tr>
<tr>
<td>• Potential social conflicts arising from land tenure and land use issues?</td>
<td>☐ ☐ ☐ Briefly describe the issues and key mitigation measures</td>
</tr>
<tr>
<td>• Deterioration of livelihoods or living conditions of women or the poorest families in the sub-project service area?</td>
<td>☐ ☐ ☐ Briefly describe the issues and key mitigation measures</td>
</tr>
<tr>
<td>• Other:</td>
<td>☐ ☐ ☐ Briefly describe the issues and key mitigation measures</td>
</tr>
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<tr>
<th>C. POTENTIAL ENVIRONMENTAL IMPACTS</th>
<th>Measures</th>
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<tbody>
<tr>
<td>WILL THE PROJECT CAUSE:</td>
<td>If yes, see Guidelines in Table1 and Annex D. If unknown, collect more information.</td>
</tr>
<tr>
<td>• Impairment of downstream water quality and therefore, impairment of downstream beneficial uses of water?</td>
<td>☐ ☐ ☐ Briefly describe the issues and key mitigation measures</td>
</tr>
<tr>
<td>• Noise or dust from construction equipment?</td>
<td>☐ ☐ ☐ Briefly describe the issues and key mitigation measures</td>
</tr>
<tr>
<td>• Are there risks of soil erosion?</td>
<td>☐ ☐ ☐ Briefly describe the issues and key mitigation measures</td>
</tr>
<tr>
<td>• Are there any pollution and/or public health risks</td>
<td>☐ ☐ ☐ Briefly describe the issues and key mitigation measures</td>
</tr>
</tbody>
</table>

D. OTHER REMARKS:

E. CONCLUSIONS/RECOMMENDATIONS:
<table>
<thead>
<tr>
<th>PROponent</th>
<th>WMU SAFEGUARD COORDINATOR</th>
</tr>
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<tbody>
<tr>
<td>NAME:</td>
<td>NAME:</td>
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<tr>
<td>POSITION:</td>
<td>POSITION:</td>
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<td>DATE:</td>
<td>DATE:</td>
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<th>F. SIGNING OFF:</th>
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<td>PROponent</td>
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<td>NAME:</td>
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<td>POSITION:</td>
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ANNEX B: LAO ENVIRONMENT AND SOCIAL (LEnS) PROJECT - ADDITIONAL FINANCING:

Resettlement Policy Framework (RPF)

I. Introduction

1. This document constitutes the Policy Framework for Land Acquisition, Compensation, Resettlement and Rehabilitation of Displaced Persons for LEnS additional financing. The Government of Lao PDR (GoL) through the Environmental Protection Fund (EPF) has agreed to apply World Bank environmental and social safeguard policies in the design and implementation of this project, including OP 4.12, “Involuntary Resettlement.” Because this project identifies sub-grants during the implementation phase, it is impossible to determine all resettlement planning requirements at appraisal. This framework establishes principles and procedures to be followed if activities undertaken during LEnS implementation cause land acquisition or other involuntary restrictions on access to land or resources. In such instances, the framework requires that a Resettlement Action Plan (RAP) is prepared for sub-grants causing land acquisition (or a Resettlement Process Framework, or RPF, for sub-grants imposing restrictions on access to resources in designated parks or protected areas). The purpose of the RAP (or RPF) is to ensure that any such potential impacts are minimized, and that any persons affected by such impacts are provided ample opportunity, through provision of compensation or other forms of assistance, to improve or at least restore their incomes and living standards.

II. Project Description

2. As described in Section II of the main text, the project objectives and description is provided below:

The project development objective is to strengthen the management of environment and social issues associated with the sustainable use of natural resources in Lao PDR. To achieve this objective, LEnS provides funding support to government agencies, non-government agencies, and local communities given high priority to (a) build policy and institutional capacity of the target provinces (Bolikhamxay, Khammoune, and Savanakhet), (b) integrated river basin management in Nam Thuen-Nam Kading, (c) strengthening institutional capacity to implement the environmental and social safeguards, (d) implementation of the national policy to promote sustainable hydropower development, and (e) protection and conservation of natural habitats and biodiversity. The activities will be funded using a subgrant mechanism in which fund will flow through the two windows (PICE and CBI) established under the Environmental Protection Fund (EPF).

The project comprises three components:

- Component 1: Policy Implementation and Capacity Enhancement (PICE). This component will strengthen at the national, provincial, and district levels: (i) environmental and social safeguard policy formulation and implementation; (ii) environmental assessment, and monitoring and compliance of institutional engaged in environmental management; (iii) integrated river basin management; (iv)) hydropower
sector sustainability; (v) environmental and social capacity development; and (vi) environmental education and awareness.

- Component 2: Community and Biodiversity Investment (CBI). This component will support initiatives to strengthen conservation practices and livelihood improvement activities in and around protected areas (building on the conservation planning approaches developed for the Nakai Nam Thuen National Protected Area and its corridor) and to improve localized environmental conditions through partnership activities with communities, local governments, and civil society organization, in Central Laos.

- Component 3: Management and Monitoring Support. This component will support the following activities: the day-to-day operation of the EPF, specifically PICE and CBI windows; marketing and business development of the windows to assist beneficiaries to prepare sub-grants; developing and implementing a monitoring, evaluation and dissemination process to assess performance of the two windows, and training of WMU staff to perform all the above.

Type of activities include: (i) capacity building grants for Component 1 which will include studies, surveys, workshops, training, preparation of technical guidelines, monitoring and assessment of environmental conditions, etc.; and (ii) grants for protected area management and community environmental management and community livelihood activities. In addition, the project will also support the sourcing of international expertise to assist in the implementation of some tasks for the project activities.

3. The activities that may involve land acquisition and/or resources restrictions are those included in the CBI subgrants which are expected to be located in Nam Thuen-Nam Kading river basin. However, given that the scope and objectives of these subgrants are for conservation purpose, most of the impacts are likely to be positive, and sub-grant selection criteria are intended to ensure that any land acquisition or resettlement impacts would be minor. Close consultation of the local authorities and local population will be critical.

III. Policy Objectives and Key Definitions

4. OP 4.12 provides essential guidance on objectives and principles that are applicable in projects generating land acquisition and resettlement-related impacts. Key objectives and definitions are as follows:

5. Every reasonable effort will be made to avoid or minimize the need for land acquisition, and to minimize all resettlement-related adverse impacts. If land acquisition and associated adverse impacts cannot be avoided, the principle objective of the RPF is to ensure that all persons subjected to adverse impacts (“displaced persons” as defined below) are compensated at replacement cost (as defined below) for lost land and other assets and otherwise provided with any rehabilitation measures or other forms of assistance necessary to provide them with sufficient opportunity to improve, or at least restore, their incomes and living standards.

6. “Displaced persons” refers to all of the people who, on account of the activities listed above, would have their (1) standard of living adversely affected; or (2) right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable
asset acquired or possessed temporarily or permanently; (3) access to productive assets adversely affected, temporarily or permanently; or (4) business, occupation, work or place of residence or habitat adversely affected; and “displaced person” means any of the displaced persons.

7. "Replacement cost" is the method of valuation of assets which determines the amount of compensation sufficient to replace lost assets, including any necessary transaction costs. Compensation at replacement cost is defined as follows: For agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes. For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors’ fees, plus the cost of any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures so as to meet the replacement cost standard. Such additional assistance is distinct from resettlement measures to be provided under other clauses in OP 4.12, Para. 6.

“Land acquisition” is the process whereby a person involuntarily loses ownership, use of, or access to, land as a result of the project. Land acquisition can lead to a range of associated impacts, including loss of residence or other fixed assets (fences, wells, tombs, or other structures or improvements that are attached to the land).

“Rehabilitation” is the process by which displaced persons are provided sufficient opportunity to restore productivity, incomes and living standards. Compensation for assets often is not sufficient to achieve full rehabilitation.

“Cut-off Date" is the date prior to which the ownership or use establishes eligibility as displaced persons for compensation or other assistance. The cut-off date is established in the RP. It normally coincides with the date of the census of affected persons, or the date of public notification regarding the specific civil works that would cause displacement. Persons coming into the project area after the cut-off date are not eligible for compensation or other assistance.

Key Principles

8. World Bank’s OP 4.12 establishes several key principles to be followed in resettlement planning and implementation. Of particular relevance for this RPF are the following:

a) Wherever possible, project designs and RAPs should be conceived as development opportunities, so that displaced persons may benefit from the services and facilities created for, or by, project activities.

b) All displaced persons are entitled to compensation for lost assets, or to alternative but equivalent forms of assistance in lieu of compensation; lack of legal rights to the assets
lost will not bar displaced persons from entitlement to such compensation or alternative forms of assistance.

c) Compensation rates as established in a RAP refer to amounts to be paid in full to the individual or collective owner of the lost asset, without depreciation or deduction for taxes, fees or any other purpose.

d) When cultivated land is acquired, effort should be made to provide land-for-land replacement.

e) Replacement houseplots, sites for relocating businesses, or replacement agricultural land should be of equivalent use value to the land that was lost.

f) The resettlement transition period should be minimized. Compensation for assets should be paid prior to the time of impact, so that new houses can be constructed, fixed assets can be removed or replaced, and other necessary mitigation measures can be undertaken prior to actual displacement.

g) Displaced persons are to receive support (direct assistance or allowances) to meet moving expenses or for temporary subsistence until they can resume productive activities.

h) Displaced persons should be consulted during the process of RAP preparation, so that their preferences regarding possible resettlement arrangements are solicited and considered; RAPs are publicly disclosed in a manner accessible to displaced persons.

i) The previous level of community services and access to resources will be maintained or improved after resettlement.

j) Responsibility must be clearly established for meeting all costs associated with land acquisition and resettlement, and for ensuring that sufficient funds are available as they become needed.

k) Clear institutional arrangements must be established to ensure effective and timely implementation of all resettlement and rehabilitation measures.

l) Adequate arrangements for effective monitoring will be made on implementation of all resettlement measures.

m) Methods by which displaced persons can pursue grievances will be established, and information about grievance procedures will be provided to displaced persons.

IV. Lao PDR Legal and Regulatory Framework

9. The legal context in Lao PDR has been changing rapidly over the last few years. A Constitution was introduced in 1991, forestry and water resources laws in 1996, and land law in 1997. These laws are being updated and revised. In 2005, the Compensation and Resettlement (CR) Decree has been established and a technical guideline is being finalized. The CR Decree is based on the following laws and decrees:

- The Constitution of the Lao PDR
- The Land Law No. 01/97 SPS, dated 12 April 1997
- The Forestry Law No. 01/96, dated 11 October 1996
- The Water and Water Resources Law No. 02/96, dated 11 October 1996
- The Environmental Protection Law No. 02/99 SPS, dated 3 April 1999
- The Electricity Law No. 02/97 SPS, dated 12 April 1997
- The Road Law No. 04/99 SPS, dated 03 April 1999
- The Mineral Resources Law (April 1997)
- The Town Planning Law No. 03/99 SPS, dated 03 April 1999
• Regulation 1266/95 of MCTPC on Valuation of Vehicles, Houses, Built Structures and Household Facilities for Government Employees-Personnel

V. Preparing and Approving RAPs

10. For this project, overall responsibility for preparation and implementation of any necessary RAPs rests with the WMU/EPF. As relevant, WMU/EPF, in collaboration with provincial or district officials, will coordinate activities as necessary to ensure effective resettlement planning and implementation in a timely manner.

11. To avoid significant resettlement impacts and the necessity for preparation of extensive resettlement plans and budgets, all proposed sub-grants will be screened against a negative list that disqualifies any sub-grant that would affect more than 200 persons. Once it is determined that some lesser extent of land acquisition or any associated impacts is essential to complete any sub-grant activities, and once siting criteria establish the land area to be acquired, resettlement planning should begin. The sub-grant proponent will carry out, or cause to be carried out, a census survey to identify and enumerate all displaced persons, and a socioeconomic survey to determine the range and scope of adverse impacts in the affected area. The census survey must cover 100% of the persons to be displaced; the socioeconomic survey may be undertaken on a sample basis. Because sub-grants potentially affecting more than 200 persons are not permitted, plans normally must meet standards of “abbreviated” RAPs (as defined in OP 4.12, Annex A). If impacts affecting any persons are not minor, additional planning requirements may be necessary. Impacts are considered “minor” if the affected people are not physically displaced from their homes or businesses and less than 10% of their productive assets are lost.

12. If a RAP is necessary, it will be prepared in accordance with the policy principles and planning and implementation arrangements set forth in this framework. The RAP is based on accurate baseline census and socioeconomic survey information, and establishes appropriate mitigation measures (e.g., compensation for assets, transitional assistance, economic rehabilitation assistance) as appropriate for all categories of adverse impacts. Depending on the categories of impacts, the RAP specifically addresses the following:

   a) a census survey of displaced persons and valuation of assets;
   b) description of compensation and other resettlement assistance to be provided;
   c) eligibility criteria;
   d) consultation and disclosure arrangements;
   e) organizational arrangements for implementation
   f) timetable and budget;
   g) monitoring arrangements;
   h) grievance procedures

14. All RAPs must be reviewed and approved by WMU/EPF prior to sub-grant final approval. All RAPs must be disclosed locally in a manner accessible to displaced persons, and kept on file by WMU/EPF. The World Bank will review RAPs on a post-review basis, and supervise RAP implementation at sub-grant localities.
VI. Entitlement Policy

a) All displaced persons are eligible for compensation and/or other forms of assistance, as relevant to the nature of impacts affecting them. Though sub-grant screening is intended to eliminate significant impacts such as loss of house or commercial structures, or major loss of productive land, provisions of this framework will apply in the event that significant impacts inadvertently occur.

15. In general, people eligible for compensation would include those affected in the following ways:

- **Land to be permanently acquired for the project:** This includes a) owners with formal legal title, b) land users eligible for formal legal title under Lao PDR law, and c) those residing on, or using, state land prior to an established cut-off date, usually the date of public notification regarding the specific civil works activity that would cause displacement. Displaced persons in categories a) and b) are entitled to compensation at replacement cost. In lieu of formal compensation, displaced persons in category c) are provided with alternative forms of assistance, in value equivalent to replacement cost.

- **Loss of houses, other structures and fixed assets, including trees and standing crops:** Owners of houses and other assets (regardless of whether they hold land title or building permits for structures erected prior to the cut-off date).

- **Losses associated with temporary impacts:** This includes temporary loss of land, and transitional costs associated with moving, or disturbance to businesses during construction.

16. Specifically, displaced persons will be entitled to the following types of compensation and rehabilitation measures:

1. **Displaced persons losing agricultural land:**

   a) The preferred mechanism for compensation of lost agricultural land will be through provision of replacement land of equal productive capacity and satisfactory to the displaced person. If satisfactory replacement land cannot be identified, compensation at replacement cost may be provided.

   b) Displaced persons will be compensated for the loss of standing crops at market price, for economic trees at net present value, and for other fixed assets (ancillary structures, wells, fences, irrigation improvements) at replacement cost.

   c) Compensation will be paid for temporary use of land, at a rate tied to duration of use, and the land or other assets will be restored to prior use conditions at no cost to the owner or user.

   d) Voluntary contribution of land (agricultural or vacant residential land) is acceptable only when the amount of land to be contributed is less than 5% of the total household land. Voluntary contribution is acceptable only when the contributor is fully aware of his rights (including the right to refuse contribution without compensation). Signature
or thumb print documentation indicating voluntary contribution must be obtained prior to sub-grant approval, and such records must be kept on file at WMU/EPF.

2. **Displaced persons losing residential land and structures**
   
a) Loss of residential land and structures will be compensated either in-kind (through replacement of house site and garden area of equivalent size, satisfactory to the displaced person, or in cash compensation at replacement cost.

b) If after partial land acquisition the remaining residential land is not sufficient to rebuild or restore a house of other structures of equivalent size or value, then at the request of the displaced person the entire residential land and structure will be acquired at replacement cost.

c) Compensation will be paid at replacement cost for fixed assets.

d) Tenants, who have leased a house for residential purposes will be provided with a cash grant of three months rental fee at the prevailing market rate in the area and will be assisted in identifying alternative accommodation.

3. **Displaced persons losing business**
   
a) Compensation for loss of business will involve, as relevant: (i) provision of alternative business site of equal size and accessibility to customers, satisfactory to the displaced business operator; (ii) cash compensation for lost business structures: and (iii) transitional support for loss of income (including employee wages) during the transition period.

4. **Infrastructure and access to services**
   
   - Infrastructure (such as water sources, roads, sewage systems or electrical supply) and community services (such as schools, clinics or community centers) will be restored or replaced at no cost to the communities affected. If new resettlement sites are established, infrastructure and services consistent with local standards will be provided at no cost to the relocated persons.

**VII. Rehabilitation Measures**

17. Compensation may be sufficient to allow displaced persons to restore incomes if paid at replacement cost, assuming that replacement assets are available. Often, however, resettlement may require displaced persons to obtain new skills required for resuming production in a new environment, or to pursue new sources of income. The RAP should assess the significance of impacts to be imposed on displaced persons, and provide measures to assist those significantly affected in adapting to new livelihood challenges. Terms for participation in such measures, including training, extension services, or employment, along with responsibility for providing them, should be specified in the RAP.
VIII. Consultation and Disclosure

18. To promote active project engagement and adaptation to changed living circumstances, displaced persons should be provided with opportunities to participate in planning and implementation. At minimum, displaced persons should be consulted on preferences and concerns during the resettlement planning process. All displaced persons are to be informed regarding potential impacts and proposed mitigation measures, including compensation rates. The RAP will be disclosed, in a manner and location accessible to displaced persons while in draft, and subsequently disclosed again following finalization.

IX. Implementation Arrangements

19. The RAP reviews organizational arrangements, to ensure that implementation procedures are clear, that responsibility is clearly designated for provision of all forms of assistance, and that adequate coordination among all agencies involved in RAP implementation is assured. The RAP must include a detailed implementation schedule, linking the project construction timetable to resettlement-related activities. The implementation timetable should establish that compensation (in cash or in kind) should be completed at least one month prior to initiation of civil works, and at least three months before residential structures are demolished.

X. Costs and Budget

20. Each resettlement plan will include detailed cost of compensation and other rehabilitation entitlements and relocation of displaced persons, if that be the case, with a breakdown by agricultural land, residential land, business land, houses, businesses and other assets. The cost estimates will make adequate provision for contingencies. The resettlement plans will explicitly establish sources for all funds required, and will ensure that fund flow is compatible with the timetable for payment of compensation and provision of all other assistance.

XI. Grievance Procedure

21. RAPs will establish means for displaced persons to bring complaints to the attention of relevant project authorities. Grievance procedures should include reasonable performance standards, e.g., time required to respond to complaints, and should be provided without charge to displaced persons. The RAP should also state other avenues available to aggrieved persons if the project-related procedures fail to resolve complaints.

XII. Resettlement Monitoring

22. In addition to internal project monitoring arrangements, the project owner will ensure that RAP implementation will be monitored by a qualified agency independent of project implementing agencies. The RAP should establish the scope and frequency of monitoring activities. External monitoring reports will be prepared for simultaneous submission to the project office and the World Bank.

XIII. Resettlement Process Framework

23. Conservation-oriented sub-grants may impose restrictions on access to natural resources in (or adjacent to) legally designated parks or protected areas. In such cases, the objective of
ensuring that affected persons are assisted to improve, or at least restore, incomes and living standards is pursued through a participatory mitigation process described in an RPF. In such cases, displaced persons participate in sub-grant design, including determination of restrictions on access to resources. The RPF describes that participatory process by which the sub-grant will be designed and implemented, criteria for eligibility of displaced persons will be determined, livelihoods assistance measures for displaced persons will be identified, and how any conflicts related to restricted access to resources will be resolved.

24. The RPF should describe agreements reached with relevant provincial or district officials to ensure full cooperation with the processes to be established (including clear delineation for administrative and financial responsibilities, as needed. The RPF also should describe monitoring arrangements regarding impacts associated with restrictions on access, as well as on the effectiveness of mitigation measures necessary for livelihoods improvement (or restoration).

XIV. Resolving Inconsistencies

25. As provided in legal documentation for the project, if there is any inconsistency between the laws and regulations of Lao PDR and this policy framework, the domestic law or regulation shall be waived to the extent necessary to achieve objectives specified in this framework.
ANNEX C: ETHNIC GROUPS DEVELOPMENT FRAMEWORK (EGDF)

Introduction

A. WMU/EPF and OP 4.10

1. As a prerequisite to IDA support, WMU/EPF must meet the requirements of Operational Policy 4.10 (Indigenous Peoples). This policy requires that special planning measures be established to protect the interests of ethnic groups with a social and cultural identity distinct from the dominant society that may make them vulnerable to being disadvantaged in the development process.

2. As characterized in OP 4.10, ethnic groups can be identified in particular geographical areas by the presence in varying degrees of the following characteristics:
   
   (a) a close attachment to ancestral territories and to the natural resources in these areas;
   (b) self-identification and identification by others as members of a distinct cultural group;
   (c) an indigenous language, often different from the national language;
   (d) presence of customary social and political institutions; and

3. Based on the above characteristics, there are many ethnic groups in Laos. According to recent classification by Lao Front for National Construction (LFNC), the country could be classified into four linguistic groups with 49 ethnic categories. Different ethnic groups other than Lao account for over 40% of total population. They are Lao-Tai, Mon-Khmer, Hmong-mien, and Sino-Tibetan groups. The Bank has determined that OP 4.10 will apply to at least three linguistic groups except for Lao-Tai, who still maintain cultural and socioeconomic practices different than those practiced by the Lao national majority.

4. OP 4.10 requires the borrower to conduct free, prior and informed consultations with potentially affected ethnic groups. As a prerequisite for project approval, this consultation process must establish a pattern of broad community support for the project and its objectives. In the context of this project, it is important to note that the OP 4.10 refers to social groups and communities, and not to individuals. The primary objectives of OP 4.10 are:

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

5. Since LEnS components may support sub-grants across the whole country, they are likely to affect ethnic groups in different regions. This EGDF has been prepared in order to provide some general principles and procedures that will be applied during sub-grant preparation and implementation, if ethnic groups are to be affected. In the LEnS project, therefore, the purpose of the framework is one of ensuring consultation, giving ethnic groups a voice, and an opportunity to benefit from the project.

B. Screening for ethnic groups among the affected populations
6. The project design recognizes that ‘meaningful’ participation by poor and disadvantaged sections of society requires special focus that goes beyond routine project procedures. The project is, therefore, committed to, and has the organizational instruments to, ensure that ethnic groups are (i) consulted in matter relating to each sub-grant, (ii) provided opportunities for participation in decision making related to the sub-grant, and (iii) provided opportunities for participation in project activities should they so desire.

7. During the preparation of the subgrant proposal and/or subgrant approval, a social assessment process will be undertaken to define the nature and scope of impacts on the ethnic groups among the affected populations. By gathering both qualitative and quantitative data in the project areas through a range of Participatory Rapid Appraisal (PRA) techniques, the basic social and economic profile of beneficiary population or project affected people will be developed.

C. Principles and procedures applied if a sub-grant affects ethnic groups

8. WMU/EPF will ensure that free, prior and informed consultations are undertaken, in a language spoken by, and location convenient for, potentially affected ethnic groups. The views of ethnic groups are to be taken into account during preparation and implementation of sub-grants, while respecting their current practices, beliefs and cultural preferences. The outcome of the consultations will be documented into the project documents.

9. If the ethnic groups conclude that the sub-grant will be beneficial to them, and that any adverse impacts can be mitigated, a plan to assist them will be developed based on consultation with ethnic groups and local Lao Front for Construction (LFC) representatives. The community should also be consulted to ensure that their rights and culture are respected. The assistance may also include institutional strengthening and capacity building of ethnic villages and community groups working with the sub-grant.

D. Reporting, Monitoring and Documentation

10. The proposed screening, social assessment and consultation process will provide comprehensive baseline data on social, economic and technical aspects of each sub-grant. This includes also participatory mapping of community access to road and other key services. If the social assessment confirms that no ethnic group communities exist in the project areas, no further action is necessary. If the social assessment indicates that there are potential social issues because of ethnic group populations in a sub-grant, it will be ensured that the responsible project sponsor will undertake specific measures to consult with, and give opportunity for ethnic group populations in participating decision making related to the sub-grant, should they so desire. The social assessment process itself is often the method by which such consultations are undertaken, however they can be undertaken as a separate exercise.

11. Besides specific attention to ethnic group issues in supervision and monitoring, WMU/EPF will include these matters in their progress reporting. The IDA supervision missions will periodically pay special attention to ensure that that the sub-grants affecting ethnic groups afford benefits to, and mitigate any adverse impacts on, them.
E. Consultation Framework for Ethnic Minority Issues under LEnS Additional Financing

12. The consultation framework aims to ensure that ethnic groups are well informed, consulted and mobilized to participate in the sub-grants to be supported under LEnS. Their participation can either provide them benefits with more certainty, or protect them from any potential adverse impacts of sub-grants to be financed by the project. The main features/process of the consultation framework includes a preliminary screening process, then a social impact assessment to determine the degree and nature of impact of each subproject to be supported by LEnS, and an action plan will be developed if warranted. Consultations with and participation of ethnic groups, their leaders and local government officials will be an integral part of the overall Ethnic Group Development Plan (EGDP), which should be prepared along with the project feasibility report. The EGDP consist of the following sections:

1. preliminary screening
2. social assessment
3. mitigation measures
4. development assistance
5. monitoring

13. LEnS Additional Financing will provide funding support to the Lao Front Construction and/or provinces to develop a national guidelines and provincial EGDP at least for Borikhamxay and Khammuane following the guidelines describe in Section E below. A series of training to all implementers and local agencies preparing and implementing EGDPs will be included.

E1. Preliminary Screening

14. All sub-grant areas which have ethnic group communities and are candidates for LEnS support will be visited (at the time of first consultation with communities) by project sponsor and relevant local authorities, including personnel with appropriate social science training or experience. Prior to the visit, respective project sponsor will send notice to the communities informing their leaders that they will be visited by the respective project sponsor and local authorities and consultation will be conducted on the sub-grant. The notice will request that the communities invite to the meeting representatives of farmers, women associations and village leaders for discussion on the sub-grant. During the visit, the community leaders and other participants will present their views with regards to the sub-grant.

15. At this visit, personnel with social science training or experience will undertake a screening for ethnic group population with the help of ethnic group leaders and local authorities. The screening will check for the following:

(a) names of ethnic groups in the affected village
(b) total number of ethnic groups in the affected villages
(c) percentage of ethnic people in affected villages
(d) number and percentage of ethnic households within a described zone of influence of the proposed sub-grant. (The zone of influence should include all areas in which sub-grant-related benefits and adverse impacts are likely to be relevant.)

16. If the results show that there are ethnic group communities in the zone of influence of the proposed sub-grant, a social assessment will be planned for those areas.
E2. Social Assessment

17. The social assessment (SA) will be undertaken by qualified social scientists (or consultants). The SA will gather relevant information on the following: demographic data; social, cultural and economic situation; and social, cultural and economic impacts - positive and negative.

18. Free, prior and informed consultations will be conducted through a series of meetings, including separate group meetings: ethnic village chiefs; ethnic men; and ethnic women, especially those who live in the zone of influence of the proposed work under subproject. Discussions will focus on sub-grant impacts, positive and negative; and recommendations for design of sub-grants. If the SA indicates that the potential impact of the proposed sub-grant will be significantly adverse or that the ethnic community rejects the proposal, the sub-grant will not be approved (and therefore no further action is needed). If the ethnic group supports the subproject implementation an EGDP will be developed to ensure that the ethnic groups receive culturally appropriate opportunities to benefit from the sub-grant activities, and to address any concerns or negative impacts associated with the sub-grant.

E3. Ethnic Groups Development Plan

19. The EGDP will describe consultation processes and results, and subsequent design considerations to ensure that ethnic groups benefit from sub-grant activities, and that measures are provided to mitigate any adverse impacts on them. An EGDP will include:

   (1) legal framework  
   (2) baseline data;  
   (3) land tenure information;  
   (4) information on consultations and local participation;  
   (5) technical identification of development or mitigation activities;  
   (6) institutional arrangement;  
   (7) implementation schedule;  
   (8) monitoring and evaluation; and  
   (9) cost and financing plan.

E4. Implementation Arrangement

20. WMU/EPF will be responsible for training respective project sponsor or local authorities to undertake the work of consultation, screening, social impact assessment, analyses and preparing EGDPs.

21. Project sponsors of individual sub-grants and local authorities are responsible for implementing EGDP (arrange adequate staff and budget).

E5. Monitoring

22. Implementation of the EGDPs will be regularly supervised and monitored by WMU/EPF. The findings and recommendations will be recorded in quarterly reports and to be furnished to IDA.
23. Sub-grants with an EGDP will be subjected to external monitoring by the Water Resources and Environment Administration (WREA), the Lao Front for Construction (LFC), and/or an independent qualified consultant. The external monitoring agency or consultant should be hired under terms of reference that specify frequency of monitoring, sampling and interviewing methods, and reporting requirements. Monitoring reports should be maintained by WMU/EPF and made available to the World Bank supervision team.

**E6. Schedule**

24. The EGDP should have an implementation schedule that is coordinated with the sub-grant implementation. Logically, social assessments and group meetings should be undertaken before sub-grant designs are finalized. Monitoring should take place at the recommended times during and after civil work.

**E7. Budget**

25. The EGDP will include information on detailed cost of mitigation measures and other rehabilitation entitlements for ethnic minority in the affected areas. Sources of funding for the various activities and financing plans will be clearly specified in the cost tables.

**E8. Reporting/Documentation**

26. The subproject owner will prepare and submit the EGDPs to WMU/EPF and the World Bank, with Bank approval required before sub-grant implementation begins.
**ANNEX D: ENVIRONMENTAL IMPACT MITIGATION MEASURES**

A. **Good engineering practices**  
(Source: Social and Environmental Guidelines, Poverty Reduction Fund, April 2008)

A1. **Environmental effects and mitigation measures for public buildings**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Potential Effects</th>
<th>Possible Mitigation Measures</th>
</tr>
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<tbody>
<tr>
<td><strong>I. Before construction starts:</strong></td>
<td></td>
<td></td>
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</table>
| 1. Brick molding              | Disturbance of habitats  
Loss of land  
Land degradation  
Air pollution from dust  
Pressure on existing water resources | Reallocation of farmland, Possible use of cement block as an alternative, Provision of boreholes |
| 2. Brick Curing               | Deforestation  
Pollution from smoke | Afforestation (tree planting), Quotas per construction, community based woodlots |
| **II. Construction**          |                                                        |                                                                                                |
| 1. Civil works building       | Noise and air pollution  
Pressure on existing water resources  
Creation of borrow pits | Establishment of additional possible water sources, Landscaping |
| 2. Carpentry                  | Deforestation  
Noise | Provision of timber by the community should be approved by the local authorities, Use of alternative materials (bamboo, steel, reinforced concrete), Afforestation (tree planting), Quotas per construction, community based woodlots |
| **III. Operations**           |                                                        |                                                                                                |
| 1. Provision of desks/furniture | Deforestation | Provision of timber by the community should be approved by the local authorities, Use of alternative materials (bamboo, steel, reinforced concrete), Afforestation (tree planting), Quotas per construction, community based woodlots |

A2. **Environmental effects and mitigation measures for boreholes**
<table>
<thead>
<tr>
<th>Activity</th>
<th>Potential Effects</th>
<th>Possible Mitigation Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Sitting</td>
<td>Loss of land</td>
<td>Consultation with communities, Reallocation of land, Landscaping (planting of trees/crops)</td>
</tr>
<tr>
<td></td>
<td>Land degradation</td>
<td></td>
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<tr>
<td></td>
<td>Nuisance and aesthetic impacts</td>
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<td></td>
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<tr>
<td>2. Drilling</td>
<td>Disturbance of stream channels, aquatic fauna</td>
<td>Re-vegetation, Establish settlement location for workers out of village to mitigate social interactions</td>
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<tr>
<td></td>
<td>Social disruption by construction workers</td>
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</tr>
<tr>
<td></td>
<td>Construction hazards</td>
<td></td>
</tr>
<tr>
<td></td>
<td>New diseases (STD)</td>
<td></td>
</tr>
<tr>
<td>3. Pump installation</td>
<td>Ground and surface water contamination by oil, etc</td>
<td>Experienced drillers only Enforcing standard safety procedures</td>
</tr>
<tr>
<td>4. Operation</td>
<td>Reservoirs may be breeding areas for water/vector-borne diseases (worms, mosquitoes)</td>
<td>Incorporate health and sanitation education program, Ensure adequate provision for the operation management and maintenance of facilities (including proper staff and community training)</td>
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<tr>
<td></td>
<td>Water may be contaminated during transport or storage</td>
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<tr>
<td></td>
<td>Spills and leakage contamination of water</td>
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<tr>
<td></td>
<td>Reduction in water quality because of decomposed matter</td>
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<tr>
<td></td>
<td>Over pumping of ground water causing a lowering of ground water table</td>
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<tr>
<td></td>
<td>Disruption of downstream hydrology</td>
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</tbody>
</table>

A3. **Environmental effects and mitigation measures for irrigation** schemes

<table>
<thead>
<tr>
<th>Potential Negative Effects</th>
<th>Possible Mitigation Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Soil erosion</td>
<td>Proper design and lay-out of furrows or field avoiding too steep gradient; Land leveling; Design of terraces on hillsides minimizing surface erosion hazard; Maintain vegetation cover</td>
</tr>
<tr>
<td>Water logging of soils</td>
<td>Regulation of water application to avoid over-watering; Installation and maintenance of adequate drainage system; Use of lined canals or pipes to prevent seepage; Accurate calculation of delivery irrigation requirements</td>
</tr>
<tr>
<td>Salinization of soils</td>
<td>Leaching of salts by flushing soils periodically; Cultivation of crops with salinity tolerance</td>
</tr>
<tr>
<td>Scouring of canals</td>
<td>Design of canal system to minimize risk; Use of canals lined with rocks</td>
</tr>
<tr>
<td>Environmental Impact</td>
<td>Measures/Actions</td>
</tr>
<tr>
<td>----------------------</td>
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</tr>
<tr>
<td>Clogging of canals by sediment</td>
<td>Measures to minimize erosion on fields; Design and management of canals to minimize sedimentation; Provision of access to canals for removal of weeds and sediments</td>
</tr>
<tr>
<td>Leaching of nutrients from soils</td>
<td>Avoidance of over watering; Replacement of nutrients through crop rotation; Accurate calculation of fertilizer requirements,</td>
</tr>
<tr>
<td>Algal blooms and weed proliferation</td>
<td>Appropriate application of fertilizers (quality, quantity, timing)</td>
</tr>
<tr>
<td>Clogging of canals by weeds</td>
<td>Design and management of canals to minimize weed growth; Provision of access to canals for treatment or removal of weeds</td>
</tr>
<tr>
<td>Deterioration of river quality below irrigation subproject and contamination of local groundwater (higher salinity, nutrients, agrochemicals) affecting fisheries and downstream users</td>
<td>Improved water management; Improved agricultural practices and control of inputs (particularly pesticides and chemical fertilizers); Imposition of water quality criteria</td>
</tr>
<tr>
<td>Sea water intrusion into freshwater systems</td>
<td>Location of scheme; Appropriate water management</td>
</tr>
<tr>
<td>Reduction of downstream flows affecting flood plain use, flood plain ecology, riverine and estuarine fisheries, users of water, dilution of pollutants</td>
<td>Relocation or redesign of sub-project; Regulation of take-off to mitigate effects; Compensatory measures where possible</td>
</tr>
<tr>
<td>Encroachment on swamps and other ecologically sensitive areas</td>
<td>Choose sub-project’s site to avoid or minimize encroachment on critical areas; Establishment of compensatory parks or reserved areas</td>
</tr>
<tr>
<td>Threat to historical, cultural or aesthetic features</td>
<td>Choose sub-project’s site to prevent loss; Salvage or protection of cultural sites</td>
</tr>
<tr>
<td>Alteration or loss of flood plain vegetation and disturbance of coastal ecosystems (mangroves)</td>
<td>Choose sub-project’s site to be in less vulnerable area; Limitation and regulation of water take-off to minimize problems to the extent possible</td>
</tr>
<tr>
<td>Introduction or incidence of water-borne or water-related diseases</td>
<td>Use of lined canals or pipes to discourage vectors; Avoidance of stagnant or slowly moving water; Installation of gates at canal ends to allow complete flushing; Filling or drainage of borrow pits along canals and roads; Water testing; Disease prophylaxis and treatment</td>
</tr>
<tr>
<td>Disease and health problems from use of waste water irrigation</td>
<td>Wastewater treatment (e.g. settling ponds prior to use); Establishment and enforcement of standards for wastewater use.</td>
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<tr>
<td>Conflicts over water supply and inequalities in water distribution throughout service area</td>
<td>Means to ensure equitable distribution among users and monitor to assure adherence; Establishment of effective water users associations</td>
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<tr>
<td>Over-pumping of groundwater</td>
<td>Limitation of withdrawal so that it does not exceed “safe yield” (recharge rate)</td>
</tr>
</tbody>
</table>

**External**

- Water quality deteriorated or made unusable by upstream land use and pollutants discharge

  Control of land use in watershed areas; Control of pollution sources; Water treatment prior to use
Failure of upstream dams or reservoirs on which the sub-project activities depend | Check dam or reservoir safety prior to sub-project implementation

### B. Good housekeeping practices

The practice of housekeeping involves proper storage, use, cleanup, and disposal of the various materials used during construction for human and environmental safety. The following good housekeeping practices are required for all LEnS-funded projects:

**DO:**
1. Gather up and remove debris to keep the work site orderly and safe.
2. Plan and implement adequate disposal of scrap, waste and surplus materials.
3. Keep the work area and all equipment tidy. Designate areas for waste materials and provide containers.
4. Keep stairways, passageways and ladders free of material, supplies and obstructions.
5. Secure loose or light material that is stores on roofs or open floors.
6. Keep materials at least 2m (5ft) from openings, roof edges, excavations or trenches.
7. Remove or bend over nails protruding from lumber.
8. Keep hoses, power cords, welding leads, etc from laying in heavily traveled walkways or areas.
9. Ensure structural openings are covered/protected adequately.
10. Ensure access to latrines by workers.

**DO NOT:**
1. Do not permit rubbish to fall freely from any level of the project. Use chutes or other approved devices.
2. Do not throw tools or other materials.
3. Do not raise or lower any tool or equipment by its own cable or supply hose.
4. Use grounding straps equipped with clamps on containers to prevent static electricity buildup.
5. Provide the appropriate fire extinguishers for the materials found on-site. Keep fire extinguisher stations clear and accessible.

**SPECIAL NOTE ON FLAMMABLE/EXPLOSIVE MATERIALS:**
1. Store flammable or explosive materials such as gasoline, oil and cleaning agents apart from other materials.
2. Keep flammable and explosive materials in proper containers with contents clearly marked.
3. Dispose of greasy, oily rags and other flammable materials in approved containers.
4. Store full barrels in an upright position.
5. Store empty barrels separately.
6. Post signs prohibiting smoking, open flames and other ignition sources in areas where flammable and explosive materials are stored or used.
7. Store and chain all compressed gas cylinders in an upright position.
8. Mark empty cylinders and store them separately from full or partially full cylinders.
9. Ventilate all storage areas properly.
10. Ensure that all electric fixtures and switches are explosion proof where flammable materials are stored.
C. Environmental Mitigation Plan (EMP) Matrix

The EMP is composed of 4 columns:

- **Column 1- Potential negative effects**: List potential negative effects on the environment for sub-project activities that may impact on the environment. Refer to your list of environmental mitigation measures earlier developed.

- **Column 2- Possible mitigation measures**: List mitigation measures for those identified as potential negative effects on the environment. Refer to your list of environmental mitigation measures earlier developed.

- **Column 3: Who will do**: Indicate who is responsible for implementing the mitigation measures listed. Agree with the stakeholders who is responsible.

- **Column 4: When will be done**: Indicate when the mitigation measures will be implemented (For example, Month 1 of project or Months 1 & 2 of project, etc). Agree with the stakeholders on timeframe.

<table>
<thead>
<tr>
<th>Potential Negative Effects</th>
<th>Possible Mitigation Measures</th>
<th>Who will do?</th>
<th>When will be done?</th>
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