

Proposed Nam Theun 2 Hydroelectric Project

Assessing the Quality of Local Consultations

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Acronyms

DRT	District Resource Team
IUCN	International Union for the Conservation of Nature
NGO	Non-Governmental Organization
NPA	National Protected Area
NTEC	Nam Theun Electric Compant
NTPC	Nam Theun ...
PIZ	Peripheral Impact Zone
PRA	Participatory Rural Appraisal
RAP	Resettlement Action Plan
RRA	Rapid Rural Appraisal
SEMFOP	Social and Environmental Management Framework and Operational Plan
SDP	Social Development Plan
VF	Village Facilitator
WMPA	Watershed Management Protection Authority
XBF	Xé Bang Fay

1. Background and Introduction

The report which follows synthesizes the process, the quality, and the outcomes of the latest round of local consultations carried out with villages in areas affected by the Nam Theun 2 hydroelectric project. In particular, the objectives of the report are to:

- 1) Describe the recent consultation process which was begun in 2004;
- 2) Assess adherence to the three principles of transparency, balance and meaningfulness;
- 3) Make recommendations for consultation work that remains to be done;
- 4) Analyze the constraints that were observed, including the potential risks and pitfalls.

A recent definition of the term *public consultation* and the possible forms it may take was provided in a World Bank review:¹

public consultation is defined as an organized opportunity for all those who are interested and concerned in a project to express their opinions, to discuss them with representatives of the government and the project, and to have their ideas taken into consideration in the project's development. Public participation is a continually evolving concept that finds expression in a wider range of specific arrangements. The essence of public participation is that voices of all stakeholders are heard and considered.

It should be recognized, however, there is no one "right" or "global" prescriptive method for public consultation. While the underlying principles of public consultation may be applicable to all countries, the precise form that it takes (in terms of mechanism and degree to which the public are expected to participate) varies considerably from one society to another according to socio-political and cultural context and from one project to another.

The sociocultural and geographical setting

The Nam Theun 2 project is located in the central part of Laos, and stretches over two provinces, Borikhamxay and Khammouane. While the site of the dam itself is located in Khamkeut District of Borikhamxay, most of the reservoir and the power station are in Khammouane, in the Districts of Nakai and Gnommarath.

The two provinces are mountainous, and the reservoir itself will be located on the Nakai plateau which is bounded by the Ak Escarpment to the west and to the south. Khamkeut and Nakai districts are heavily forested, and the watershed of the reservoir was established as a National Protected Area (NPA). The two districts are home to many rare and unusual wild animals, including many endangered species whose

¹Al-Hamad, Laila. 2003. *Nam Theun 2 Hydroelectric Project: Public Consultation and Consultation Process*. World Bank.

habitats the project aims to protect by means of the recently established Watershed Management Protection Authority (WMPA).

The project area is also home to some 28 ethnic groups, all of whom are considered to be indigenous peoples by World Bank criteria. The original inhabitants of the area were Vietic speaking Mon-Khmers of many cultural types ranging from hunter-gatherers to sedentary wet rice cultivators. Beginning in 1875, large numbers of Tai speakers fleeing hostilities to the north in Houa Phan and Nghe An provinces, settled in the Khamkeut area, displacing the original Vietic inhabitants. At about the same time, Katuic speaking Brou people began to move into Nakai from the south and the east, also intruding into the ancestral territories of the Vietic peoples. Tai speaking Sek people moved into Khamkeut and Nakai from Vietnam approximately 300 years ago. The most recent arrivals are the Hmong found in the protected area buffer zone to the north.

For project purposes, the provinces are divided into a number of areas:

- 1) the plateau and proposed reservoir
- 2) the NPA, including the corridors linking the Nakai-Nam Theun conservation area to the Khammouane Limestone in the west, and the Hin Nam No conservation areas to the south
- 3) the Peripheral Impact Zone (PIZ) or buffer zones that surround the conservation areas in Khamkeut, Gnommarath, and Boualapha Districts
- 4) the downstream areas along the Nam Katang, Nam Phit, and Xé Bang Fay rivers below the power station
- 5) the project lands (sites of camps, channels, head ponds, quarries, transmission lines, etc.)
- 6) downstream of the dam on the Nam Theun (and tributaries) in Khamkeut

(See Map at Figure 2 below.)

In all of these areas, affected villages are being consulted using the new process, and, according to plan, will continue to be consulted throughout the life of the project.

Monitoring methodology

Monitoring of the 2004 consultation process was carried out by an independent monitor (the author) who randomly visited on-going consultations to observe first-hand the proceedings in the villages cited below. Notes were kept, and photographs were taken as well. A checklist of indicators, as discussed below, was employed to assess the quality of the process in each location. Visits were not announced in advance. Where language was a potential barrier to understanding an independent interpreter was employed to assist with the monitoring process, and to elicit reactions to the process in villagers' own words. The role of the independent monitor was therefore (1) to verify that the consultations took place as scheduled and in accordance with the planned methodology; (2) note as many of the concerns and recommendations as possible; (3) insure that these concerns were documented and fed into the planning and revision process for the safeguard documents (SDP, SEMFOP), and; (4) ascertain the ways in which planning decisions made regarding the concerns are fed back to villages, and in which further discussion may ensue.

The consultant observed consultations in 6 out of 15 villages on the plateau (reservoir); 3 out of 12 in the National Protected Area (NPA); 4 in the Peripheral Impact Zone (PIZ), and 10 out of 89 on the Xé Bang Fay (XBF, downstream). Independent follow-up was carried out in 7 villages. Training and wrap-up sessions were observed for the reservoir, the NPA and the PIZ. Wrap up sessions for the XBF and consultations for the Project Lands were not observed. Finally, 6 consultations in the area below the dam on the Nam Theun and its tributaries were observed as well (see Appendix 1).

Previous Consultations

Bank reviews also note that although more than 200 public consultations were documented in project reviews as being carried out between 1996 and 2001, most of these were in the 1996-1997 period when most of the basic socioeconomic and cultural research was being undertaken by CARE International² and IUCN³. That is to say, these various undertakings that were subsumed under the rubric of “consultations” in fact consisted of a wide variety of forums, including pure research, information dissemination, village meetings, promotional meetings, seminars and workshops, in addition to RRAs and PRAs that were more participatory in nature.

The majority of consultations were concentrated on the Nakai Plateau. Perhaps most notably, in 1987 and again in 1998, PRAs were carried out by NTEC aimed at soliciting concerns of village stakeholders in all of the Plateau villages except Bo Cho (Nong Boua Kham), Nam Nian and Ka Oy.⁴ And while these consultations and recommendations of stakeholders have influenced the RAP (on such matters as locations for resettlement, house design, village layout, livelihood models, compensation plan and design of the downstream channel), based on personal observations at the time, most of the previous processes were biased towards promoting the positive benefits of the project while the negative impacts were largely ignored. For this reason, it was concluded by reviewers that affected peoples were not provided a balanced view of the project.⁵

Furthermore, as observed personally by the author, villager thinking was often unrecognized and unheard, or in some cases limited to only one segment of a community. Villager responses, when they were elicited as opinions of the project, were often characterized by ritualized agreement with the official representatives of the government.

This is not to say that local populations were being repressed as is sometimes implied by detractors. From the beginning certain issues presented by the government met

² Chamberlain, James R. et.al. 1996. *Socioeconomic and Cultural Survey, Nam Theun 2 Project Area*. CARE International, Lao PDR. Parts I & 2.

³ Chamberlain, James R. 1997. *Social Action Plan: Nakai-Nam Theun NBCA*. Vientiane: IUCN.

⁴ Sparkes, Stephen, 1997 (May). *Observations relating to the resettlement of people on the Nakai Plateau*. Vientiane: NTEC. And, Sparkes, Stephen, 1998. *Public Consultation and Participation on the Nakai Plateau*. Vientiane: NTEC.

⁵ Pamornrat Tangsanuanwong (July 2003), Leila Al-Hamad (March 2003), and Keiko Miwa (Nov 2001).

with abject hostility, but these concerns were usually ignored. For example, in the first local consultation that was carried out in May of 1996, the government policy of no logging outside the confines of the projected reservoir sparked many openly hostile comments by villagers about logging which was taking place outside the proposed reservoir boundaries, and gave rise to strong resentment that the village received no benefits even though it was taking place on territory that traditionally they felt belonged to them. Attempts by officials to delegate this issue to the district to resolve was likewise not well-received.⁶

It was also observed by the author that, while meetings of this sort represented official forums, they did not necessarily reflect accurately village social structure or cultural practices where decision-making is concerned. There is no way of knowing in this type of setting, for example, whether those who voice opinions are representative of the majority or whether they are just better at expressing themselves. Most women in the villages refrained from commenting altogether, despite overt attempts to coax them into doing so.

In other words, problems lay not so much in the willingness of people to speak out, but rather in the lack of a process wherein government and project officials would be responsive to what people were saying. But given that interaction with the government is via district level officials who are themselves from rural backgrounds, the potential for successful participatory consultations has always been present.

These are typical of the problems that have continued to pervade the consultation process as a whole prior to the beginning of the new process in 2004. Summing up the lessons learned, the most recent Bank review of the process in April 2004, noted:⁷

- **The consultation process in the past has not been meaningful**

In particular the report agreed with international NGOs that have criticized the process stating that,

- 1) Information announcing national and international consultations was often sent at very short notice. And then the discussions were mostly among foreign participants, not Lao nationals.
- 2) Full disclosure of information about the proposed project was not undertaken:
- 3) The ability of stakeholders to understand and assess options, express concerns and inputs in an open manner without fear of intimidation or reprisal is limited.

⁶ Chamberlain, James R. 1996 (May). Observations on explanatory visits to villages in the proposed reservoir area: Nam Theun 2 Hydroelectric Project. Vientiane: NTEC.

⁷ World Bank. 2004. Summary of Public Consultations undertaken previously by GoL and NTPC. [Compiled from reviews undertaken by Pamornrat Tangsanuanwong (July 2003), Leila Al-Hamad (March 2003), and Keiko Miwa (Nov 2001)]

4) There is a transparency problem and the impacts of consultation are not apparent because there is no information on how stakeholder inputs have influenced the project design and implementation plan.

- **Limited capacity and institutional framework for dissemination of information and conduct of consultation**

- 1) The process could not ensure that villagers' perspectives/inputs are incorporated into the design, planning and implementation of the project;

- 2) The Government has the institutional structure to take care of resettlement issues that could involve dissemination of information and consultation. However, in the areas where there are no resettlement issues, such as in downstream areas or protected areas, there is a need to ensure that government agencies are appointed in the areas such as WMPA to be responsible for dissemination/participation/consultation.

- **Villagers' current perceptions of the project are unclear.** Most consultations were conducted in 1996-8. The situation for many villages has changed since 1998.

- **There was no detailed consultation plan.** Stakeholder mapping was lacking in all areas in need of consultation.

- **Limited information in the local areas.** Information villagers received was mainly through short-term consultations. An on-going system is needed where more information on the project could be provided to the people on a continuous basis, and in a format and language they understand.

- **Government Officials need more training.** New information about the project and plans need to be provided to government officials in local areas, especially the RMU, DRGWs, and RVCs. These responsible officials must be involved in the planning of detailed consultation, as they will have to take on responsibilities during the implementation and monitoring of the action plans.

- **Language Problems.** In most cases, consultations have taken place in the Lao language when using local languages would be much more effective, both for receiving information about the project, and as a medium through which local people can express their opinions.

2. Design of the Process and Application

In designing the new process, then, it was necessary to take into account not only the lessons learned from previous public information and consultation exercises, but to focus on the particular problems and issues specific to each project area. Thus the first essential question that needs to be asked is how can project affected people (PAP)

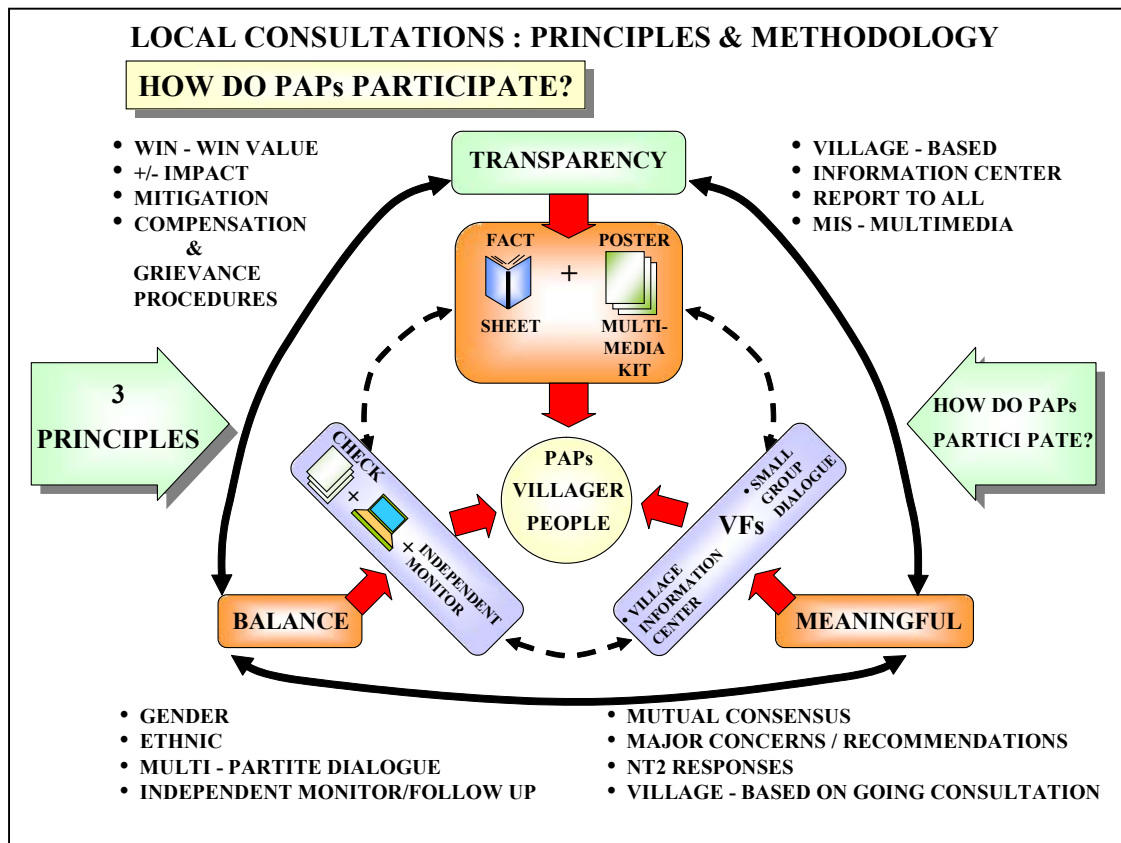
effectively and meaningfully participate in the consultation process in a way that is balanced and transparent. The basic reorientation that needed to be made indicated a system where local people speak more, and government officials learn to listen.

Several basic principles were immediately seen as relevant in support of the basic tenets of transparency, balance and meaningfulness. The value of the consultation process must benefit all stakeholders: villagers, the project, and the government. All impacts, both positive and negative, need to be made clear at the outset. Mitigations for negative impacts need to be agreed upon including appropriate compensation. And, grievance procedures have to be firmly in place to allow affected people satisfaction if agreements are not carried out.

Mr. Anek Nakabutr who designed the new process, concluded during his initial reconnaissance of the projects areas that the key to the success of the local consultations would depend on the ability of the consultation process to avoid the usual top-down approach, and, by enlisting villages themselves to carry out the consultations and hence take control of the information process. In this approach, district officers would be trained in the task of teaching village facilitators to carry out the process.

As visualized in Mr. Anek's diagram below, these principles are integrated into a process in which the local people play the central role. Village Facilitators (VFs), selected from a cross section of society, are trained to carry out the consultations themselves, speaking in their own language, and according to their own cultural norms. Since a large portion of the villagers in the reservoir and watershed areas are illiterate, a range of written and graphic materials are available for use by the VFs, including information manuals and pictorial posters. A village forum comprised of small group dialogues on all of the focal topics leading to village consensus takes place in all villages and includes all households.

Figure 1 – Design of the consultation Process



The process is recursive. It both (1) continually revises itself to better meet the needs of villagers; and (2) learns from on-going applications the perceptions of the PAPs and updates documents accordingly. From the point of view of environmental and social safeguards, the consultation process is seen as the foundation.

But the process begins at a stage prior to that shown in Figure 1. Apart from the villagers, the people engaged in the process include district officials of the government, District Resource Teams (DRTs), employees of the NTPC, and an international NGO from Thailand. The latter was responsible for designing the process, training the District Resource Teams, overseeing the pilot consultations, and carrying out wrap-up workshops to document the concerns and recommendations of

Box 1 - Steps in the Process

- Preparation – subsuming information from documents and preparation of manuals and materials
- Training of District Resource Teams
- Piloting
- Day One – selection and training of VFs by DRTs
- Day Two – village forum (small groups and consensus) led by VFs
- Village wrap up – VFs and DRTs
- Area wrap up, compilation, synthesis, analysis by NGO, NTPC, and DRTs

the villagers for each area, synthesize, and analyze the findings, and assist with finalizing the responses and inclusions into the planning process.

3. Assessing the Quality of the Process

In early 2004, based on the reviews of the public consultation processes that had been carried out (cited above), three criteria emerged as crucial to the assessment of quality in public consultations: transparency, balance, and meaningfulness. These were translated into a checklist that was used to evaluate the consultations observed, as follows:

Transparency

1. Evidence of “site preparation” or obfuscation
2. Selection of village facilitators
3. Adequate time allowed for stakeholders to speak
4. Satisfaction of stakeholders during independent follow-up
5. Project induced risks made clear at the outset

Balance

6. presentation provide balanced view of project
7. time spent in explanations vs time spent listening to local views (equal time)
8. stratification: all opinions are recognized and noted, not just leaders
9. incorporation of stakeholder concerns in planning
10. self-correcting nature of the consultation process, learning and improvement as the process continues

Meaningfulness

11. District/Project Resource persons:

- Knowledge and familiarity with project
- preparation / homework – have findings of previous studies been used in the preparation of the consultations
- understanding of stakeholder livelihoods
- knowledge and understanding of and familiarity with stakeholders
- attitudes towards local people and towards consultations, sincerity
- can resource people adequately represent the views of stakeholders after consultations

12. Gender: voice of women, how accomplished

13. Language issues (language, many local people, especially women, do not speak Lao – has provision been made for discussions in local languages and translation); Style of language used in discussions.

14. level of recognition of differing worldviews/cultures/ epistemologies

15. Ethnically mixed villages, do all groups have a voice

Obviously there is some overlap in criteria in terms of the indicators selected to represent the criteria.

Assessment – Transparency

1. No evidence was found that villagers had been told what to say in advance or that officials were prompting them in any way. To the contrary, villagers were outspoken, and openly critical of the government on many issues, in particular the failure of the government to keep its promises in the past. On the issue of community forests, one of the livelihood options presented to the villagers on the plateau, there appeared to be some collusion between certain subgroups within the villages, and some district officials. In one case that was observed by the consultant, district resource persons attempted to conceal information about membership in the community forestry association from the village at large. This was foiled during the consultations, however, when a women's break-out group exposed the obfuscation attempt and the rules for membership were subsequently made available to everyone. Since this livelihood option involves cutting and sale of valuable logs, and ultimately large amounts of cash, there is a need for close monitoring. There is obviously a serious governance issue here. In fact, long before revisions to the safeguard documents and the resettlement plan began, the rules for the community forest association had been printed and distributed to select individuals in the plateau villages.⁸ That this problem was revealed, however, illustrates the strength of the current consultation process.

⁸ The potential ramifications are considerable. The bulk of forest land identified for resettlement is not immediately available to villagers except by membership in the association. Thus resettlement livelihoods are being unnecessarily restricted (intensified) when a more extensive system could be pursued. This in turn affects social structures, especially where land for livestock grazing and rain fed agriculture are concerned, and there is an increased of social upheaval and breakdown. At the present time villagers are being informed in the consultation process that all buffalo must be sold, prior to relocation. (See discussion below under the Social Development Plan.)

2. Selection of village facilitators at first tended to rely on village leaders, but with some assistance from the monitoring consultant and from the process design consultant, this was corrected early in the process. The selections for the majority of villages took place as planned, with the parameters of age, gender, ethnicity, and informal and formal leaders all taken into consideration. Even with considerable efforts being made, balanced women's representation remains a problem in some villages, usually depending upon ethnicity. There are now approximately 2,000 village facilitators who have been trained in the project area villages so far consulted.

3. All stakeholders in the consultations observed, were afforded the opportunity to speak.

4. On independent follow-up visits by the consultant, villagers generally were optimistic about the project and their enhanced role in the consultation process. This having been said, given time restrictions, the consultant was not able to make as many follow-up visits as would have been ideal. Independent visits to villages where Vietic Type I and Type II peoples reside, indicates that they need continued special attention, and in the case of Type I, a special process needs to be put in place (See Appendix). The Ahoe (Type II) situation on the plateau remains unresolved, and the consultant feels that additional work is needed here, despite the admirable efforts that have already been made. On the plateau, villagers are still concerned with buffalo and other less tangible social matters described below, but these were issues that came out in the main consultations, not just independent follow-up. For the downstream areas, villages visited independently, including ethnic Brou locations, were not particularly concerned by the risks of the project, and indeed were elated at the prospect of the promised electrification.

5. At the beginning of the consultation process on the first day, the risks and potential negative impacts of the project are discussed in detail, and stakeholders are given the opportunity to raise their own suspicions or anxieties as well. All of these are then discussed in the village forum and recommendations are made by villagers for mitigations they feel are necessary.

Balance

6. The presentations made to the village facilitators by the district resource persons, and the subsequent presentations by the facilitators to the village forum, were generally balanced. The content of the manuals that were provided to the VFs will need revision as more information becomes available because in some cases information has either changed, or was incomplete at the time of their preparation. And of course, information that changes as a result of the consultations will need to be revised as well.

7. For the most part, the time spent in discussions and in the expression of concerns and recommendations of village participants was at least equal to or greater than the time spent in explanations by district resource persons. Some exceptions to this occurred when project personnel of the "old guard" were present and felt a need to demonstrate their oratorical skills. When this occurs, a rhetorical mode of "convincing" as opposed to "consulting with" villagers tends to predominate.

8. During the consultations, all opinions are recognized and given equal consideration. This is all the more true because villagers themselves, in the form of VFs carry out the consultations and innate democratic norms prevail.

9. All information emerging from the consultations is recorded in written form by the district resource persons and presented at the wrap-up workshops held at the conclusion of the consultations for each project area. This information is then used in the revision of safeguard documents, to date for the SDP and the SEMFOP (see below for specific examples). The revisions in turn will be (according to plan) incorporated into the consultation manuals and village information centers and disseminated by the village facilitators. This latter aspect of the planning process has not been observed as of yet.

10. The self-correcting nature of the process occurs in three series of feedback loops. (a) Immediately following each local consultation, a meeting is held with VFs and district resource persons to discuss the strengths and weaknesses, and to suggest improvements for the future. (b) At the area wrap-up workshops, an assessment is made of all information, on two levels, information concerning the process itself, attendance, VF performance, strong points and weak points of the various consultations, and; the content of the concerns and recommendations of the villagers. (c) Results of the consultations for each project area are entered into a database at NTPC for consideration by the government and the developers, and for inclusions in the safeguard revision process. Decisions taken on villager recommendations are flagged as, (1) meriting incorporation; (2) not a project responsibility; (3) in need of further investigation and clarification. These decisions, in principle, will be fed back to the respective villages who will then review the decisions and provide their comments back to the government and developers via the VF-District Resource Person-Developer network. And so on. The last of these feedback loops has not been monitored or verified in full. One shortcoming observed so far is that entries to the database were not complete, noticeable because the consultant had made extensive notes as well and many concerns and recommendations were not included. This may be a fault of the report writing by district resource teams who are often more skilled in oral reporting than in writing.

Meaningfulness

11. Considerable variation exists in the capabilities of the district resource persons. Given the size and timeframe for the consultations, relatively large numbers of people were needed to carry out the consultations because these were scheduled to take place simultaneously in the villages. In some cases innate talent and skill in working with villagers was readily apparent. In others, a more bureaucratic mentality dominated the approach, and in a few, reluctance to accept the participatory approach was apparent in attitude and body language. Most accepted their role and improved over time, and by the end of the consultations had acquired the necessary skills and attitudes, even championing the participatory process as an improvement over the more ‘public relations’ approaches of the past. The project information manuals were read and internalized by all, and to the degree these manuals reflect the project, the district resource persons are conversant with the details of the project and its potential impacts on villagers. Understanding of villagers and their cultures and livelihoods was more varied. Since hierarchies of ethnic groups exist in the minds of district officials

who, for the most part, were born and raised in the district or at least in the province, carried with them some innate biases towards this or that village or ethnic group. The WMPA officials performed very well in the NPA and PIZ areas, but district forestry and other officials had less grasp of working with villagers there, which are more diverse ethnically. District Resource persons for the NPA had little understanding of villager livelihood systems and for the most part their thinking was dominated by government propaganda (and misunderstandings) of such issues as swidden cultivation and livestock raising and anthropological issues generally. Some of these have hopefully now been clarified in SEMFOP but will now need to be communicated to the consultation teams during re-training prior to additional work there. District resource persons proved to be adept at note-taking during consultations, and at the wrap-up meetings were able to provide good representation of the concerns and recommendations of the villagers.

12. Gender balance in terms of attendance at the consultations was usually good. And women actively participated in small group discussions, especially when all-woman groups were used as they were in most locations. Women's participation as VFs however, was not so good, and in many villages, especially Brou and Vietic ones, were reluctant to play a leadership role.

13. The use of local languages in the consultations was encouraged and used in all locations where villagers spoke non- Lao-Tai languages as their mother tongue. This was very successful and lively discussions took place in all of these villagers. This aspect of the process was much appreciated by villagers and praised by many of the district resource teams as being successful.

The style of Lao language used by district resource teams was usually non-technical and therefore appropriate in the village context. Occasionally some of the "die hard" old style resource people from the project fell into a pattern of government rhetoric or technical terms, but this was in fact not common.

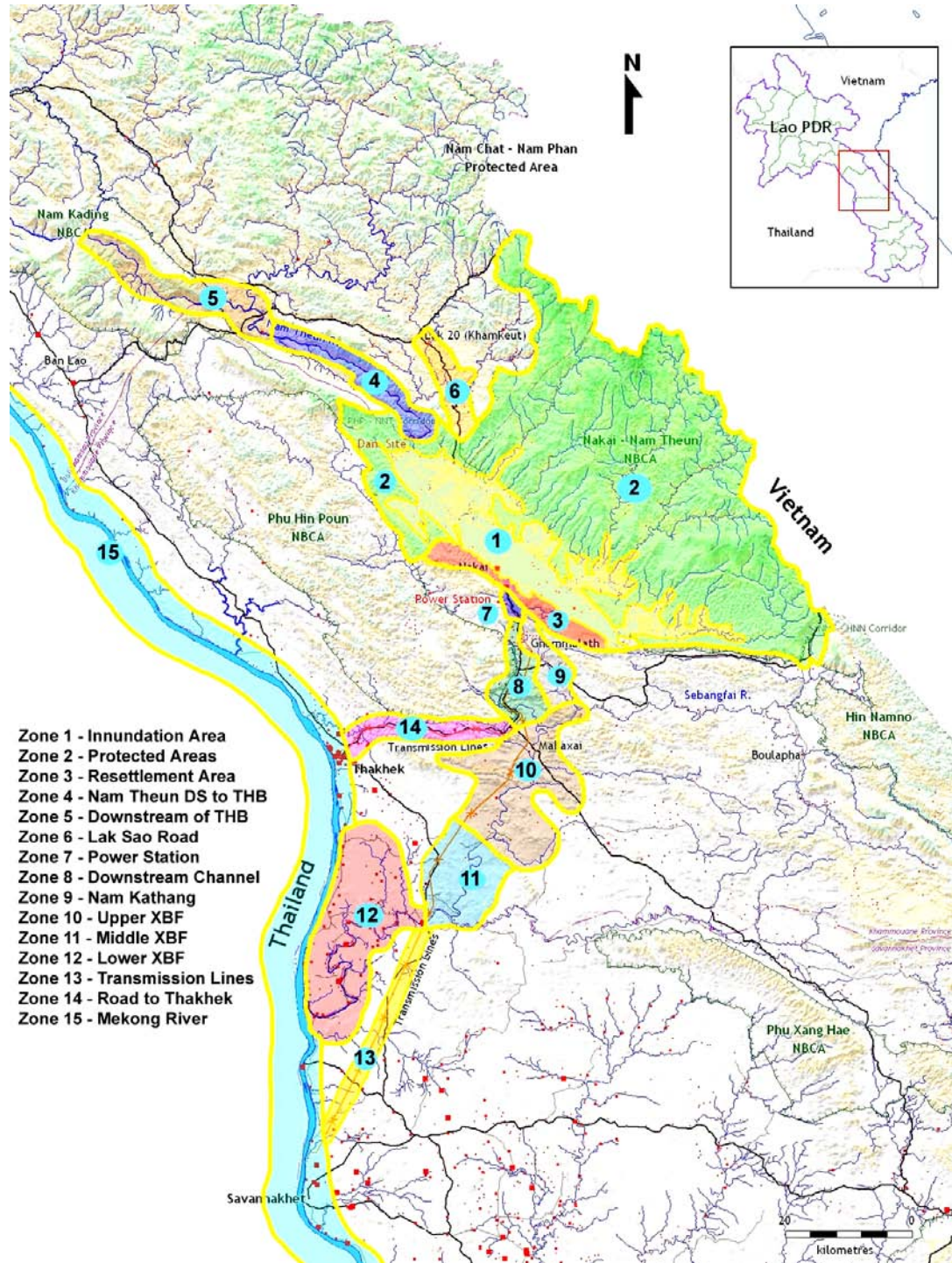
14. Not being trained in anthropology or in sociology resource persons were not able to understand in a formal sense the thinking of different ethnic groups. Thus these concerns relied upon the innate capabilities of individuals in this regard. As might be expected there was considerable variation in these capabilities and communications were more or less successful depending on such innate skills. Probably the greatest problems in communications were with the various Vietic groups. This was also to be expected and is being addressed in on-going planning.

15. The degree to which voices of the various ethnic groups were heard during the consultations was largely dependent on the particular group. For the Brou (a Mon-Khmer, Katuic group) participation was usually good, regardless of the ethnic mix. For the Vietic groups this was less the case except where villages consist of a single group as in, for example, Ban Maka where all villagers are ethnic Kri. Elsewhere, where ethnic mixes occur, one group tended to be dominant, even when special attention was given to giving everyone an equal voice. In one case, on the Nam Sot in the NPA, villages of different ethnic groups were combined. This should not have happened and the consultations there will eventually have to be redone.

Thus in general, although some residual issues remain, the 2004 consultation process scores high on all three principles of transparency, balance and meaningfulness and in the view of the independent monitor can be considered as having met these goals. This is due in no small part to the design of the process and to the considerable efforts of the district resource teams and the village facilitators.

4. Project Areas and Sets of Issues

Figure 2 – Map of the Project Areas



Areas affected by the Nam Theun 2 project that have been identified for purposes of consultation include:

(1) Plateau / Reservoir. This includes the 17 villages (15 administrative units) that will be relocated from the inundation area of the reservoir.

Key issues: resettlement - housing, livelihoods

(2) National Protected Area (NPA) [formerly NBCA], or Watershed. The NPA encompasses the Nakai-Nam Theun Protected Area (NNT); the Southern Corridor that links NNT with the Hin Nam No Protected Area to the south; and the Corridor which links NNT to the Khammouane Limestone Protected Area. Most of the villages are located in NNT in three river basins: The Nam Sot (with its tributary the Nam Mone; the Nam Theun itself, and the Nam Noy (with its tributary the Nam Pheo). Altogether 31 villages are located in these three basins.

Key issues: Land use, conservation, administration, patrolling, poaching

(3) The Peripheral Impact Zone (PIZ) or buffer zone for the NPA. Villages whose land may either overlap with or abut on the NPA form basis for this category. Ostensibly it also includes villages who while not directly linked to the NPA utilize resources therein.

Key issues: resource use, poaching (and vulnerable ethnic minorities)

(4) The Downstream Area. This area includes villages on rivers that will be affected by the increased water flow from the power station into the Nam Katang, the Nam Phit, and the Xé Bang Fay rivers respectively. The Xé Bang Fay is apportioned into the upper and lower reaches of the river for purposes of manageability given the large number of affected villages.

Key issues: flooding, erosion, fishing

(5) Project Lands. Areas that will be used for other purposes by the project, including the construction camps, access roads, tailrace channel, power station, transmission lines, and so on.

Key issue: compensation

5. Assessing the Impact of Consultations

- Incorporating Village Concerns

To move from the synthesis of concerns and recommendations to incorporation of the various proposals requires a detailed review of the proposals and a means of maintaining and retrieving information. To this end a database system has been prepared. Basic village data, ethnicity, population, village history are all entered, in addition to concerns and recommendations that emerged from small group discussions

as well as the ones on which there was village consensus, and names and positions of Village Facilitators for on-going activities.

Inputs of villagers are incorporated on two levels. On the first level, each recommendation is noted and addressed by the project. On the next level, following synthesis and analysis during wrap-up workshops, trends and more general directions of villager concerns become evident.

As an example of the latter, for villagers on the plateau and in the watershed where extensive agricultural systems have been in place, issues surrounding nonmaterial culture or social capital take precedence over purely monetary concerns. And in these locations, predictably, restrictions to access to production land and movement towards intensification being discussed in the consultations is a matter of great concern.

Other more detailed examples are discussed below.

Responses to the concerns and recommendations of local people in the project areas take the form of (1) continuing the consultations to discuss follow-up activities with villagers, and readdressing those mitigations that are in need of clarification; (2) incorporating those mitigations that are ultimately deemed appropriate through this participatory process into the relevant project plan.

- Revision of Documents

The concerns and recommendations of villagers are discussed in detail at the area wrap-up workshops. From this a synthesis and analysis is carried out by all of the District Resource Teams facilitated by the NGO consultant. These analyses are then introduced to the various parties responsible for document revision in their respective agencies. Currently, concerns and recommendations from the watershed have been incorporated into the revised SEMFOP document, and likewise concerns from the plateau and the Xé Bang Fay will be introduced soon into the SDP.

SEMFOP

Villages where consultations were carried out first in the NNT-NPA were selected purposively to include all major river valleys (sub-watersheds) and all ethnic groups. These were as follows:

Table 1 – Geographic and Ethnic Distribution of NNT-NPA Public Consultations

Subwatershed	Vietic	Katuic	Lao-Tai	Villages
Nam-Noy/Pheo	Kri, Phong	Brou	Sek	Maka, Tong, Teung, Meuy, Koune, Vang Khouay
Theun	Thémarou	Brou		Vang Chang, Mak Feuang, Thaphayban, Peung
Sot-Mone	Malang, Arao, Atel, Maleng	Brou	Xin et. al.	Na Vang, Kaching, Na Hao, Songkhone, Tha Meuang

Issues on the Nam Noy-Nam Pheo, generally, are summarized as issues pertaining to administration. The issues on the Nam Theun may be summarized as concerns related to food production and livelihoods in general. The main concerns along the Nam Sot-Nam Mone concern access to the outside and equity of benefits. All groups fear confrontations with poachers in particular the Vietnamese.

On the Nam Noy and Nam Pheo, all ethnic groups expressed a fear of confronting Vietnamese poachers in the implementation of their role of patrolling the NPA. The Vietic groups, the Kri and the Phong, related their concern at not understanding modern agricultural methods that were being discussed by the resource teams during consultations. The Brou at Koune voiced concerns similar to the Vietics, adding that they were likewise afraid to confront the Sek, whom they perceive as their more powerful neighbors. The Sek fear that they will lose land in the in the land allocation process. These issues on the Nam Noy-Nam Pheo, generally, are summarized as issues pertaining to administration.

On the Nam Theun, the predominantly Brou population are concerned primarily with food production and the threat posed by the NPA to reduce swidden agriculture. Here there appears to be a gap in understanding between the SEMFOP and the resources teams from WMPA, Nakai District and the Department of Forestry (DAFO). So the need arises for increased capacity building and education of GOL personnel. (There is little available land for potential paddy cultivation, and it is doubtful that paddy cultivation which is less productive and more labor intensive will resolve any food security problems.) The promise of returns on cash crops raised concerns related to marketing, and protecting wildlife that are considered as pests to swidden crops increased concerns for adequate food supply.

The issues on the Nam Theun may be summarized as concerns related to food production and livelihoods in general.

The Nam Sot-Nam Mone are more ethnic specific. As in the Nam Noy basin, a village of more lowland-oriented Tai speakers who practice paddy cultivation tend to dominate the area and were able to express their ideas more readily to the lowlander district resource team. They fear the loss of the road which connects them economically to the Khamkeut District seat at Lak Xao, and are concerned with irrigation of paddies which they would like to expand.

The Brou at Na Vang who are beginning to modernize (as opposed to developing), likewise fear the loss of the road. But they are also concerned with the proposed reduction of swidden cultivation and transition to paddy-based agriculture.

The Vietics at Tha Meuang and Song Khone fear that assistance will not be equal and that black magic will be used in inter-ethnic disputes. They generally feel inferior to both the Tais and the Brou. They are also concerned that they will not be able to adjust to paddy cultivation, which in some cases has been tried and abandoned in the past.

In summary, the main concerns along the Nam Sot-Nam Mone concern access to the outside and equity of benefits. All groups fear confrontations with Hmong poachers as well as Vietnamese.

As an overview, the following emerged from the consultations and from our subsequent discussions at the SEMFOP revision meeting in Bangkok.

1. For planning purposes the main river valleys or sub-watersheds should be considered separately:
 - a. Nam Noy
 - b. Nam Theun
 - c. Nam Sot
2. Within each sub-watershed, ethnicity is a major factor, especially:
 - a. language and communication
 - b. inter-ethnic relations and hierarchies
 - c. differing sets of concerns
 - d. the Vietic Type I peoples in the NPA and the PIZ need special attention and consideration
 - e. **there is urgent need for ethnic advisor to begin ASAP**
3. How are the findings from consultations going to be integrated into SEMFOP (as an on-going dynamic process, not a one-off event)
4. What does the transition process entail and how will it be handled, i.e.
 - a. livelihood (adaptive) changes
 - i. swidden concerns (govt vs SEMFOP)
 - ii. livestock concerns
 - b. social structure concerns
5. How are regulations going to be imposed while maintaining ownership – the essence of community involvement
6. Strengthening capacity of WMPA and local partners
 - a. issues
 - b. content
 - c. communications
7. Village patrolling – an issue of coverage as well as how to handle confrontations

Issues emerging from the PIZ areas are primarily concerned with resource access and what the impact will be of more regulated access. Other issues, more site specific involve relocation of Vietic Type I (hunter gatherer groups); and relocation of other Vietic Types. Two independent evaluations of the situation were carried out in 2004 with the consensus being that all Vietic relocation will cease until “informed” consultations can be carried out. That is, the methodology for conducting consultations must include a more intensive ethnographic investigation because of communication concerns deriving from a perceived cognitive gap especially for

hunter-gatherer groups and by extension for quasi-hunter-gatherers (Vietic Type II) as well.

Social Development Plan

The recent consultations have confirmed directly what has perhaps not been fully appreciated in project documentation thus far – the psychological importance of nonmaterial culture. With focus of the SDP being directed primarily at the physical aspects of relocation and compensation, the consultations have now re-focused our attention on those elements of cultural systems that cannot be reduced to monetary terms. Social structure, ritual status, reciprocity, and all of the other aspects of culture commonly referred to as social capital are a major concern. Villagers on the plateau carry on *extensive* livelihoods dependent upon an abundance of land for cultivation and livestock raising, and the structure of society is dependent upon their patterns of distribution among the various households. These are the two things that will be lost in the resettlement process which expects villagers to change to an *intensive* production system. This implies a psychological shift on a scale for which many may be unprepared.

Buffaloes, for example, a topic of great concern expressed by villagers on the plateau, are valued primarily as symbols of wealth and status, and are consumed only on rare ritual occasions such as sacrifices to ancestral spirits when they are shared with the whole village (that is, the meat is given away to other villagers by the owner as a form of redistribution of wealth in return for ritual prestige). Otherwise they may be sold only in cases of dire emergency. To sell off one's herd can only be experienced as a major trauma for owners, and the cash from the sale, regardless of how it may be spent, will not play the same role as the herd itself. The issue of buffalo then, is not a material problem, it is a spiritual one that underlies social structures. To imply that this asset may be replaced by fishing or other economic activity is an error of epistemology that needs to be addressed when documents are revised.

The consultations bring home the point that although considerable attention has been paid to ascertaining ethnic identity, the definition of spiritual territories, and ceremonies allowing villagers to relocate tutelary spirits and spirit houses, detailed studies of social structure and implications for resettlement have not been carried out for the various ethnic groups. Experience with resettlement in other parts of the country where similar movements from extensive to intensive were made have not been successful. True, these were not carried out with planning on a par with that undertaken by NT2, and the geographical and social distance is usually greater, but the same expectations were there. It might be advisable, in light of the concerns raised in the consultations, to examine what has been written on relocation in other parts of the country. (Social traumas resulting from relocation, where roles become reversed, rich become poor, poor become rich, young become leaders, old become obsolete, and so on, have led to drug addiction, alcoholism, prostitution, out-migration, and significant increases in suicide and mortality rates. Furthermore, projected economic well-being resulting from relocations has not materialized, and instead poverty has been created.)

Box 2 - The Case of the Ahoe

The village of Sop Hia was ethnically a Vietic speaking Ahoe village with an Ahoe village chief. The Ahoe combine swiddening with hunter-gathering. Over the past ten years, ethnically different outsiders from Lak Xao (the district seat of Khamkeut). These are mostly Tai speakers, lowland paddy rice cultivators who moved to the area in hopes of finding employment with the dam project and to exploit the forest products of the area. The lowlanders quickly came to dominate the affairs of the village, and when the Ahoe village chief died, he was replaced by a Tai man.

The wife of the former village chief is Nang Hay. She is over 80 years of age and is now the leader of the Ahoe. She is also a sorceress responsible for maintaining good relations with the territorial spirits of the area which includes the dam site. Due most probably to her close relationship with the land, she has adamantly refused to move, saying she will die and transform into an albino squirrel keeping watch over the reservoir when it floods. She also said to the district officials during the consultations, “the government has lied to the Ahoe and not kept its promises before – so why should we believe you now?”

Nang Hay led the Ahoe during the consultations to turn their backs on the district officials who were speaking. When one official asked if she knew where the dam was to be located, she replied angrily, “yes I know that place, its where we go to shit!”

In the evening following the village forum where the Ahoe had refused to participate, a senior member of the consultation team, speculating that Nang Hay, as wife of the former village chief, may not have been shown proper respect after the death of her husband, took a bottle of whisky and a chicken as an offering and held a string tying ceremony, drinking from the same glass and eating from the same morsel of chicken. Nang Hay then became more friendly, and after many hours has now, in a new spirit of cooperation, agreed to listen to what the district teams have to say regarding resettlement and livelihoods.

The situation is still tenuous, but for the first time a viable channel of communication has been established.

As a gesture of her good will, Nang Hay has told the project and district officials that the dam site is a place where evil spirits reside who need to be propitiated, and she is the only one who knows how to do this. A buffalo sacrifice is necessary over which Nang Hay has offered to preside.

These concerns are now being reviewed during revision of the SDP. Major issues that arose from the consultations and that are currently being incorporated include the need for a participatory village planning process that can indeed evolve from the current consultation system that is already in place. Livelihood options need to be

modified as well, especially the need for more diversified rainfed agricultural land and areas to graze buffaloes, that is, more land that local communities will manage by themselves (as opposed to land that is “locked up” in the name of community forestry). In other words, more flexibility in village planning is needed so as not to present villagers with livelihood packages that are perceived as too rigid and that have been designed from the outside.

- Follow-through – a Recursive Process

Consultation is an on-going process that is continually being refined as more information becomes available and as villagers with access to new information are able to improve their own level of understanding. New ideas will emerge, and there is little doubt that the combined application of indigenous knowledge and improved access to information will ultimately prove to be the greatest source of solutions to problems emanating from changes in livelihood and resettlement. The feedback loops are essential to this process.

Maintaining momentum

Now that the first round of the new approach to local consultation is nearly complete, it will be important to maintain the momentum of the participatory process that has begun. District officials who were trained and carried out the consultations need to be supported in follow-up activities and remain engaged in the process in all project areas.

Currently, on the plateau, information centers have been constructed in all villages. Posters from the consultations will be placed here along with reports from all villages so that the ideas from one village may be shared with that of another, and so that villagers may correct or amend the reports as appropriate. As mentioned above, a data base of concerns and recommendations expressed from each village in the reservoir and downstream areas is being maintained by NTPC, and new information will be added as it emerges. A similar database will be maintained for the watershed and PIZ.

Transition from consultation to village planning process

As concerns and recommendations are recorded they are considered by NTPC and relevant agencies for incorporation into the project. During the first phase of this process villager recommendations for mitigation are flagged as (1) meriting incorporation; (2) not a project responsibility; (3) in need of further investigation and clarification. These decisions will then be taken back to the villagers by NTPC and district personnel for additional dialog. The Village Facilitators will play an important role here. In other words, all concerns and recommendations are seen as part of a continuing dialog throughout the life of the project.

In this way the local consultation process has the potential to evolve into a participatory village planning process that could provide a model for good governance potentially applicable to other parts of the country. Its success will now depend on

project and government commitment to maintaining the momentum. I believe it is crucial at this transitional moment to provide continued resources and support for this process in the form of funding and technical assistance so that it may in time be solely managed by local people and officials. Evidence that this can happen may be seen in the sections that follow.

- Changing Attitudes

Comparing the consultations that are taking place now with those that have taken place in the past a number of changes are readily apparent. These may be interpreted as indicators of consultation success and workability in each project area.

Among district personnel who make up the district resource teams, attitudes towards the participatory process has changed noticeably. With training and experience and new methodologies, district officials on the whole appear confident and proud of their capacity to train village facilitators. In a majority of cases, during wrap up workshops, district resource teams were able to represent the views villagers and often were observed taking the villager side in areas of controversy.

“ The best thing was that villagers were able to speak their own languages during the consultations.”

- NPA Consultation Team Leader

As an added benefit, district officials who are often poorly informed of changes in government policy, were able to read and incorporate more recent thinking and up to date information on the project via the information manuals prepared for each area. Furthermore, intense field experience and extended stays in rural areas during the consultations provided many district officials with an increased understanding and appreciation of villager life and livelihoods. Coupled with this enhanced awareness, and instilled with the value of participatory processes, district resource teams generally refrained from speaking too much and became better listeners.

“The Kri at Ban Maka are able to carry out livelihoods with a good balance between conservation and production – without assistance from the government. We should know when to leave well enough alone.”

- WMPA Official

Villagers, on the other hand, have seen the value of giving each household a voice, with meetings being dominated to a lesser extent by officially appointed village committees. Women and minorities in the village were consulted directly and were able to voice their opinions more than in the past. Open debates in both small groups and large groups dominated most consultations.

With respect to content, issues presented in the consultations are more focused on available options and potential negative impacts. More information is available, with information manuals providing a more complete view of the project details and complexities. Continued efforts are needed, however, to reconcile Bank safeguard policies with existing government practices.

It was clear that during the course of the consultations DRTs were more than ever before awakened to the importance of language and ethnicity. Because of the nature of the process, problems of combining ethnic groups in discussions were realized, along with the value and importance of using local languages in consultations. And although small and usually overlooked minorities, especially the hunter-gatherer groups, were given special attention, DRTs often admitted their inability to meaningfully consult with these groups and the need for additional specialized consultations in this regard.

6. Observations on Certain Ethnic Groups

Of particular concern during the consultations, past and present, have been issues involving Vietic speaking ethnic minorities. Following the CARE study, all of the peoples living on the plateau, were defined as indigenous peoples under the Bank's OD 4.20 policy. In spite of this, smaller and more vulnerable groups continued to be left out of the process. For example, on the plateau, the Ahoe, a Vietic speaking group originally inhabiting the forested areas adjacent to the proposed dam site to the west, were moved into two villages on the plateau, Nakai Tay, and Sop Hia. In both cases they are outnumbered by more sophisticated Tai groups, and as a result were not included in consultations. The PRAs carried out by an anthropologist in 1997, for example, noted only that they appeared to be "second class citizens" and were not participating.⁹ Thus concern for ethnic minority segments of the village populations was a priority in the design of the new process.

The Ahoe are included under Vietic Type II cultures.¹⁰ There are several outstanding concerns that need to be addressed. Type II peoples are what might be referred to as partial hunters and gatherers, those groups that have regular trading relations with the outside, and who practice rudimentary swiddening. (Lao-Tai ethnic groups indeed make no distinction between Type I and Type II.) Current locations are along the Nam Noy in the NPA (Phong); on the plateau (Ahoe); in the NNT-Limestone Corridor (To-e at Pak Katane); on the Nam Sot at Tha Meuang (Arao, Malang) and Songkkhone (Maleng).

The presence of hunter-gatherers¹¹ or Vietic Type I peoples in the project areas were first noted during the CARE and IUCN studies of 1995-97, presents special problems. The special needs of these groups in all locations were especially apparent, having been relocated to live next to villages belonging to other ethnic groups, and because they are typically looked down upon as being the epitome of backwardness by local villagers and government officials. When talking to the various groups, a cognitive gap is immediately apparent, such that even when individuals are capable of speaking

⁹ Sparkes, Stephen, 1997 (May). Observations relating to the resettlement of people on the Nakai Plateau. Vientiane: NTEC.

¹⁰ Chamberlain, James R. 1997. Nature and Culture in the Nakai-Nam Theun Conservation Area. Vientiane.

¹¹ Hunter-gatherers or nomadic foragers are distinct the world over for their lack of autonyms or names for themselves. Outsiders in Khammouane and Borikhamxay provinces often refer to them as *Salang* or *Kha* or *Tong Leuang* (yellow-leaf people). These peoples usually refer to themselves simply as "Forest People."

Brou or a Lao-Tai language, there is always difficulty in communication. Thus carrying out “informed consultation” with the various groups as we find them today will require time and methods beyond what is currently being carried out among the more typical agrarian societies in other project areas.

The chart below lists the various groups and their locations:

Hunter-Gatherers in the Project Areas

Vietic Type I Group	Present Locations		Previous Locations	
	Village [dominant ethnic group]	Project area	Before 1990	After 1990
Atel	Tha Meuang [Malang] (Nakai District)	NPA	From NPA forest (Houay Kanil) c.1979	(none)
Atop	Na Thone [Tai Theng] (Khamkeut District)	PIZ	From NPA forest (Upper Sot)	From Poug Keut (NPA) 2001
Makang	Na Kadok [Sek] (Khamkeut District)	PIZ	From NPA forest (upper Sot)	From Nam Houay (NPA) 1990, 1999
Thémarou	Vang Chang [Brou] (Nakai District)	NPA	From NPA forest (Upper Theun)	From Keng Parang (NPA) 1996
Mlengbrou	Ban Sang [Yooy] (Gnommarath Dist)	PIZ	From NPA forest (Nam One-Nakai) To Ak Mt. (Gnommarath)	From Ak Mt. (Gnommarath) 2003
Cheut	Na Phao (Boualapha Dist)	South Corridor NPA	From NPA forest ? (Hin Nam No/Vietnam)	From forest ?

All of the foragers of Khammouane and Borikhamxay belong ethnolinguistically to the Vietic branch of Mon-Khmer. What little is known of the various hunter-gatherer groups can be found in Chamberlain (1997).

OD 4.20 emphasizes participatory processes, requiring development of minority plans “based on consideration of the options preferred by the indigenous peoples affected by the project.” It also emphasizes the importance of “ensuring genuine representation” (ibid) among people whose “social and economic status restricts their capacity to assert their interests and rights” (Para. 2). To achieve policy objectives regarding the Vietic Type I people, special measures should be devised for their protection, and to ensure that they are afforded opportunities to participate in the process of devising culturally appropriate benefits.

To ensure that these groups are adequately consulted and afforded an opportunity for informed participation (or to provide a basis for demonstrating that these processes have been conducted in an appropriate manner), the following process steps should be reviewed and strengthened as necessary to meet planning objectives of OD 4.20:

- a) The process of obtaining baseline data should ensure full coverage (e.g., not on a random village sample basis) of all Vietic Type I groups;
- b) Project and activity boundaries should be clearly defined;
- c) Resource rights or tenure should be clarified and described;
- d) Consultation processes should ensure full coverage (e.g., not on a random village sample basis) of all Vietic Type I groups. These consultations should be designed to elicit full local-level participation in a culturally appropriate

- manner, and should be designed to elicit preferences regarding a range of potential options that may be available to them.
- e) Specific arrangements for monitoring project-related impacts on Vietic Type 1 groups should be provided.

7. Recommendations – Going Forward

General Comments

Overall it is concluded that the process of consultation that has been place since May 2004 works well. It has proven to be an excellent approach for improving the quality of consultations vis-à-vis the three primary criteria of transparency, balance and meaningfulness. The training workshops for district resource teams are carried out in a way that fits well with a Lao way of thinking or logic, and the mechanisms for capturing the essence of the proceedings for input into the larger planning process are well designed. Based on earlier experience, it is felt that the potential for good consultations in Laos was always there, but the right system needed to be designed to motivate that potential.

Cyclically speaking, there remains a need, when the first round is complete, to adjust the content of the information manuals once the responses to concerns and recommendations have been made and the discrepancies between safeguard policies and government practices have become clear and are reconciled, a process that is currently on-going for the reservoir, watershed, and PIZ, and which will soon be underway for the Xé Bang Fay downstream area.

Ideally, consultations would be better carried out in the dry season when access and logistics are not a constraint as they are during the wet season. In addition dry season consultations are not such a burden on farmers.

It is to be expected that latent tendencies towards top-down planning and Laoization of ethnic minorities could return if momentum is lost. At the present time District Resource Teams have had only a single round of experience, and although they have responded well to the formidable tasks and efforts necessary to carry out the consultations, they need to maintain momentum in order to institutionalize the participatory consultation process in a sustainable way.

Process

The process as it stands works well, but the momentum gained through implementation and experience by the VFs and the DRTs needs to be maintained. Some expert guidance will still be needed to ensure the high quality standards are maintained. Also, some consideration might be given to a DRT selection process to have a more uniform group. Now that the first round has been completed, it will not be necessary to have multiple teams operating simultaneously, and a single high-quality DRT for each location would be preferable.

Content

Although the content of the safeguard documents is being revised on an on-going basis, there needs to be a mechanism in place whereby DRTs are regularly informed of changes and where consultation manuals and information centers are revised and kept up-to-date as well.

In some cases, particularly in the case of the NPA, WMPA, and SEMFOP, policies for the conservation may vary from government policy elsewhere. DRT and WMPA staff need to be up to speed on these issues as well as those where government policy may have shifted in Vientiane, but the changes have not filtered down to the provincial and district level. Since these involve serious livelihood concerns such as those surrounding swidden cultivation and land reform, they represent matters of grave concern for human development in the conservation context.

Another matter that emerged from the consultations was the plight of the Ahoé at Sop Hia, is delicate and more time needs to be spent in resolving it. The Ahoé may have changed their minds regarding resettlement in favor of lowland paddy agriculture (under the influence of the Lak Xao Tais who entered Sop Hia about eight years ago), but it is known that they have never experienced this mode of existence, and probably would not adapt well. In other similar situations around the country, such groups quickly abandon the enterprise and sell the land they have been allotted. This leaves them homeless, landless, and even more vulnerable.

The reporting system and database

The reporting system for DRTs while good in principle appears not to be working as well as it should in practice. Many of the concerns and recommendations that came out of the wrap-up sessions did not show up in the database. This needs to be investigated as soon as possible as the credibility of the consultation system relies on accurate and comprehensive reporting of local concerns and recommendations.

Another question must be asked, is the current HR capacity of NTPC adequate to oversee and respond to this process. For example, when the database is complete, how will the flagging decisions for local recommendations take place. Who will do it? Will it be a single individual, or a committee of NTPC-Government personnel.

Feedback system to villages

Once the flagging decisions have been made, there needs to be a systematic way for this information to be fed back to the districts and villages. And there needs to be a system whereby villages can react to those flagging decisions. At the present time this is all very murky and at best unmanaged.

Project planning, safeguard documents

Likewise, upgrading of project plans and safeguard documents based on the consultation results, needs to be systematized and transparent so that villagers and other stakeholders know that the time spent on consultations has resulted in improvements.

Vulnerable ethnic groups

As noted in the previous section (Chapter 6) it has been apparent for some time now, and it has been confirmed in the recent consultations in the NPA and the PIZ as well as in special missions, that certain very vulnerable ethnic groups are in need of special attention and programming for consultations to be truly “informed” and “meaningful”. These groups are known locally as “Yellow-leaf people”, or technically as Vietic Type I, hunter-gatherers, or nomadic foragers. Recommended specific approaches and methodologies be adopted to consult with these groups have now been set forth in the SEMFOP and will be carried out under the auspices of the WMPA. It is recommended that this process be instituted immediately and closely monitored.

APPENDIX 1 – Downstream Nam Theun

Local Consultations in Affected Villages on Tributaries of the Nam Theun Downstream from the NT2 Dam

James R. Chamberlain
Independent Monitor

NTPC is currently undertaking local consultations in villages located on tributaries of the Nam Theun River downstream of the NT2. Since no villages are located on the Nam Theun downstream between the dam site and the head pond of the Theun-Hinboun hydropower installation, all affected villages are located on tributaries and nearby locations of this section of the main river. Six out of fourteen local consultations were observed: Ban Sène Oudom on the Nam Phao River, Ban Nongxong on the Nam Ngoy River, and Ban Vang Ko on the Nam Kata River, Ko Hay on the Kata, Tha Veng on the Kwa, and Kammouane, a user of the Nam Theun.

Consultations were carried out in two rounds, a preliminary round (Jan 18-27, 2005), and after an assessment of the findings and lessons learned, a second round (Feb 2-5, 2005).

Villages Covered to date indicating those observed by the Monitor:

1. Sene Oudom [Phao] (Observed)	8. Phon Hong [Phao]
2. Nong Xong [Ngoy] (Observed)	9. Na Kham [?]
3. Vang Ko [Kata] (Observed)	10. Vang Pha [Kata]
4. Phon Thong [Phao]	11. Na Deua
5. Phon Lom [Ngoy]	12. Ko Hay [Kata] (Observed)
6. Lak 5 [Phao]	13. Tha Veng [Kwa'] (Observed)
7. Phon Tane [?]	14. Khammouane [NT] (Observed)

1. The first round of consultations was carried out by one international fisheries expert, his Lao assistant. Two members of the local Khamkeuth District Agricultural Office (DAFO) accompanied the team to assist with formalities during the first round, but did not participate in the consultations as they had had no previous experience with this activity, (they did however receive a brief half-day introduction to the process). They later ceased their involvement saying they were busy with other activities. The district personnel were helpful and cooperative in notifying the villages in advance so that householders would be present in the village on the appointed day. They presented no obstacles and there was obviously no coaching of villagers on what they should or should not say. During the second round a second team was added consisting of the Thai consultations expert and a woman facilitator from Vientiane.

2. Altogether fourteen villages were selected from among the 70 villages that are found on or near the tributaries of that section of the Nam Theun where reduced water flow will affect fisheries, both in the Nam Theun and in the tributaries where numbers of migrating species are expected to be affected. These tributaries include primarily the Nam Phao, Nam Kata, and Nam Ngoy rivers.

3. These consultations represent the first time that the villages have been consulted on the compensation issue and mark the beginning of this process. To this end they are intended to develop and refine methodologies that will start villagers thinking about the impacts of losses which they will experience and how these losses might be compensated once the dam is constructed. The approach is premised on the assumption that villagers have intimate knowledge of the Nam Theun and the particular tributaries where they reside. In the consultations they are invited to share their knowledge of the various fish species, when, where, and how they are caught, and the quantities of fish taken by various strata in the village characterized by best, moderate, and least adept fishermen. Previously in 2004 a socioeconomic appraisal of local fisheries was undertaken by NTPC in twenty (out of the seventy) tributary villages and this has informed the consultation process as well.

4. The consultation process begins with a disclosure of the project and the potential impacts on the villages. This was carried out thoroughly with negative impacts stated clearly at the outset in terms of reduced water in the Nam Theun, increased turbidity, and potential reduced fish catches. The disclosure and participatory calculations on fish catches are held in the morning, and discussions of options for compensation take place in the afternoon. The presentations were well prepared, interactive, and easy to understand.

5. This was followed by a participatory exercise wherein villagers were assisted in quantifying their catches, determining the potential losses, and opting for possible types of compensations. Discussions were free and open with no interference from district officials. Beginning in the second round, a socio-economic exercise has been added to the content of the consultations to obtain an overview of the livelihood systems in the area. Here again there is considerable diversity between villages and ethnic groups.

6. The consultations are highly participatory, free and open. Villagers are eager to learn about the project, and very attentive during disclosure. They also exhibit a high level of environmental awareness and sensitivity. Their own analysis of the situation is astute, and the consultation teams are able to build on this knowledge base.

7. Options presented for compensation fall into three categories: (1) fish for fish - that is, construction of fish ponds, either for the community as a whole or individuals if warranted; (2) protein for protein, that is, livestock raising in place of fish; (3) enhanced management of existing fisheries, especially the controlling of destructive practices, either by fishermen or by other projects (gold mines, roads). In the three consultations observed, the first opted for (2), the second opted for (1), and the third opted for (3). A fourth option, deep pool preservation, was found not to apply or to be feasible in the villages consulted so far as these pools have gradually disappeared from the tributaries. Other options mentioned by villages not on the list included other development related activities, silk-raising in one village, and water supply in another.

8. Destructive practices of fishermen include use of explosives, and blocking of rivers so that all fish are caught or prevented from migrating. It was revealed that the main perpetrators of these methods are not villagers, but government officials - this was

stated clearly in one village in front of the district officers. It is thus a good indicator that consultations are being conducted in an atmosphere where villagers are not afraid to speak out.

9. Lack of district involvement during the second round is a potential problem. Consultations are now carried out entirely by NTPC. While this may be good in terms of the overall openness of the meetings, it also means that the information and outcomes are not being fed back to the district. Since much of the environmental degradation appears to result from poor district decision-making, this is a major shortcoming.

10. Some main points arising from the consultations:

- Theun-Hinboun has had impact on Nam Theun fish migrations
- Both immediate habitat and migrating species are impacted
- Some of villages are in PIZ, but all villages in Khamkeut District utilizing the NT, Phao, Kata and Ngoy are affected
- In many villages, concerns were not only fish, but whole ecosystem changes of which they are very much aware
- Water resources are uppermost in minds of villagers, for farming, drinking, bathing, as well as fishing
- Losses of access to wildlife and NTFPs are of equal concern to many villages, especially those which are near, but fall outside, the PIZ
- Biophysical and ethnic diversity is unique, and totally unlike XBF, the same strategies for compensation will not be valid

11. Fish populations are deteriorating rapidly due to lack of environment/watershed management by district

- Gold mining on Nam Kata and Nam Veo and tributaries
- Gratuitous road building along Nam Kata blocking tributaries
- Quarrying in Nam Phao
- Natural disasters, over-exploitive fishing practices, cultivation of river banks, have contributed as well

Thus it appears likely that by COD, the fish basis for compensation will have been reduced to near zero, thus fish for fish will be meaningless, but, at the same time villagers will be seeking compensation for ecosystem destruction, and for whatever reasons, NTPC, WB, and ADB will be blamed.

12. Recommendation: an integrated livelihood and watershed management program needs to begin in the immediate future if threats are to be mitigated.

Appendix 2 – Outcomes of Consultations in the NPA

Topics:

1. Perception of what villagers learned
2. Villager concerns
3. Villager suggestions / recommendations
4. Team leaders' comments
5. Perceived shortcomings

1. What did villagers learn ?

- Nam Noy

- How to express themselves
- Necessity for development
- Conservation of animals and water sources
- Future plan for ecotourism
- Use of own language for explanations
- Ownership of natural resources
- Interest in continuing the consultation process

- Nam Theun

- How to express themselves
- Methods of consultation
- Better understanding of conservation and development
- Their role in conservation
- Methods of livestock raising
- Village may be a location for tourism

- Nam Sot

- Acknowledge the error of their ways
- Paddy agriculture is best
- Value of education
- Cannot use forest like before
- Value of NPA and the Saola
- Rules and regulations

2. Villager Concerns

- Nam Noy

- Kri and Phong
- Patrolling and lack of power
- Lack of knowledge of modern agriculture
- Brou (Kounè)
- Similar to Vietic concerns
- Afraid of Vietnamese

- Also hesitant to confront Sek
- Sek
- Losing production land
- Afraid to confront Vietnamese

- Nam Theun

- Worried about stopping swiddening
- Marketing of cash crops
- Protected wildlife destroy crops
- Current land under cultivation not sufficient
- Health volunteers don't know how to use medicines

- Nam Sot

- Fear assistance will not be equal
- Not getting help with paddies
- Cannot adjust to paddies
- Too many tourists
- Production land will be restricted without compensation
- Afraid water not sufficient for paddies
- Paddy land not sufficient
- No money for children to attend school
- WMPA will not live up to promises
- Afraid to confront Hmong poachers
- Afraid black magic will be used in interethnic disagreements
- Loss of road

3. Suggestions

- Nam Noy

- Want land allocation
- Want help with administration
- Want to permission to hunt some animals for food
- Want help in making paddies
- Want equipment for production
- Irrigation
- Want food-for- work while “developing”
- Maka villages want to split (N / S+C)
- Kounè wants to split from Na Moey
- Want schools P1-3 & clinic
- Want to negotiate location of clinics
- Help with marketing
- Want training for teachers and health workers

Nam Theun

- Need tools for production
- Want to have own people trained for development – do not want outsiders to do it

- Need more assistance in conservation – want permission to hunt pigs and monkeys (pests)
- Want study tours to observe agricultural methods
- Want irrigation where appropriate
- Want education, but need a way to compensate for loss of labor

- Nam Sot

- Food-for-work when making new paddies
- Want to hire large tractors for clearing and plowing
- Want clear rules with respect to conservation
- Want quick development
- Want patrol posts to control poaching

4. Team leaders' comments

- Nam Noy

- Glad to be able to visit and understand ways of life of villagers
- Understand better the problems of development
- Some villager suggestions valid, but mostly villagers want everything for free without work

- Nam Theun

- Villagers understand conservation, but don't understand development and how they fit together
- Villagers don't see benefits of land allocation, only problems
- Thémamarou need special attention. This is their ancestral territory. They have only just begun swiddening and not ready to change
- Villagers are happy to be receiving attention
- Gardens on riversides are a development problem

- Nam Sot

- Special issue is the nearness to Lak 20
- Villagers are more aware and want better assistance than before
- Need checkpoints for contraband on road
- Vietnamese are a problem for patrols
- The Sot area is most difficult in terms of destruction
- The ethnic problems are between Tha Meuang and Songkhone (Vietics), others (Brou and Tai) not a problem

5. Perceived shortcomings

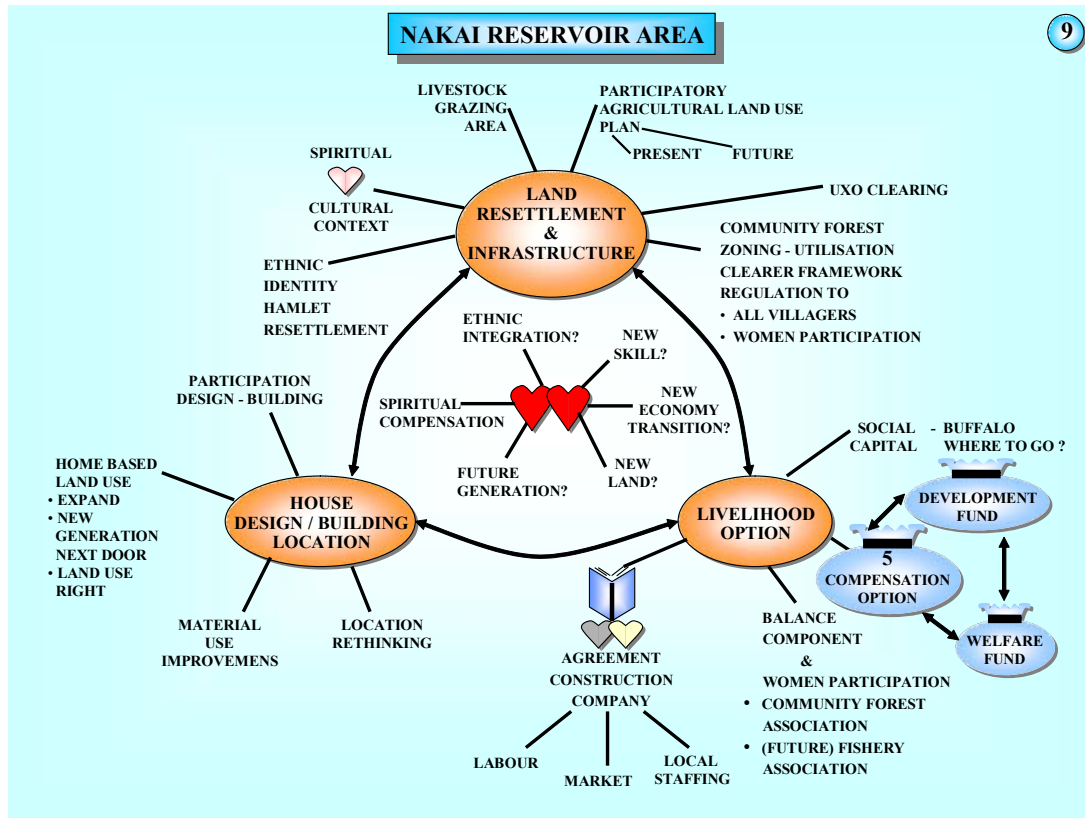
- Need more time to train and mobilize consultation teams
- Season is a problem for villagers
- Teams don't know languages of the people
- Villagers don't come to meetings on time
- Team members still talk too much, and interrupt villagers when they are speaking

- Ethnically different villagers don't want to join together at consultations – should keep separate

Summary

- Nam Noy – concerned more with administration
- Nam Theun – concerned with food security
- Nam Sot – equity of benefits

Appendix 3 – Concerns and Proposals from the Reservoir



(Source: Anek Nakabutr)