

1st Summary of Information on How Safeguards for REDD+ were
addressed and respected by Lao People's Democratic Republic for the
period 2015-2018

November 2020

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With technical support from the Japan International Cooperation Agency

Endorsed by;

Department of Forestry

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List of Acronyms

ADB	Asia Development Bank
AF	Additional Financing
BCC	Biodiversity Conservation Corridors Project
CBD	Convention on Biological Diversity
CEDAW	Conservation on the Elimination of All Forms of Discrimination Against
CSO	Civil Society Organization
DAFO	District Agriculture and Forestry Office
DALaM	Department of Agricultural Land Management and Development
DFIU	District Forest Inspection Unit
DFRM	District Forest Resource Management
DOF	Department of Forestry
DOFI	Department of Forest Inspection
DOL	Department of Lands
DoNRE	District Office of Natural Resources and Environment
EGDP	Ethnic Groups Development Plans
EGPF	Ethnic Group Policy Framework
EIA	Environmental Impact Assessment
FIP	Forest Investment Program
EPF	Environmental Protection Fund
ER-P	Emission Reduction-Programme
ERPA	Emission Reduction Programme Agreement
ERPD	Emission Reduction Programme Document
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMMP	Environmental and Social Management and Monitoring Plan
FAO	Food and Agriculture Organization
FCPF	Forestry Carbon Partnership Facility
FIP	Forest Investment Programme
FPIC	Free, Prior, and Informed Consent
FRDF	Forest Resource Development Fund
GCF	Green Climate Fund
GFL	Governance Forest Landscape and Livelihoods
GDP	Gross Domestic Product
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit -- German Agency
GMS	Greater Mekong Subregion
GoL	Government of Lao People's Democratic Republic
Ha	Hectare
HCVF	High Conservation Value Forest
IC	Infrastructure Consultants
IDA	International Development Association
IEE	Initial Environmental Examination
IFC	International Finance Corporation
ILO	International Labour Organization [of the United Nations]
JICA	Japan International Development Cooperation
Lao PDR	Lao People's Democratic Republic

LWU	Lao Women's Union
MAF	Ministry of Agriculture and Forestry
MoICT	Ministry of Information, Culture and Tourism
MONRE	Ministry of Natural Resources and Environment
MRV	Measurement, Reporting and Verification
NBSAP	National Biodiversity Strategy and Action Plan
NCAWMC	National Commission for the Advancement of Women, Mothers and Children
NFMS	National Forest Monitoring System
NGO	Non-governmental Organization
NRS	National REDD+ Strategy
NRTF	National REDD+ Task Force
NSEDP	National Socio-Economic Development Plan
NTFP	Non-Timber Forest Products
OGS	Out-Grower Schemes
PAFO	Provincial Agriculture and Forestry Office
PCAW	Provincial Committee for Advancement Of Women
PES	Payment for Environmental Services
PF	Process Framework
PFA	Production Forest Area
PLR	Policy, strategy, Legislation and Regulations
PLUP	Participatory Land Use Planning
PM	Prime Minister
PMO	Prime Ministerial Order
POFI	Provincial Office for Forest Inspection
PONRE	Provincial Office of Natural Resources and Environment
PRAP	Provincial REDD+ Action Plan
PSFM	Participatory Sustainable Forest Management
REDD+	Reducing Emissions from Deforestation and forest Degradation in developing
The main	The main REDD+ Activities and their Policy and Measures
REL	Reference Emission Level
RPF	Resettlement Policy Framework
RAP	Resettlement Action Plan
SDGs	Sustainable Development Goals
SEA	Strategic Environment Assessment
SESA	Strategic Environmental and Social Assessment
SG TWG	Safeguards Technical Working Group
SIS	Safeguard Information System
SOI	Summary of Information
SUFORD-SU	Scaling Up Participatory Sustainable Forest Management Project Scaling Up
TWG	Technical Working Group
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNCCD	United Nations Convention to Combat Desertification
UNFCCC	United Nations Framework Convention on Climate Change
USD	United States Dollar
VFMP/A	Village Forestry Management Plan and Agreement

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INTRODUCTION

This 1st Summary of Information on How Safeguards for REDD+ were addressed and respected in Lao People's Democratic Republic (1st SOI of Lao PDR) has been prepared and submitted in line with Decision 17/CP.21 of the UNFCCC, the paragraph 4, and covers the period of 4 years from 2015 to 2018 to receive the results-based payment from the Green Climate Fund (GCF).

In accordance with Decision 17/CP. 21 of the UNFCCC, 1st SOI of Lao PDR presents the national circumstances, description of each safeguard including how addressed and respected in the Lao PDR context, relevant systems and processes including the safeguard information system, and other information relevant to the safeguards. 1st SOI of Lao PDR also spells out the gaps and challenges for fully “addressing and respecting” Cancun Safeguards and these gaps and challenges will be filled or overcome in a step-wise approach with resources both available within the country and provided from international community including the results-based-payment from GCF. In addition, the improvements made in 2019, which is beyond the payment period, are also stated as a reference for transparency and development of 2nd SOI of Lao PDR.

1st SOI of Lao PDR has been developed in both Lao and English simultaneously under the guidance of the Safeguards Technical Working Group (SG TWG) and through the consultations at various levels in the country, comments from relevant stakeholders on its drafts, and a group of experts both national and international. The development process of 1st SOI of Lao PDR didn't start from scratch but relies heavily on existing REDD+ related safeguards systems/frameworks at sub-national or project levels, some of which were also developed under the guidance of SG TWG and through stakeholder consultations. Therefore, it could be said that even though this is the 1st SOI of Lao PDR, Lao PDR has rich experiences in dealing with REDD+ safeguards and has been implementing them at various levels except national level.

1. NATIONAL REDD+ FRAMEWORK of LAO PDR

1.1 Progress of REDD+ in Lao PDR

REDD+ was first discussed in 2005 by the United Nations Framework Convention on Climate Change (UNFCCC) at the meeting of the Conference of Parties. The aims of REDD+ is to provide incentives in the form of result-based payments (through measuring and verification of results) for developing countries to reduce deforestation and forest degradation; and foster conservation, sustainable management of forests, and enhancement of forest carbon stocks. Between 2007 and 2015, negotiations between the UNFCCC member states resulted in formulations and approval of many decisions and guidelines, which provide guidance for REDD+; most importantly, these are approved in the Paris Agreement in 2015.

Lao PDR initiated its participation in REDD+ activities in 2008 through cooperation projects with international organizations and development partners. Since then, Lao PDR has focused on various tasks, particularly the four main components of REDD+ readiness (NRS: National REDD+ Strategy, REL: Reference Emission Level , NFMS: National Forest Monitoring System, SIS: Safeguard Information System) which are required by UNFCCC. In addition, Lao PDR has also focused on capacity building and piloting REDD+ projects at local level to obtain lesson learnt, mainly REDD+ project in at Phonxay District and Xieng Gneun District in Luang Prabang Province during 2010-2015, REDD+ project in Xam Nuea District and Hua Mueang District in Hua Phan Province which has implemented since 2009 and expected to end in 2020, and the sub-national REDD+ program (under preparation) supported by FCPF covering 6 northern provinces with expected implementation period from 2020 to 2025.

The implementation of REDD+ is currently under the responsibilities of Ministry of Agriculture and Forestry with organizational structure at central and local level. The central level includes the National REDD+ Task Force (NRTF) and 6 Technical Working Groups (TWG) and REDD+ Focal Point. The Local level includes the Provincial REDD+ Task Force and Provincial REDD+ Offices.

1.2 Overview of national land and forest areas and changes in Lao PDR

1.2.1 Land uses

The data from forest cover interpretation in 2015 indicates that Current Forest (CF), which consists of 6 forest types: Evergreen Forest (EF), Mixed Deciduous Forest (MD), Dry Dipterocarp Forest (DD), Coniferous Forest (C), Mixed Coniferous and Broadleaved Forest (MCB) and Forest Plantation (P) has total area of 13.7 million hectares, covering 58% of the total land area of Lao PDR. In addition, Potential Forest area¹, including Bamboo (B) and Regenerating Vegetation (RV), has total area of 6.3 million hectares, covering 26.7% of the total land area of Lao PDR. Cropland consists of Upland Crop

¹ Areas of potential forest including bamboo and regenerating vegetation

(UC), Rice Paddy (RP), Agricultural Plantation (AP), and Other Agriculture (OA) and has total area of 2.6 million hectares, covering 10.8% of the total land area of Lao PDR.

1.2.2 Land use changes

During the 10 years period, from 2005 to 2015, Current Forest decreased from 14.3 million hectares or 60.2% of the total land area to 13.7 million hectares or 58%. Cropland has increased from 2.1 million hectares or 8.9% to 2.6 million hectares or 10.1%. Water area has increased from 0.29 million hectares to 0.36 million hectares.

During 2005 to 2015, natural forest area was destroyed for total of 0.64 million hectares through encroachment and conversion to other land types such as to Regenerating Vegetation (0.41 million hectares), to commercial plantation (59,000 hectares), to permanent agricultural land (low land rice field) and upland rain-fed rice field (170,000 hectares). While natural forest areas have increased through natural rehabilitation around 97,600 hectares (see table 1).

Table 1: Summary of land uses and changes from 2005 to 2015

	2015		Current Forest			Crop Land		Water	Other Vegetated area	Other land	Total
	ha	Change from 2005 to 2015	1) Natural Forest	2) Forest Plantation	Potential Forest	1) Upland Crop	2) Permanent Agriculture land				
Current Forest	1) Natural Forest	- 636,932	13,492,150	59,117	407,785	55,669	167,969	35,817	270	8,727	14,227,505
	2) Forest Plantation	+ 117,181	0	23,338	428	15	737	1	0	9	24,528
Potential Forest		+ 3,072	97,638	44,077	5,658,493	82,414	408,130	27,497	132	8,289	6,326,671
Crop Land	1) Upland Crop	- 59,313	762	29	202,471	5,708	3,643	248	896	159	213,917
	2) Permanent Agriculture land	+ 498,286	22	9,893	58,377	9,932	1,809,336	3,864	29	9,438	1,900,890
Water		+ 73,350	0	0	0	0	382	285,928	0	152	286,462
Other Vegetated area		- 21,289	0	5,237	1,540	714	8,330	6,128	402,010	673	424,632
Other land		+ 25,645	0	18	648	152	649	329	6	273,593	275,394
Total		+ 0	13,590,572	141,710	6,329,743	154,604	2,399,176	359,812	403,343	301,039	23,680,000

Source: report on forest cover in 2015

1.3 Identified drivers of deforestation and forest degradation in Lao PDR

Through the review, research and consultation process on data and issues regarding deforestation and forest degradation in Lao PDR, four main causes were identified: (1) the need for expansion of permanent agricultural land including cropping and tree plantation; (2) the necessity of livelihoods linked to uncontrolled shifting cultivation; (3) the need for infrastructure development particularly hydropower, electricity line construction and road construction, and mining; and (4) uncontrolled logging against laws and regulations.

1.4 National REDD+ Strategy of Lao PDR

1.4.1 Visions

By 2030, forest and forestland, which cover 70% of the total land area, are sustainably managed, protected, developed and utilized with the participation of all stakeholders in the whole society; forest management systems are enhanced; and forest can provide efficient economic, social and environment services.

1.4.2 Objectives and Missions

Objectives

The overall objectives of NRS is to determine directions and main programs and priority actions for the development and implementation of REDD+ and will be developed into action plans and projects for implementation in each phase. The outcome of NRS is the emission reduction and increase in removal of greenhouse gas in forestry sector, the contribution to national socio-economic development, and the implementation of national program contributing to climate change mitigation of Lao PDR.

Specific objectives are as follow:

- Emission reduction and increase in removal of greenhouse gas in forestry sector through improvement of forest management into sustainable management system, aiming at reducing deforestation and forest degradation in parallel with forest rehabilitation;
- Promote and develop livelihoods of rural people who depend on forest and forest resources by participatory village land allocation; support technical aspects of agricultural practices and forest products processing to rural people; and improve participatory forest management and benefit-sharing from forest;
- Support investors to invest in sustainable forestry business such as tree plantation, ecotourism and others by promoting forestland zoning, revising legislations and strengthen capacity in implementing laws and legislations on promotion of forestry business and forestland zoning.

Mission

- Reduce greenhouse gas emission in forestry sector to 30 million tCO₂e by 2025 by reducing the emission from forest loss to 21 million tCO₂e and increase emission removal to 9 million through forest rehabilitation and plantation;
- Concerned organizations are have the capacity to protect forest and sustain its carbon sinks as well as conserve biodiversity;
- Have effective near-real time forest monitoring system that is able to monitor changes or conversions of forestland, and forest fires. Have systematic and transparent forestry data management;
- Investors on forestry business have understanding and participate in addressing deforestation and forest degradation issues, while also protect and rehabilitate forest and plantation areas with the aim for emission removals.

1.4.3 Main programs and priority activities

To achieve the above objectives and missions on emission reduction and removals of forestry sectors, 5 programs and 24 priority activities have been defined to address deforestation and forest degradation, and at the same time to promote forest protection, forest rehabilitation and sustainable utilization of forest resources, as below:

Program 1: Development of sustainable agriculture in coordination with forest protection:

Activity 1: Enhance capacity for implementation of existing policies, laws and regulations to address challenges related to the implementation of concession agreements, contract farming and environmentally friendly agriculture production in a way that is consistent with the green and sustainable development direction.

Activity 2: Implement, improve, and expand forest landscape management and participatory land use planning, and agriculture area expansion in accordance with allocated areas taking into consideration social and environmental impacts, including control of the use of harmful pesticides, herbicides and chemical fertilizers.

Activity 3: Expand good lessons and develop diverse livelihood models based on local potentials together with provision of opportunities for access to financing for promotion of agriculture production.

Activity 4: Improve near real-time monitoring system and participatory field-based actual monitoring on the implementation of concession agreements, contract farming and agriculture land expansion.

Program 2: Promotion of commercial tree plantation and forest rehabilitation

Activity 1: Enhance capacity to implement existing policies, laws and regulations, and address/reduce challenges and obstructions in the policies, laws, and regulations related to promotion of industrial tree plantations by investors and households.

Activity 2: Promote and manage tree planting for both commercial and conservation purposes in accordance with regulations and standards, and land and forest allocation plans, and review participation and partnership models between stakeholders especially community and investors.

- Activity 3: Enhance capacity to implement existing policies, laws and regulations related to forest restoration and rehabilitation to achieve the forest strategy targets, together with public awareness raising and formulate and improve handbooks and technical guidelines for forest restoration both natural and assisted.
- Activity 4: Delineate restoration areas and develop forest restoration plans with focus on survey and delineate potential or degraded forest for allocation as restoration areas and formulation of short, medium and long term plans for management of restoration areas.
- Activity 5: Promote forest rehabilitation in accordance with the specific targets or management objectives of each forest category through review and improvement of participation and investment of all stakeholders. Analyze and develop forest rehabilitation models based on the local potentials and actual good experiences including providing support to access to various financing modalities such as domestic and international cooperation and private investment.
- Activity 6: Improve efficient systems for management of forest information, monitoring, inspection and reporting of forest status and changes with focus on establishment of technical capacity especially at local levels, improve handbooks, guidelines on information management, monitoring, inspection and reporting systems in line with capacity building for field-based actual monitoring by all stakeholders in society.

Program 3: Linking infrastructure development, mining, electricity line construction and road construction with protection of forest and forest resources

- Activity 1: Formulate and improve legislation on the land conversion by granting infrastructure development, land leases and concessions through bidding or auction process, and based on land/forest use maps and field survey provided by the forestry sector.
- Activity 2: Improve and expand the implementation of forest landscape management including integrated land use planning in coordination with sectors of energy and mines, public works and transport and others in order to determine possible areas for infrastructure development, mining and other land uses.
- Activity 3: Review information for zoning of each land category and register the land for infrastructure development in detail and establish a centralized information system on land and forest uses.

Activity 4: Strengthen the monitoring and evaluation process of the infrastructure and mining projects through ESIA and Environmental and Social Management, and Monitoring Plan (ESMMP) implementation.

Program 4: Stop uncontrolled harvesting of wood and forest products against laws and regulations

Activity 1: Promote and enhance capacity at local levels for implementation of existing laws and regulations to manage, monitor, inspect and report implementation of development projects and investments, which are related to use, clear or convert forest, forestland and forest resources for ensuring sustainable development and investment, and regulations on environmental and social protection.

Activity 2: Improve coordination for information on annual logging quota to be effective and based on the approved sustainable forest management plans.

Activity 3: Review and strengthen capacity for planning and control of logging in concession areas for infrastructure development and mining to strictly follow concerned laws and regulations, and based on technical aspects.

Activity 4: Research and publicize legislation and regulations on participation and sharing benefits from log sale, and at the same time promote certification of wood products and NTFPs in order for additional values.

Activity 5: Improve near real-time monitoring system and field-based actual monitoring by all stakeholders in societies, especially by local communities.

Program 5: Stabilize uncontrolled shifting cultivation by promoting sedentary agriculture production and to control forest fires

Activity 1: Enhance capacity to implement existing policies, laws and regulations to address/reduce challenges related to stabilising pioneering shifting cultivation and sustainable forest management linked with livelihood improvement of people living in and around forest.

Activity 2: Review and determine boundaries of 3 forest categories at national, provincial, district and village levels according to the National Master Plan for Land Allocation and zoning of forestland according to the management and use of each category of forest.

Activity 3: Expand actual good practices and develop various livelihood models based on local potentials, promote and develop local livelihood alternatives through income-generating activities including ecotourism.

Activity 4: Improve near real-time monitoring system of shifting cultivation and forest encroachment and field-based actual monitoring by all stakeholders in society.

Activity 5: Raise public awareness on legal aspects and implementation on the use of natural resources, impacts of slash and burn, forest fire prevention, development of warning, reporting and control system of forest fires with participation of local peoples.

2. REDD+ COUNTRY SAFEGUARDS CONTEXT in Lao PDR

2.1 Information on national circumstances relevant to addressing and respecting the safeguards

2.1.1 Socio-economic development

Economic situation

Lao PDR's economic growth has moderated in recent years, but remains comparatively high, with income per capita reaching \$2,330 in 2017. GDP growth averaged 7.8% over the last decade, driven by the country's natural resources. Approximately one-third of this growth is attributed to hydropower, minerals and forests. Economic growth remained vibrant in 2018 with GDP at 6.9%, although slower compared to earlier years.

Employment

Nationwide the percentage of self-employed workers stands at 85%. The unemployment rate among prime-age individuals is rather low at 1.1%, but the unemployment rate for the younger population is almost four times higher at 4.2%. To date approximately 80% of the workforce remains engaged in subsistence agriculture and related activities. Lao people are highly dependent upon the primary economic sector (i.e. the extraction of natural resources for their livelihoods, such as foraging for non-timber forest products, fishing and traditional agriculture).

2.1.2 Socio-economic conditions with focus on upland

Demography/Ethnicity

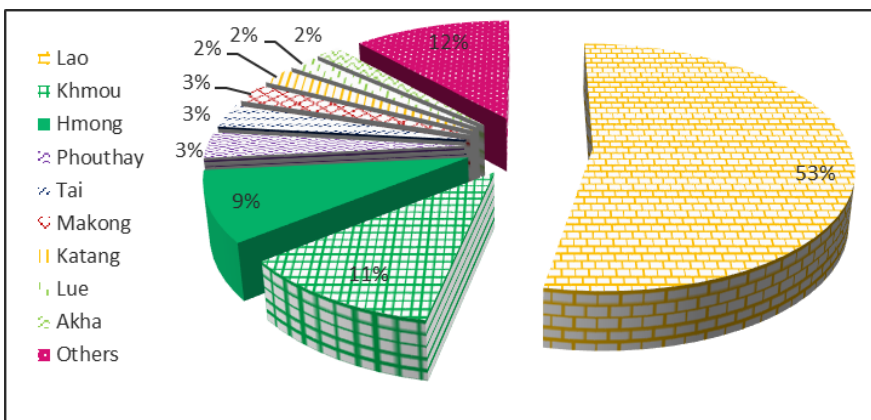
According to the 2015 census Lao PDR has 1,183,386 households, with a total population of about 6.5 million, including 3.23 million women and girls. Over the past three decades the population has increased from 3.6 million (in 1985) to 4.5 million (in 1995), and to 5.6 million (in 2005). Since the

previous census the population increased by 1.45% annually. On average, the current national population density is 27 persons per square kilometer, with rural residents comprising 67% of the country’s total population. Most of rural population live in upland area covering roughly 70-80% of total land area of Lao PDR mostly in the northern region and along the central and southern border with Vietnam where most non Lao-Tai groups live.

Lao PDR has endorsed the International Labor Organization Convention 169 on Indigenous and Tribal Peoples (ILO 169, 1989) and United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) but the GoL does not recognize the concept of “indigenous peoples” in its policies and legislation. Instead, the term “ethnic group” is officially used to describe its people, who are categorized into 50 broad ethnic groups, which are classified as belonging to four different ethno-linguistic families.

The ethnic Lao account for slightly over half of the nation’s total population (53%). When combined with other ethnic groups in the Lao-Tai ethno-linguistic family, the ethnic Lao-Tai comprise two-thirds of the population. The population of the non-Lao-Tai ethnic groups is greater in the Northern provinces. The ethnic Lao-Tai groups dominate the country economically and culturally. However, in some pockets of the country the number of non-Lao-Tai ethnic groups exceeds that of the ethnic Lao. Khmu and Hmong are the second and third largest ethnic groups respectively. Each of these two ethnic groups comprises more than half a million individuals.

Figure 1: Ethnic composition of Lao PDR population



Poverty

Poverty rates were reported to have decreased from 46% (1992) to 46.0% (1993), 23.2% (2013) and 23% in 2015. Poverty is still ranked as one of top priorities for the government to address and this issue is also highly relevant to land and forestry.

About two-thirds of the Lao population live on an average of less than \$2.00 per day, compared to less than 20% in Vietnam and less than 10% in Thailand.

- Poverty is also higher among households headed by persons with less education, a disproportionate share of whom are non Lao-Tai groups, and those who primarily depend on agriculture, or are unemployed.
- The rural poverty rate is more than double the urban rate. This discrepancy is most pronounced in the north of the country.

The poverty situation varies considerably between the well-established lowland villages with paddy areas (especially of the Lao-Tai groups) and the mid and upland villages of non Lao-Tai groups, including those who have moved or have been resettled to lower lying areas. The mid and upland villages have little or no paddy areas, thus making the livelihood situation of the overall village generally more precarious. Rice shortages are common in such villages, while traditional coping mechanisms (such as opium poppy cultivation) can either no longer be used or have become less effective livelihoods.

Poverty rates vary by ethnicity and are higher among non Lao-Tai groups in general, with the non Lao-Tai comprising to 55% of all poor people (2013), despite being only one-third of the population in Lao PDR (The Sino-Tibet ethnic group has been an exception, as they have experienced a rapid decline in poverty in recent years). The poverty rates were highest between the Mon-Khmer and Hmong-Mien headed households; with poverty rates of 42.3% and 39.8% respectively, almost double the national poverty rate of 23%.

Literacy and education

Education is strongly correlated with ethnicity. Non Lao-Tai ethnic groups make up one-third of the population, but constitute a disproportionate share of people in households headed by someone with no formal education (64.4%) or incomplete primary education (44.2%). Education among the various ethnic groups varies greatly. Mon-Khmer and Hmong-Mien, the second and third largest groups, have similar literacy levels in the national language, which is Lao (71.1 and 69.8%, respectively). The lowest Lao literacy rate was observed among the Sino-Tibetan speaking group at 46.8%.

Both male and female populations living in urban areas have Lao literacy levels above 90 percent. The levels are lower in rural areas with roads and lowest in those areas without roads. It is also interesting to note the gender gap is associated with urbanity, the difference in literacy rate between males and females is largest in rural areas with roads and smallest in urban areas. The lowest literacy rate was found among the female population living in rural areas without roads.

There was also a stark contrast in the proportions who have never attended school among children aged 6-25 at 2, 9 and 13 percent, in urban areas, rural areas with roads and rural areas without roads, respectively.

Access and communication

As a result of differing education levels most government staff are ethnic Lao. In some locations, in addition to difficult access to remote villages esp. in the rainy season, government staff have difficulty working with local villagers, as they may not know the ethnic languages of the villagers. Communication with and community engagement of the non-Lao-Tai ethnic groups (i.e. Mon-Khmer,

Hmong-Mien and Sino-Tibetan ethnic groups) remains a challenge. The inventory and recruitment of government staff members, including women from those ethnic groups, or reliance of local interpreters, remains a prerequisite for the government staff to communicate with different ethnic groups and to fully ensure local ownership and participation. The Lao Front for National Development has important roles which has staff throughout the country that can assist the government's district and provincial staff in communication and extension work with different ethnic groups.

2.1.3 Livelihood and forest with focus on upland

Livelihood system

Most rural households in Laos practice "multi-livelihood" strategies, which involve a mixture of subsistence and income-earning activities. Recent studies indicate that rural villages engage in no fewer than eight and sometimes as many as 15 distinct activities. In order to achieve a measure of livelihood security, this involves combining hunting and gathering with agriculture, horticulture, animal husbandry and forestry. The principle elements of livelihood security are farming systems, dependency on the forest, and the harvest of wild animals/insects, plants and NTFPs.

Upland rotational (swidden or shifting) cultivation is generally found in remote upland areas and is characterized by higher poverty rates than the national average in rural areas. Remoteness of shifting cultivation landscapes implies a lack of access not only to markets and capital, but also to other services such as agriculture extension and health services and to information and technology, often making shifting cultivation farmers highly dependent on forest resources for their livelihoods and food security.

NTFPs

Over 700 edible NTFPs have been recorded in Laos, including edible shoots and other vegetables, fruits, tubers, mushrooms and wildlife. In forest environments some NTFPs including wild animals, edible insects, bamboo and rattan shoots, fruits, forest vegetables, honey, and broom grass are sold in local markets and some are traded internationally. NTFPs also serve as an important source of traditional medicinal plants. NTFPs provide 60% of the monetary income of rural villages.

Gender

Women across all ethnic groups are involved in the collection of NTFPs. While men are more involved in activities such as fuelwood collection and food searching, women are more involved in shifting cultivation and gathering of NTFPs, including wild vegetable and insects. In villages and communities with longer and more interdependent relations with the forest, and where there is adequate access to reasonable quality forest, women tend to be involved in NTFP collection on a daily basis. The household dependence on forest areas also depends on the general preferences and orientation of the ethnic group, and this will determine what they collect in terms of NTFPs. When the families collect NTFPs for marketing broom grass, wild palm fruit (*mak thao*), paper mulberry, bamboo shoots, etc., there is greater allocation of both male and female labor to this task.

Wood fuel

Wood is the predominant type of fuel used by households (67 percent) in Lao PDR. In rural areas without roads, the proportion was much higher at 88 percent. Charcoal, also a wood product, was used by nearly a quarter of households and much more in urban areas (36 percent) than rural ones.

Local ecological knowledge and customary resource use

Forest-dependent communities have customary forest use rights according to customary rules, systems and classifications. These natural resource management practices differ across specific indigenous or ethnic groups and are closely intertwined with the social, spiritual, cultural, and political lives of local communities, and with their livelihoods and food production.

Many ethnic groups practice systems of land use and resource management that are uniquely adapted for upland areas. These systems have developed over generations, as part of traditional ways of life, and are underpinned through ritual and customary practices. Within upland land use and resource management systems men and women have developed different concepts of gender-specific rights and responsibilities. These responsibilities serve as a method of ensuring the sustainability of their livelihoods, communities, and cultural identities.

These customary use rights are recognized legally in the Forest Law (2007 as well as 2019²) and can be practiced according to the land use and forest management plans of villages. Moreover, the use of forest products is increasingly influenced by demands of both local and international markets. In terms of REDD+ it is important to make clear both the benefits and costs that those different stakeholders can realize in relation to forest management and protection, as well as their related roles and responsibilities.

Under changing conditions villagers consciously invest in multiple activities and produce diverse crops to maintain flexibility and implement risk-averse strategies, which have carried them through difficult times in the past. Villagers of differing ages and genders use different and sometimes conflicting strategies to retain risk-averse livelihoods, adding to the complexity of overall land use and natural resource management.

2.1.4 Land and forest use and management schemes

Land and forest uses and changes

Current Forest, including Forest Plantation, has been the country's dominant land use. Forest occupies approximately 60 per cent of the total land area of Lao PDR, mostly in the mountainous terrain. The second largest land use is Potential Forest including Bamboo areas, which occupies more than a quarter of the total land area and mostly consists of re-growing vegetation following abandonment of slash and burn cultivation. Some of these areas reach the threshold for definition as forest, but many are burnt again for upland rice and other crops. The next largest land use is Permanent Agriculture Land, which includes rice paddy, agriculture plantations including fruit orchards, and other crop areas. This land use type now occupies 10 per cent of the total land area.

² The Forestry Law was revised in 2019. Its improvements in terms of "addressing and respecting Cancun safeguards" is provide in Section 4.

Current Forest has been decreasing continuously from 60.9 per cent in 2000, to 58.0 per cent in 2015 (Natural Forest from 60.9 per cent to 57.4 per cent). Conversely, cropland has increased from 7.0 per cent to 10.1 per cent during these 15 years. Another notable change is the significant increase of Forest Plantations (circa 18,000 ha in 2000 to 138,000 ha in 2015) and Water (276,000 ha in 2000 and 350,000 ha in 2015), even though their share in the total land area is still small at 0.6 per cent and 1.5 per cent respectively. The increase in Permanent Agriculture Land, Forest Plantation and Water reflects the influx of foreign investment, as well as domestic investment in commercial plantations and hydropower projects, in line with the government's development policy.

Forest management

Under the 2007 Forestry Law forest is classified into three categories: Production Forest Area (PFA), Conservation Forest Area and Protection Forest Area, which includes regeneration forestland, dry forestland or barren forestland and village use forest land (Article 56). This means village use forest can be recognized inside and outside of the 3 forest categories. DoF delineates these three categories. There are also Unclassified forest areas (outside of the three forest categories), which are considered mostly under community management and some forest plantations owned by companies and individuals. It is commonly understood that, due to lack of legal status, operational management systems and proximity to villages, forests outside of three forest categories are more prone to disturbance (e.g. shifting cultivation, agricultural expansion, infrastructure, mining road), and unsustainable timber extraction.

The Village Forest and NTFP Management Division was established in DOF in 2012. It is responsible for the overall policy development and management and coordination of village forest and NTFP development in the country and was strengthened further under DOF Agreement no. 3822 dated 18 Aug 2017 on DOF structure and roles and responsibilities.

Actual management of the 3 forest categories and village forest is delegated to the Provincial Agriculture and Forestry Office, District Agriculture and Forestry Office and Village Forestry Units.

Forest plantations

The Forest Strategy 2020 of Lao PDR sets a target of establishing 500,000 ha of industrial tree plantations by 2020. To achieve this target seed collection, seedling production and tree planting areas are planned by the government and allocated to provinces. Tree planted areas are annually reported to DOF by each provincial forestry service. These figures include plantations for teak, rubber, eucalyptus and indigenous tree species such as rosewood. The cumulative planted area rose to 470,277 ha by 2016. Plantation areas for rubber trees and eucalyptus are 275,146 ha and 76,041 ha respectively from 1975 to 2016. While teak and rubber plantations have been extensively planted by smallholders in the Northern Lao, and *Eucalyptus camaldulensis* and *Acacia mangium* plantations have been increasingly planted by multi-national companies in the central and southern parts.

Table 2: Plantations by species 1975-2016 in Lao PDR

Species	Area (ha)
Rubber	275,146
Eucalyptus	76,066
Teak	48,278
Eaglewood	31,506
Native fruit decorative trees	39,231
Total	470,227

More than half or nearly 150,000 ha of rubber and eucalyptus tree plantation in Lao PDR have been planted using the 2+3 scheme i.e. contract farming scheme or by individuals. Table 2 above provides information on plantations of different species during the period 1975-2016. Farmers receive benefits from these industrial tree plantations, as well as leasing their land to investors.

2.1.5 Resource tenure

Land ownership

The Land Law (2003), is the principle legislative instrument governing the management, protection and use of land in Lao PDR. Article 3 of the Land Law reaffirms article 17 of the Lao Constitution, stating that land belongs to the national community and the State, as representative of the people, manages centrally in a uniform manner throughout the country. The GoL recognizes long term land use rights for use, protection, inheritance, transfer or allocation of individuals, entities, and organizations in accordance with relevant laws.

Land use right allocation and titling

The GoL provides long-term and short-term documents to land users. Long-term documents include permanent land titles that allow use rights and collateral rights. These land titles have mostly been issued for construction land including houses and factories, and paddies, primarily in urban and peri-urban areas. Temporary land-use rights involve agricultural and forest land. During the three years of validation, temporary land holders cannot sell, lease or use the land as collateral and after three years of correct use holders can apply for land titles. This restriction includes communal land.

Land users have been given land long-term land documents, which include:

- Land Title (*bay ta din*),
- Land Map Sheet/Land Survey Certificate (*pean vat ti din*),
- Certificate for Original Acquisition of Land (*bay yang yeun kan dai ma kong din*), and
- Land Development Attestation (*bay yang yeun kan pat ta na ti din*).

Short-term documents consist of:

- Temporary Land Use Certificate (*bay mob sid nam sai ti din sua khao*),
- Land and Forest Management Agreement (*kho tok long kan jad san din lae pa mai lair pa mai ban*), and
- Land Lease Contract (*sanya kan nam sai ti din*).

Land concessions and contract farming

In recent years, as part of the strategy to expand commercial agriculture and industrial tree plantations, and to turn land and natural resources into capital, the government has granted a large

number of land concessions (leases) to both domestic and foreign investors. Concessions may be granted for agricultural and forestry purposes, but also for other types of economic development activity such as development of hydropower schemes, mining, or other infrastructure development. If the development of concessions has certain characteristics, then the Government may require the preparation of an IEE (Initial Environmental Examination) or full Environmental and Social Impact Assessment (ESIA) report. Depending upon the outcome of an ESIA, an Environmental and Social Management and Monitoring Plan (ESMMP) may also be required to be prepared, implemented, and monitored.

Land is increasingly being utilized for contract farming. Investors increasingly used to prefer this mode of agriculture, as the government less regulated it. In this model, investors to grow particular crops, such as Maize, bananas, or rubber may contract the villagers. Varieties of these models exist, such as the 2+3 model, wherein the farmers provide land and labor, while investors provide inputs, technology (extension), and markets. Another alternative is the 1+4 model, wherein the farmers only provide the land. In the 2+3 model, farmers typically get 70 per cent of the benefits and the investors 30 per cent, whereas in the 1+4 model the farmers get only 30 per cent. The GoL together with local authorities have been taking steps to protect farmers' land and benefits i.e. requiring certification of contracts, monitoring of contract implementation and so on. A major issue with expanding commercial agriculture, through land concessions or contract farming, is that the villagers still need to obtain food for their families. Many villagers prefer to use their cash earnings for other household needs, and thus continue to produce their own rice and other food. If their previous land is now used for concession plantations or contract farming villagers may have to encroach on nearby forest land, clearing it for shifting cultivation in order to grow food.

Customary land use and right

Land is the most valuable asset held by communities and is often considered to be a sacred. Access to land and resources are traditionally associated with particular ideas of territoriality, whereby a community that has exercised communal rights over that land manages land. Management of land is governed by the consensus of the socio-political group, or emanates from the group it governs. Concepts of land ownership and entitlement to land use vary from ethnic group to ethnic group. However, customary land rights of different ethnic groups become diluted when outsiders influence them, and they are also not legally recognized. Where land is used for traditional shifting cultivation it is customarily communal land. Local community members share this land periodically for crop cultivation mainly for rice. These local sharing rules evolved over time and are based on criteria that only fit with certain social, cultural and environmental characteristics.

Forest and forest land ownership and use right

The Forestry Law (2007) stipulates that natural forests belong to the national community, and are managed centrally by the State, whereas planted trees belong to the individuals or entities that plant them. Article 42 of the Forestry Law further recognizes customary use of forest and forest products according to the land/forest allocation plans and village rules as well as village use forest. However, in practice customary use can be found in all types of state forests.

Forest land is one of administrative land types specifically for forestry purpose. Degraded forest can be allocated to families for tree plantation and other productive activities as well as to investor in

the form of concessions. Due to delay in zoning of forest land and degraded land on the ground and there have been cases of conversion of natural forest to agriculture or forestry plantations.

2.1.6 Human and financial resources and capacity

Forestry sector finance

The GOL established the Forestry and Forest Resource Development Fund (FRDF) in 2005³ aiming at developing its own fund for management and development of forest resources. It is a special account with explicit sources of revenue and authorized purposes for spending. FRDF is virtually the only domestic financial source for forest management due to very limited budget allocation from the GoL general budget.

FRDF funding comes from:

- Timber sales from the State's annual timber harvest plan;
- Fees for the use of forest, forestland and forest resources;
- Fees for planting trees and NTFP;
- Fees for inventory of forest, forestland and forest resources;
- Contributions from various sources; and
- Others

A benefit-sharing scheme for harvesting revenue in Production Forest Area (PFA) was established: 30 % of timber sales is allocated to FRDF for further distribution including to Village Development Funds, for the management of PFA and others (SESA/ESMF). But, the moratorium on logging in the PFAs has been in place since 2012, the approved budget of FRDF dropped from 15 billion Kip (circa \$US 1.7 million) during FY 2008/09 – FY 2013/14 FY to 6.8 billion (circa \$US 0.8 million) in FY 2017. In FY 2017, actual spending also hit the lowest level since the establishment of FRDF in 2005.

Most of the state forest sector finance including policy analysis, formulation and actual management activities including land use/management planning comes from outside i.e. various projects supported by multi- and bi-lateral development partners, international NGOs and so on, as well as funding from specific funds including the Forest Carbon Partnership Facility (FCPF) and the Environmental Protection Fund (EPF) under the Prime Minister Office. The EPF receives funds mostly through compensation paid by hydro power and mining projects, the corridor of forest conservation areas or testing the Payment for Environmental Services (PES) scheme.

Human resources

It is difficult to track the number of forestry management staff and their training due to frequent organizational changes. The most recent data from 2006 is shown in the Table 3.

Table 3: Number of forest management staff by location and by education level

³ The Forest and Forest Resource Development Fund is replaced by the Forest Protection Fund (FPF) in the Forestry Law revised in 2019. FPF has additional fund sources including the payment of forest ecosystem services (PFES), including that from ecotourism, trade in forest carbon, etc.

	DOF		Provinces & Districts		Total	
	(persons)	(%)	(persons)	(%)	(persons)	(%)
PhD	3	2%	-	0%	3	0%
M.Sc.	14	8%	8	0%	22	1%
B.Sc.	26	15%	79	4%	105	5%
Higher Diploma	69	40%	480	25%	549	26%
Intermediate Diploma	42	25%	1,173	61%	1,215	58%
Elementary Diploma	14	8%	161	8%	175	8%
Others	3	2%	11	1%	14	1%
TOTAL	171	100%	1,912	100%	2,083	100%

Less than 2000 staff including administration are actually responsible for field management of forest and forest land. This staffing level amounts to roughly one staff member for 6500 ha and for 3-4 villages, with limited equipment for transportation and data processing as well as limited skills for law enforcement, field management and communications with local communities. Furthermore, GoL recently reduced the recruitment quota to all Ministries and Provinces, such that new recruits are less than retirements in order to reduce the total number of government staff.

2.2 Development process of 1st SOI of Lao PDR

As mentioned in Section 1, the Safeguard Technical Working Group (SG TWG) was first established in late 2015 together with other 5 TWGs under the new National REDD+ Taskforce (NRTF), which was chaired by Vice-Minister of the Ministry of Natural Resources and Environment (MONRE). As part of the consolidation of all forestry work back to the Ministry of Agriculture and Forestry (MAF) in 2016, the REDD+ institutions and its management was also moved to MAF and the Department of Forestry (DOF) commenced the secretariat work, again.

The SG TWG and relevant organizations including government agencies, the Civil Society Organizations (CSOs) and the private sector at first concentrated on capacity building on safeguard issues including understanding of the Cancun Safeguards. As Lao PDR was accepted to the pipeline of the Emission Reduction Program in 2018, it has been focusing on the concerned safeguard instruments including the Strategic Environment and Social Assessment (SESA), the Environment and Social Management Framework and so on together with concerned experts and World Bank advisers (See Section 2.3 Existing systems and processes relevant to addressing and respecting Safeguards in Lao PDR).

The SG TWG and relevant stakeholders started working on drafting the 1st Summary of Information on How Safeguards for REDD+ were addressed and respected in Lao PDR for the period 2015-2018 (1st SOI Lao PDR) in early 2019. They met in July 2019 on the draft outline and roadmap for finalization. They agreed to conduct local consultations at both Provincial/District and village levels. Local consultations focused on the safeguard items b), c) and d), which need evidence-based input from local levels, especially ethnic groups and women. Summary of local consultations is provided in Annex 2. All local consultations were conducted in the Lao language with non-government national facilitators.

After local consultations and the compilation of their results, the SG TWG and relevant stakeholders met in late 2019 to listen to the results and discuss how they should be incorporated into 1st draft of 1st SOI Lao PDR. They met again in February 2020 to discuss 1st draft of 1st SOI Lao PDR and provided comments, and agreed to distribute the draft to a wide-range of stakeholders. After receiving comments on the 1st draft, the 2nd draft was prepared in parallel with the Lao translation and submitted to DOF and MAF for approval in April 2020.

2.3 Existing systems and processes relevant to addressing and respecting Safeguards in Lao PDR

2.3.1 National System and Process of Environment and Social Impact Assessment and Mitigation Measures

The Environment Protection Law (2012) describes key instruments for the environmental and social safeguards in Articles 19, 21 and 22 of this law, including the requirements for Strategic Environment Assessment (SEA), Initial Environmental Examinations (IEE) and Environmental and Social Impact Assessments (ESIA).

These analyses must include a proper consultation process with stakeholders, especially those who are affected directly by the projects, as described in MoNRE's Instruction No. 8029 (2013) on IEE and No. 8030 (2013) on ESIA. The MONRE's Ministerial Agreement No. 8056 (2013) on the Endorsement and Promulgation of List of Investment Projects and Activities Requiring for Conducting the Initial Environmental Examination or Environmental and Social Impact Assessment lists commercial tree plantation as the only forestry activity and requires IEE for tree planting area between 20 and 200 ha and ESIA for planting area more than 200 ha.

In actual practice, however, the IEE and ESIA guidelines are often not well followed. These guidelines were followed by large infrastructure projects, like hydropower schemes or mining operations, but usually not followed for forestry projects i.e. commercial tree plantations in the form of land concession or contract planting mostly due to lack of understanding/knowledge on both sides of investors and regulators. Often the IEE and ESIA approval processes have not followed all the agreed procedures. The teams preparing the IEEs and ESIA have not always consulted with the relevant Provincial Agriculture and Forestry Offices, District Agriculture and Forestry Offices concerning possible social and environmental impacts, including impacts on forests and local communities. If significant impacts are discovered, then the project developer must prepare an ESMMP, and the project must be monitored by both the project proponent and the government.

2.3.2 The Governance, Forest Land scape and Livelihoods Program (GFLL) for the FCPF Carbon Fund

The GoL prepared its Emissions Reduction Program Document (ERPD) and developed a programme titled "Governance, Forest Landscapes and Livelihoods – Northern Laos (GFLL)" that received approval of the Carbon Fund in 2018. The project will be implemented from 2020 to 2025 as part of the implementation phase of Lao PDR's REDD+ program at a large sub-national scale and embodies the GoL's commitment to reforming land use, enhancing forest restoration and protection. The impact of the project will lead to reduced emissions from land use including deforestation and forest degradation, and increased ecosystem resilience and enhanced livelihoods of forest-dependent

people in six Northern Provinces of Bokeo, Huaphan, Luang Namtha, Luang Prabang, Oudomxay, and Sayaboury, and lead to result-based payment from the Carbon Fund through an Emissions Reduction Payment Agreement (ERPA) for 2020-2024.

Recognizing the World Bank safeguards triggered under the implementation of the GFL, the following safeguard instruments have been prepared to ensure the relevant monitoring and reporting systems for safeguards are in place.

GFL safeguard instruments and their applications

Environmental and Social Management Framework (ESMF)

ESMF is framework instruments for managing and mitigating environmental, social, and gender risks and impacts of GFL activities. The ESMF will be applied to all subprojects and activities financed under the GFL. The ESMF will be implemented as part of the GFL project cycle and the activities will be fully integrated into their selection, approval, implementation, and monitoring and evaluation process.

ESMF provides a set of processes to guide the conduct of REDD+ activities to ensure that they do not advertently or inadvertently harm ecosystems and communities. The ESMF of the ERP covers the processes of screening, providing resources, implementing, and monitoring subprojects and activities that avail of REDD+ resources. Some of the processes cover both the environmental and social aspects, e.g. preparation of the IEE and ESIA, since the screening processes must cover both aspects.

Ethnic Group Policy Framework (EGPF)

EGPF provides guidance and processes to prepare an Ethnic Group Development Plan (EGDP)⁴, which is to ensure that Emission Reduction (ER) program implementation by fully respecting the dignity, rights, cultural practices and economy of ethnic minorities. Where there is land acquisition in ethnic group communities, the Project will ensure that their rights will not be violated and that they be compensated for the use of any part of their land in a manner that is culturally acceptable to them. The compensation and rehabilitation will follow the Resettlement Policy Framework of the Project. The EGDP will consist of a number of activities and will include mitigation measures of potentially negative impacts, modification of subproject design, and development assistance.

Resettlement Policy Framework (RPF)

The RPF provides guidance, in the unlikely case of minor resettlement along with a stand-alone involuntary Process Framework, on how a site-specific abbreviated resettlement action plan (ARAP/RAP) for proposed projects and activities are prepared.

Process Framework (PF)

The PF provides the process to be followed but does not spell out in detail each of the activities undertaken to avoid or mitigate impacts from restrictions of access to natural resources. Such details

⁴ In the Lao PDR context, the Ethnic Groups Development Plan is considered to be similar to the Indigenous Peoples Development Plan. It pertains to the non Lao-Tai ethnic groups that constitute one-third of the national population. In the ERP area, this population is more numerous.

will be defined during project implementation in accordance with the Process Framework, through the participatory processes for protected area management and buffer-zone management, which culminate in the development of Village Forest Management Agreement (VFMA), based upon the villagers' needs and priorities. VFMA, as part of the Process Framework implementation, will provide the detailed actions which will describe the results of the participatory planning with affected communities and provide measures to mitigate impacts and means to address grievances, with potential sources of financing to implement them.

2.3.3 Forest Investment Program

Lao PDR is one of the first eight countries selected for receiving fund from the Forest Investment Program for REDD+ implementation, which is one of sub-programs of the Climate Investment Fund of the World Bank. The total amount of Forest Investment Programme (FIP) funding is about USD 30 million. It was allocated to the projects as follows:

- The Sustainable Forest Management for Rural Development Project (SUFORD-SU by World Bank/Finland): USD 13.34 million;
- The Biodiversity Conservation Corridors Project (BCC by Asian Development Bank): USD 13.33 million;
- Smallholder forestry project (International Financing Corporation): USD 3.3 million.

The Safeguards instruments and their implementation are provided below;

SUFORD SU

Project Description.

The Sustainable Forest Management for Rural Development – Scaling Up (SUFORD-SU) Project in Lao People's Democratic Republic (Lao PDR) from June 2013 to August 2021 aims to execute REDD+ activities through participatory sustainable forest management in priority areas and to pilot forest landscape management in four provinces. It is operating in 13 provinces, working with 41 production forest areas (PFAs) covering 2.3 million ha, and involving 1,078 villages. Its main beneficiaries are village communities that are also involved during project implementation. It prioritizes vulnerable communities, ethnic groups, and women. The main activities include preparation and implementation of forest management plans and village livelihood projects. Other important activities include forest law enforcement and forest landscape management.

Safeguard Instruments.

For social safeguards, a Community Engagement Framework⁵ was developed to provide guidance on how to identify and engage with Indigenous Peoples and to minimize and mitigate impacts related to involuntary resettlement including access restriction to production forest. An Environment Management Plan was prepared to address environment issues and hazards. However, instead of treating safeguards as a distinct and separate topic, SUFORD-SU integrated these into its standard

⁵ For this program, the Community Engagement Framework provides an integrated response to requirements for an Ethnic Group (Indigenous Peoples) Policy Framework, a Process Framework, and a Resettlement Policy Framework.

operating procedures. An assessment on capacity undertaken by the project in 2018 suggests that the approach was efficient. Even if there were instances in which local staff did not know what safeguards were, they have implemented the safeguard guidelines in an adequate manner, ultimately complying with the safeguards policy. The project has three operations manuals on Forest Management, Village Livelihood Development, and Community Engagement.

Implementation of Social Safeguards.

The Social and Environmental Safeguards assessment conducted on the project in 2017 found that the social and environmental safeguards had been implemented in a satisfactory manner. With respect to social safeguards, community engagement had been executed well as all villages reported that they have been consulted prior to joining the project, and the process allowed enough time for them to make informed decisions. Women, ethnic groups, and the poor had been consulted and had been part of decision-making on key project activities such as community resource profiling, and land use planning; they were also recipients of village livelihood grants. Restrictions to access to forest resources were reported but participatory processes allowed villagers to be cognizant of the need for such restrictions and made it more acceptable to them. They were also aware of mitigating measures for their income losses due to those restrictions such as alternative livelihood programs of SUFORD-SU. There were no reports of land acquisition and relocation. A survey conducted by the project among a sample of stakeholders in 2019 indicated that 98 % of them were satisfied with the community engagement process. The same survey found that only minor project-related conflicts had emerged (e.g., goats eating a farmer's crop) and that all of them had been dealt with by the Village Mediation Unit and customary leaders. The main shortcoming regarding the implementation of social safeguards was inconsistency in applying the procedures of community engagement.

Implementation of Environmental Safeguards.

According to the Social and Environmental Safeguards Assessment from 2017 the key strengths of SUFORD-SU on environment safeguards include the forest management plans identifying zones of High Conservation Value Forest (HCVF), clearly indicating the areas of conservation forests and watershed protection forests, and providing associated management prescriptions. At village level, HCVF was categorized for sacred forests, burial or crematory forests, and conservation forests. Each village has village regulation to control over these forests, and hunting of restricted species is completely banned. Most villages where NTFP is highly significant have village NTFP regulation enforced by village committees and foresters. No use of herbicide and insecticide was found in the forest areas. Activities related to environmental safeguards included campaigns related to forest fire protection, wildlife conservation, and illegal logging. All visited provinces have a sound reporting system. Weaknesses included limited understanding of environmental safeguards among government staff and issues such as unclear land use zoning maps at the village level, poor recognition of the importance of cultural sites, unsustainable NTFP collection, and encroachment, conversion of forest areas, mining, and shifting cultivation in some areas. Lack of vehicles and the limited operating budget eroded the effectiveness of government support to safeguard implementation and monitoring but, overall, the stakeholders expressed satisfaction with the guidance they received from government staff.

Biodiversity Conservation Corridors Project (BCC)

Project Description.

The BCC is a three-country project to enhance trans-boundary cooperation and management of forest ecosystems within and between countries of the Greater Mekong Subregion (GMS) for the period from April 2011 to September 2019. The GMS Governments of Cambodia, Lao PDR and Viet Nam, with support from Asian Development Bank (ADB) have identified the most important biodiversity conservation landscapes in the subregion that are vulnerable to increased development pressures and environmental degradation. The project seeks to build resilience by reducing vulnerability within these landscapes. In Lao PDR, the BCC addresses the fragmentation of the biodiversity rich forest landscapes of southern provinces of Attapeu, Champasak and Sekong. The BCC will promote sustainable resource use, restoration and protection of these productive landscapes to enhance the provision of critical ecosystem services necessary for sustaining local livelihoods and investments in hydropower, transport, water and food-security enhancing sectors. The BCC covers 67 villages in 5 districts located across the 3 provinces with a total population of approximately 27,500 consisting of over 4,700 households. For additional financing (AF) of the BCC from the Forest Investment Program (FIP) is implemented in Phouvong District of Attapeu Province and Dakcheung District of Sekong Province for the period from January 2017 to September 2022. These areas were identified since they represent "hot spots" of deforestation and forest degradation. The AF covers 17 villages in five Kumbans in these two districts. These villages are different from the 67 villages targeted under the original financing.

The impact of the Project is climate resilient sustainable forest ecosystems benefitting local livelihoods while the outcome is sustainably managed biodiversity corridors in Lao PDR with communities ready to scale-up REDD+ activities.

The BCC outputs consist of: (i) Institutions and Community Strengthened for Biodiversity Conservation Corridor Management and Ready to Implement REDD+; (ii) Biodiversity Corridors Restored, Ecosystem Services Protected, Maintained and REDD+ Ready; (iii) livelihood improvement and small-scale infrastructure support provided in target villages; and (iv) project management and support services.

The AF investments are integrated within the existing outputs as modules including: (i) agroforestry with livestock support; (ii) agroforestry with crop support; (iii) utilization of non-commercial wood for charcoal production; (iv) afforestation and forest rehabilitation; and (v) forest protection and patrolling. The AF also supports monitoring of carbon stocks and institutional capacity building.

Safeguard Instruments.

For social safeguards, there are two main frameworks which have been developed such as (i) the Resettlement Framework (RF) is prepared to guide resettlement planning and implementation and provide protocols for due diligence in cases of involuntary acquisition and restrictions and (ii) the Ethnic Group Development Framework (EGDF) is developed to guide in identifying ethnic groups, the project's impacts on them, appropriate ways of engaging them, and beneficial and mitigating measures, and preparing and implementing the Ethnic Groups Development Plans (EGDP) based on the results of social impact assessment (SIA) conducted per the project site.

For environmental safeguards, an Environmental Assessment and Review Framework (EARF) was developed to guide the screening, categorization and environmental assessment of proposed subprojects, environmental monitoring during subproject implementation and environmental

progress reporting. An Environment Management Plan was prepared to address environment issues and hazards.

Implementation of Social Safeguards.

The social assessment conducted in seven sample villages from May to June 2010, which resulted in the identification of activities that may possibly trigger involuntary resettlement under the Safeguard Policy Statement (SPS). In 2013, the involuntary resettlement impacts were reviewed in light of the proposed FIP additional financing. In 2016, the social and environmental safeguards assessment has been conducted during the actual feasibility study for all 65 subprojects with 6 groups of subprojects are (i) road; (ii) village water supplies; (iii) buildings including school, health clinic, village meeting hall, school building, teachers' house and patrolling house; (iv) irrigation and irrigation repairs; (v) sanitation and (vi) ford. The results of assessment found that all subprojects were categorized as 'C' for an involuntary resettlement due to no requirements for land acquisition. The most of subprojects consists of either small infrastructure rehabilitation occurring within or over the footprint of existing infrastructure or are buildings and structures being located on village land and be categorized 'B' for ethnic groups and environment leading to preparation of Ethnic Group Development Plan and Environmental Management Plan.

The social safeguards had been complied in satisfactory manner. With regards to social safeguards, the consultation process is followed throughout the feasibility study, detailed design and construction phases of each subproject to afford community groups and individuals including the poor, women and ethnic group the opportunity to voice their views on how the subproject is designed, implemented, operated and maintained. Besides, the zoning and demarcation of corridors is completely carried out by the project and accompanied by a provincial government decision and code of conduct for land use in corridor areas. Some traditional usage of land and access to forest resources has been restricted in the demarcated areas and under participatory land use planning, but the alternative land/forest has been provided. The mitigating measurement for such restrictions has been made throughout the project's investment in livelihood improvement activities, such as livestock production, agroforestry (that includes fruit trees in combination with cash crops) home gardens, reforestation, agricultural plantations, mushroom production and village development funds.

Implementation of Environmental Safeguards.

According to the Social and Environmental Safeguards Assessment in 2016, an environmental safeguard was categorized as 'B' for all subprojects. Based on the results, the environmental management plans (EMP) has been prepared for the infrastructure subprojects by the Infrastructure Consultants (IC) during the feasibility studies phase, it was concluded that only minimal environmental impacts could be expected from these small-scale infrastructures. The environment monitoring inspections undertaken during the first six months of the year 2017 were shared between the IC supervisors (until end of March 2017) and thereafter with the agency supervisors. Handover of construction supervision from the IC to the responsible agencies took place on 7 April 2017. Training in environmental monitoring for the provincial and district officers was undertaken for the environmental officers by the IC in November 2016 and again in March 2017. The environmental monitoring was undertaken by the appointed staff and national environmental safeguards specialist to be provided as per Project requirements.

The Lao Agroforestry Advisory Services Project by International Financing Corporation (IFC) Project Description

The International Finance Corporation (IFC), the private sector arm of the World Bank Group, manages the private sector FIP in Lao PDR and, since 2013, has been implementing the Lao Agroforestry advisory services Project to support successful models of commercial plantation forestry involving local communities. Phase II of the project will operate until the end of 2020.

The Project supports plantation firms to establish partnerships, which benefit both the commercial viability of plantations, and increased and more independent livelihood opportunities for local communities. A key focus of the Project is to pilot and support various models of outgrower schemes (OGS), including smallholders, contract farming, farm forestry, agroforestry, and community forestry, all of which can produce commercial wood and link with the markets offered by larger industry. In phase I, the Project prepared a detailed diagnostic assessment⁶ to identify various forestry OGS models to be piloted in phase II with private sector partners who include; Industrial scale plantation companies; Community level tree farmers and groups; Local service providers; Forestry climate change investors; and Public sector plantation regulators. Objectives to be achieved by project end in 2020 include:

- Forestry firms improve performance in forestry procedures and adherence to international certification systems.
- Farmers trained in smallholder and outgrower engagement practices to strengthen partnerships with forestry firms.
- Forestry regulations will be strengthened to improve the enabling conditions for private sector plantation development, including smallholder participation.
- Key expected impacts are to increase forest cover and reduce GHG emission from and enhance carbon sinks, and improve participatory community engagement.

Specifically, the project has operated with 3 commercial clients across 4 provinces. By project's end, the project is on track to reach 15,000 farmers and save 500,000 tons of GHG emissions.

Safeguard Instruments (Social and Environmental)

The IFC's Performance Standards provide guidance on how to identify risks and impacts, and are designed to help avoid, mitigate, and manage risks and impacts as a way of doing business in a sustainable way. Together, the eight Performance Standards establish standards that the client is to meet throughout the life of an investment by IFC:

- Performance Standard 1: Assessment and Management of Environmental and Social Risks and Impacts;
- Performance Standard 2: Labor and Working Conditions;
- Performance Standard 3: Resource Efficiency and Pollution Prevention;

⁶ IFC (2018). Diagnostic Assessment of Outgrower Schemes and Demonstration Pilots in Lao PDR. IFC Lao Agro Forestry Project #594367 Prepared by IFC Manufacturing Agribusiness and Services (MAS), Advisory Services. February 2018, Vientiane, Lao PDR. 56pp.

- Performance Standard 4: Community Health, Safety, and Security;
- Performance Standard 5: Land Acquisition and Involuntary Resettlement;
- Performance Standard 6: Biodiversity Conservation and Sustainable Management of Living Natural Resources;
- Performance Standard 7: Indigenous Peoples;
- Performance Standard 8: Cultural Heritage.

The standards are described in depth at:

https://www.ifc.org/wps/wcm/connect/Topics_Ext_Content/IFC_External_Corporate_Site/Sustainability-At-IFC/Policies-Standards/Performance-Standards

Safeguards Implementation

In engaging with three private sector clients in its FIP-related activities, IFC required its partners to commit to its eight Environmental and Social Performance Standards listed above to manage environmental and social risks and impacts so that development opportunities are enhanced. These standards define IFC clients' responsibilities for managing their environmental and social risks. In addition, the Performance Standards are applied frequently by other financial institutions considering ethical investment in the plantation forestry sector in Lao PDR.

More specifically, the Project included the safeguard related activities as follows;

- Monitor and analyze costs and benefits of alternative smallholder models that the company might adopt;
- Distribute tailored extension materials on tree-based farming systems and enhance farmer engagement;
- Development of Free, Prior, and Informed Consent (FPIC) procedures and Grievance Mechanisms applicable for plantation forestry;
- Prepare farmer communications products for OGS;
- Continue extension support to OGS farmers on business partnerships and agroforestry options.

2.4 Description of the Safeguard Information System (SIS) and NFMS including other information systems.

2.4.1 Development and status of SIS

REDD+ participating countries are required to establish a SIS that provides information on how the UNFCCC Cancun safeguards have been addressed and respected. This requirement is essential for countries that plan to become eligible for results-based payments. Lao PDR has undertaken significant analytical work for the design of its SIS that includes development of a set of safeguards, principles and criteria, and a gap analysis of policies, laws and regulations. The results of the gap analysis indicate that the GoL has in existence an adequate framework to address social safeguards but would need to take steps to address the environmental risk of reversals and displacement. The process of the SIS design is based on the principle of ensuring the participation of all stakeholders

so that they can contribute to the SIS. Organizing a diversity of sub national, and national consultations, meetings, and workshops has helped achieve this objective.

The GoL SIS will build on existing and emerging institutional mechanisms as the forestry sector in Lao PDR continued to undergo transformative processes of change and development. Social and environmental safeguards will be prioritized and existing mechanisms will be strengthened. Multiple options for grievance redress that are already available in Lao PDR will be available for complaints and grievances and the existing national village mediation mechanism will be further strengthened to receive feedback and grievances and to address these rapidly, fairly, and with transparency.

GoL will also focus on enforcement and will ensure approval and dissemination of adequate and complementary regulations, guidelines and manuals for effective management of safeguards. An institutional mechanism with adequate staff and capacity will be established for safeguards management and monitoring, and funds will be provided for capacity building of staff from forestry and related agencies.

These steps will enable GoL to put into place an effective and functioning SIS that will provide information on how Lao PDR addresses and respects the Cancun safeguards.

2.4.2 Development and status of NFMS

With the successful implementation of the 1st national Measurement, Reporting and Verification (MRV) in 2019 and its results to be submitted to UNFCCC in the form of REDD+ Technical Annex in June 2020, Lao PDR already has the initial phase of National Forest Monitoring System (NFMS) that supports the REDD+ MRV. It should be noted that Lao PDR currently has two different scales of REDD+ MRVs: one for the national level and a second one for the sub-national level, which is under the FCPF Carbon Fund program. The RELs for the national level and the sub-national level (FCPF Carbon Fund program) were constructed based on fully consistent methodologies using same datasets, and therefore are considered as highly consistent with each other.

The NFMS is also being developed in a step-wise manner to support monitoring of the drivers and interventions (a conceptual picture show in Figure 2 below). There are several related initiatives progressing in parallel, and they will be coordinated under the National REDD+ Task Force (NRTF) and the REL/MRV TWG so that the NFMS will contribute to the overall performance monitoring of the forestry sector.

Recognizing the importance of a robust and transparent NFMS, Lao PDR is currently developing its 'NFMS roadmap' with support from Japan International Development Cooperation (JICA). The 'NFMS roadmap' shall outline the overview of the current NFMS, expected step-wise improvements, related actions (e.g. future MRVs, forest monitoring for field-level management, updating of REL), capacity building needs, etc. This 'NFMS roadmap' shall help to clarify how DOF wants to continue the development of its NFMS in collaboration with GoL stakeholders and development partners: it is expected to be completed by the 3rd Quarter of 2020.

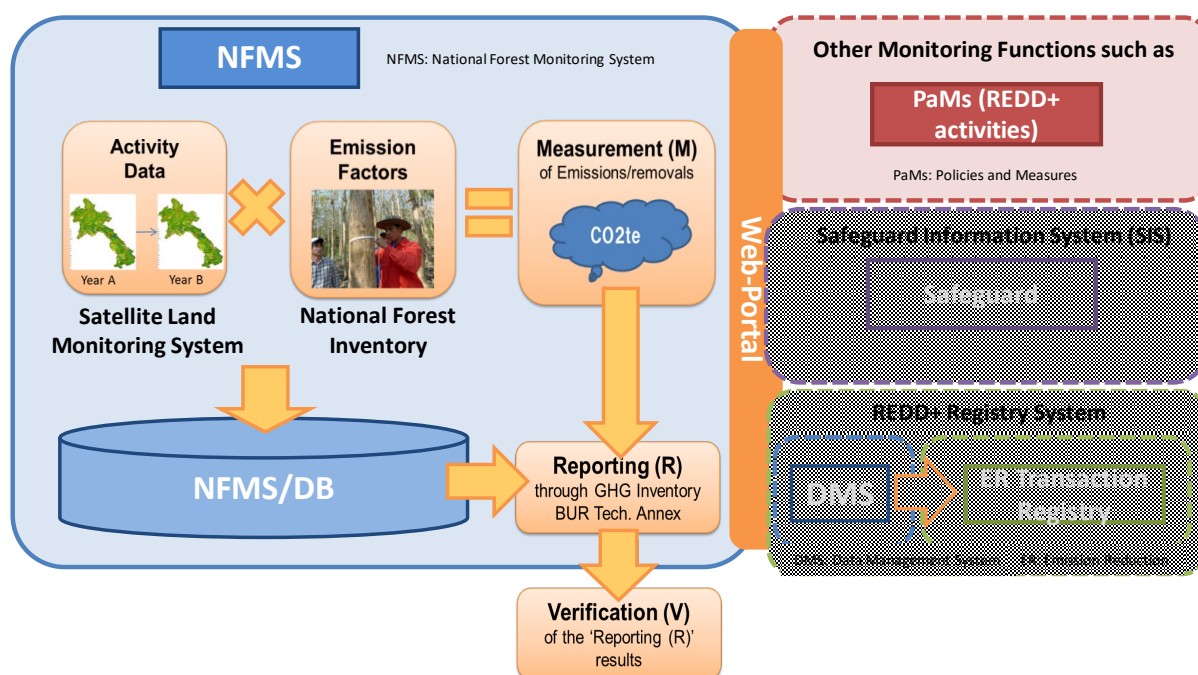


Figure 2: Conceptual diagram of Lao PDR’s NFMS and its interactions with other REDD+ systems

2.4.3 Other existing Information Systems relevant to the safeguards

There are other existing Information Systems relevant to the safeguards (to be revised and updated)

System/information resource	Institution responsible	Main Information	Website Link
Lao REDD+ website	Ministry of Agriculture and Forestry (MAF)	REDD+ progress in Lao PDR	http://dof.maf.gov.la/redd/en/home/
National database of legal documents (Lao Official Gazette)	Ministry of Justice	All legal documents (effective and draft)	http://www.laoofficialgazette.gov.la/
Lao Agricultural Database	MAF	Reports on Lao agriculture and forestry: <ul style="list-style-type: none"> • Research results • Surveys • Training and extension materials • Working papers Policy and strategy reports 	http://lad.nafri.org.la/
Information resource for sustainable development	MAF	Publications	http://www.decide.la/lo/publications
National database on agricultural and forestry	MAF	Legal documents on agriculture and forestry	http://www.maf.gov.la/%E0%BA%99%E0%BA%B4%E0%B

			A%95%E0%BA%B4%E0%BA%81%E0%BA%B3/
National Statistics on Agricultural and Forestry	MAF	Statistics on agriculture (for forestry, not yet available)	http://www.maf.gov.la/%E0%BA%AA%E0%BA%B0%E0%BA%96%E0%BA%B4%E0%BA%95%E0%BA%B4%E0%BA%81%E0%BA%B0%E0%BA%AA%E0%BA%B5%E0%BA%81%E0%BA%B3%E0%BB%81%E0%BA%A5%E0%BA%B0%E0%BA%9B%E0%BB%88%E0%BA%B2%E0%BB%84%E0%BA%A1%E0%BB%89/
Safeguard documents of Lao Agriculture Competitiveness Project	MAF	Safeguards related documents of the project	http://www.maf.gov.la/publications/
Land Information	Land Information Working Group	Legislations on natural resources and environments	https://laolandinfo.org/
Database of natural resource and environment legislations	Ministry of Natural Resource and Environment (MONRE)	Legal documents on natural resources and environment	http://www.monre.gov.la/home/index.php/2018-07-17-05-17-42/2018-07-17-05-29-20
Database of Agricultural Land Management and Development	Department of Agricultural Land Management and Development(DALaM), MAF	Posters related to agricultural land	http://dalam.maf.gov.la/?page_id=27
Statistical yearbook	Lao Statistics Bureau	Statistics	https://www.lsb.gov.la/en/all-statistical-yearbook/#.XKWnmFUzbiU
Land Use Information System for Lao PDR (only in English)	DALaM, MAF Department of Lands (DOL), MONRE	Village land use plans (GIS, reports, maps, official documents). (Require log-in)	http://139.5.159.140:14880/luis/index.php
Agriculture, rural livelihoods and natural resource management information (only in English)	membership forum for information exchange and document repository	Discussion forum, policy documents, project reports, case studies, academic papers, training materials. (Require log-in)	http://www.laofab.org/

3. NATIONAL DESCRIPTION OF AND ADDRESSING AND RESPECTING EACH SAFEGUARD IN ACCORDANCE WITH NATIONAL CIRCUMSTANCES IN IMPLEMENTING REDD+ ACTIVITIES IN LAO PDR

3.1 REDD+ Activities and Main Policy and Measures taken during the Payment Period

The main REDD+ Activities and their Policy and Measures (hereinafter, the Main REDD+ PaMs), which were taken during the payment period of 4 years between 2015 and 2018 (hereinafter, the REDD+ payment period), are as follows;

REDD+ Activities

- a) Reducing emissions from deforestation
- b) Reducing emissions from forest degradation
- c) Sustainable management of forests
- d) Enhancement of forest carbon stocks

The Main REDD+ PaMs taken during the payment period and their outlines

- **Consolidation of all forest related tasks including REDD+ back to Ministry of Agriculture and Forestry in 2016.**

In early 2011, as part of overall Government re-structuring, the Ministry of Environment and Natural Resources was established by combining several departments and institutions from other Ministries and Ministry-equivalent institutions. As for the forestry-related responsibilities, the Department of Forest Resources and Management (DFRM) within the Ministry of Natural Resources and Environment was established taking on the responsibilities of management of Conservation and Protection Forests and REDD+. The Department of Forestry under the Ministry of Agriculture and Forestry's (MAF) was left with responsibilities only for management of Production Forest and village forest including NTFP. Similar changes were made at Provincial and District levels. However, this organizational change caused a lot of confusion and inefficiency at both central and local levels in planning and implementing their duties including cooperation with development partners. In 2016, GoL decided to abolish DFRM and consolidate all forest related-responsibilities including REDD+ back to the Department of Forestry, MAF. Due to this division and re-consolidation, there was delay in many activities from policy to field work including REDD+.

- **Prime Minister Order 15 dated 13/05/2016 on intensifying management & supervision regarding timber exploitation, timber transport & timber trading business, and continued implementation of Prime Minister Order No13 dated 11/06/2012 on the suspension of approval of new and expansion of rubber and eucalyptus plantation concessions and mining prospecting and exploration.**

Prime Minister's Order No. 15 (PMO 15), dated 13 May 2016, was issued in order to rectify the rampant illegal logging, forest conversion and export of un-finished wood products, which were said to be caused by the division of forest responsibilities between DFRM and DOF under different Ministries, increasing demand for wood from neighboring countries and other factors. The high-level specific committee led by a Deputy Prime Minister was established and members were ministers from concerned Ministries including MAF, Ministry of Industry and Commerce,

Customs and Police. Ministries of Finance, Industry and Commerce, and Agriculture and Forestry issued regulations for implementation of PM Order No 15.

It stopped all logging and log transport as well as export of logs and un-finished wood products for legality check. Implementation of the PM Order succeeded to dramatically reduce illegal logging and forest conversion and many un-authorized wood processing factories have been closed. This PM Order also further supports implementation of the PM Order No. 13 (2012) on the suspension of approval of new and expansion of rubber and eucalyptus plantation concessions and mining prospecting and exploration, which was introduced and successfully implemented in order to stop un-controlled expansion of land concessions for commercial plantations and mining into forest area.

- **Participatory Agriculture and Forest Land Use Planning in more than 1800⁷ upland villages**
The Participatory Agriculture and Forest Land Use Planning at Village and Village Cluster Level (PLUP) was endorsed by MAF in 2010 (to replace the former Land and Forest Allocation elaborated in MAF Instruction on Land and Forest Allocation for Management and Use issued in 1996). At the village cluster level, the PLUP Manual introduced a participatory working approach and development plan that would ensure sustainable forest landscape management. Within the steps the PLUP Manual gives instructions on many areas including sharing roles and responsibilities among related local governmental organizations, application of modern technologies, work in various ecological conditions, land registration and titling including for individual and collective land that supports recognition of customary tenure. The PLUP Manual encourages stakeholders, especially villagers, to participate in planning, forest and/or land management fully and effectively. The PLUP Manual has been used directly or with some modifications adopted to local conditions by many land/forest related projects and by government agencies and the total number of villages in upland with PLUP is estimated at around 1800, which is more than 25% of the rural villages⁸ at the end of 2018.
- **Village forest management planning (VFMP) in 1400⁹ villages or village clusters**
 - Village forestry units (VFU) under the village administration, consisting of 3-5 members and mostly dominated by men, exists with clear rights and duties as specified in the Forestry Law (2007). Each village has a set of rules (written and/or verbal) relating to forests and other natural resources. It is approved and enforced by the village administration and the village forestry unit. Generally, the village rules include fines and penalties for forest violations.
 - In order to formalize these internal rules and to be recognized by District authorities, DOF and its development partners have been assisting villages to prepare VFMP based on PLUP, which are approved by the relevant District Governors, in a participatory manner through DOF Guidelines No. 1476 on Village Forestry Management Plan Writing (dated 13 July 2016) and DOF Guidelines No. 1477 re Manual on Village Forestry Management Planning (dated 13 July 2016).

⁷ Total number of villages is the sum of information from land and forest related projects and the Land Use Information System for Lao PDR.

⁸ A rural village is defined in the 2015 Census. Out of the total of 8507 villages in Lao PDR, 7038 are classified as rural villages.

⁹ The Division of Village Forest and NTFP has been implementing VFMP.

VFMP spells out management of village use forest and other types of forest within village boundaries in line with concerned PLUP and has been endorsed by District Governor. 8th National Socio-economic Development Plan (NSEDP, 2016-2020) has the target of 1500 VFMPs. As of the end of 2018, around 1400 VFMPs had been approved.

- **Production Forest Management Plans prepared in 51 of 52 Production Forests Areas (PFA)**
- Production Forest Management Plans covering 3 million ha according to PM Decree No. 59 dated 22/5/2002 were formulated by end 2018 with participation of local villages and benefit sharing scheme with them as defined in Presidential Decree No 1 in 2012. Even though the logging ban in PFA introduced in 2013 is still effective, more than 1000 villages inside and bordering with these PFAs participated in the planning and benefited from fees and livelihood support, thus contributing to conservation of PFA areas.

Key national policy/strategy, legislation and regulations

The Government of Lao PDR has a set of policy, strategy, legislation and regulations (PLRs) that reflect its attempts to minimize, or mitigate, potential harm to people and the environment, and at the same time to bring the most benefit from development activities, including REDD+, to people of all ethnic groups throughout the country. The key PLRs by the safeguard item are listed and their outlines are provided in Annex 1.

International commitments

Lao PDR is a signatory of a number of multilateral environmental agreements (MEAs). Of particular relevance to REDD+, Lao PDR has signed the three Rio Conventions – the United Nations Framework Convention on Climate Change (UNFCCC), the Convention on Biological Diversity (CBD), and the United Nations Convention to Combat Desertification (UNCCD). Lao PDR is a signatory to the UNFCCC Paris Agreement, CITES (Convention on International Trade in Endangered Species of Wild Flora and Fauna) in 2004 and Ramsar Convention in 2010.

Lao PDR has also signed a number of important multilateral agreements that pertain to human rights, and thus social safeguards.

The United Nations International Labour Organization Convention No. 169 on Indigenous and Tribal Peoples (ILO 169) was adopted at the International Labour Conference held in Geneva in June 1989. The basic concepts of the Convention are respect and participation. Respect for the culture, spirituality, social and economic organisation and their identity, all constituting essential premises regarding the enduring nature of indigenous and tribal peoples. Convention No. 169 also presumes that indigenous and tribal peoples are able to speak for themselves and to take part in the decision-making process as it affects them and that they have a right to take part in this decision-making process. Lao PDR has endorsed this Convention although not a signatory.

ILO 169 has been followed up by the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), agreed on 13 September 2007. It identifies the individual and collective rights of indigenous peoples, and the duties of governments to respect those rights. While it is not considered to be an international treaty, it is nonetheless an important document agreed by most of the UN member countries, including Lao (even though Lao is not a signatory to ILO169).

Although the Government of Lao PDR does not recognize any of the country's 50 different ethnic groups as "indigenous peoples," it has agreed with the international community that 41 ethnic groups (those other than the dominant ethnic groups speaking Lao or Tai languages) are covered by international safeguards for indigenous peoples. These groups comprise approximately one-third of the national population.

Lao PDR is a signatory to the Convention to Eliminate Discrimination against Women (CEDAW), and has established a National Commission for the Advancement of Women (NCAW) [subsequently also referred to as the National Commission for the Advancement of Women, Mother and Child (NCAWMC)]. NCAW has the mandate to lead on gender issues, and all government organizations have NCAW representatives.

The 2012 Food and Agriculture Organization (FAO) Voluntary Guidelines on Land Tenure in the context of national food security are intended to contribute to the global and national efforts of many countries to adopt the guidelines. Each country is required to take governance of these associated natural resources into account in their implementation of these guidelines on responsible tenure governance, as appropriate. Under these guidelines, recognition of equity and justice were mentioned in the rights and responsibilities in order to promote equitable tenure rights and access to land, fisheries and forests, for all, women and men, youth and vulnerable and traditionally marginalized people, within the national context. Lao PDR aims to follow these voluntary guidelines.

3.2 National Description and "Addressing and Respecting" including gaps and challenges of each Safeguard Item

Safeguard (a) – that actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreement.

National Description

In the context of Lao PDR, Cancun safeguard (a) means specific policies and measures identified and implemented in the National REDD+ Strategy and Provincial REDD+ Action Plans (PRAP) are consistent with the National Socio-Economic Development Plans, Forest Strategy, and other relevant plans and programs, and international conventions and agreements, in which Lao PDR is a party and are relevant or applicable to REDD+ activities.

For the payment period, the main REDD+ PaMs taken during the REDD+ Payment period stated in Section 3.1 were complement or consistent with the Forestry Strategy to Year 2020 (FS2020), which is the official guide for the sustainable management and development of Lao PDR's forestry sector and was endorsed by the Prime Minister in 2005 as well as with the 8th National Socio-Development Plan (2016-2020), which sets the targets and actions for the national development and for each sector including forestry. In addition, the Main REDD+ PaMs should also be complementary or consistent with the relevant international conventions and agreements including UNFCCC, UNCCD, UNCBD and so on to which Lao PDR is a party.

Objectives/targets of FS 2020 and 8th NSED

FS 2020 states the following sector development targets by 2020.

1. To improve quality of existing forested area, to increase it to 70% (of the total land area) by naturally regenerating up to 6 million ha and planting trees up to 500,000 ha in unstocked forest area as an integral part of a rural livelihood support system encompassing stable supplies of forest products and prevention of natural disasters.
2. To provide a sustainable flow of forest products for domestic consumption and to generate household income through sale and export, thus contributing to livelihood improvement, fiscal revenue and foreign exchange earnings whilst increasing direct and indirect employment.
3. To preserve the many species and unique habitats, which are, for different reasons, threatened both within the country and elsewhere.
4. To conserve environment including protection of soil, conservation of watershed and climate.

Forestry objectives and targets in 8th NSEDP

1. Stop illegal logging and trade of wood products and wildlife trafficking
2. In order to achieve 70% forest cover target, restore 2 million ha of degraded land in Conservation, Protection and Production Forests.
3. Promote planting 500,000 ha of traditional and industrial tree crops in the 3 Forest categories.
4. Develop forest allocation and management plans at village level in 1,500 villages.
5. Complete the pilot on establishment of two model national natural parks (Nam Att-Phou Leuy and Nakai-Nam Theun) and propose to UNESCO (United Nations Educational, Scientific and Cultural Organization) that it includes Hin Nam No in the World Natural Heritage.
6. Develop readiness for reducing emissions from deforestation and degradation (REDD+) aiming for reduction of domestic emissions as well as for forest carbon credit trading in 2020.

How this item was addressed and respected in the implementation of the REDD+ PaMs

- All of the REDD+ PaMs taken during the REDD+ payment period contributed to achieving the targets and objectives of FS 2020 and 8th NSEDP regardless of whether the targets were achieved or not. Therefore, the safeguard (a) was fully addressed and respected.
- The REDD+ PaMs were targeting reducing emissions from deforestation and forest degradation as well as enhancing forest carbon stock, therefore these actions all addressed and respected the objectives of UNFCCC, UNCBD (United Nations Convention on Biological Diversity) and UNCCD (United Nations Convention to Combat Desertification).

Gaps and Challenges

- Mostly due to limited capacity, resources and unclear land zoning, the targets of forest regeneration, tree plantation and village forest management plans were not met.
- Mostly due to unclear zoning of land for agriculture and growing demand for commercial crops from neighboring countries, encroachment of commercial agriculture, mostly through contract farming, took place in many forest areas.
- More efficient mechanisms and systems for forest regeneration with benefits for the users of degraded forest land should be developed.

- Environmentally-friendly agriculture practices in upland areas need to be developed and expanded together with supply chain providing benefits including premium prices to producers and take measure against violators.

Cancun safeguard (b) – Transparent and effective national forest governance structure, taking into account national legislation and sovereignty

National Description

In the context of Lao PDR, Cancun safeguard (b) means that the agencies responsible for developing and implementing national REDD+ program and provincial REDD+ Action Plan inform relevant stakeholders about the policy and measures during the development and implementation processes at national, sub-national and local levels, and make relevant information easily accessible. Similarly, all agencies follow policies, laws and regulations of the Lao PDR with well-functioning grievance mechanism and cross-sectoral coordination will be promoted during the implementation of REDD+ PaMs to improve social and environmental outcomes. The implementation of REDD+ PaMs promotes social inclusion and gender equity; and adopts fair benefits sharing approach as well as recognizing and protecting rights to forest resources and forest land.

Forestry and REDD+ PaMs are designed and implemented to enhance transparent and effective forest governance structure and operations not only at national but also at sub-national and local levels (i.e. province, districts and *kumban*(group of villages)and/or villages) in line with relevant national policy, laws and regulations.

The rights to use, manage, preserve and benefit from forest and forestlands allocated to local communities/villages including ethnic groups and collectives in designated zones within and outside the 3 forest categories are recognized in accordance with existing relevant laws and regulations. Village forest management plans (based on approved village land use plans) are prepared by the villages and agreed by the villagers, with technical support from District Agriculture and Forestry Office (DAFO) and approved by concerned district governor. The engagement of the private sector (i.e. forest plantation, ecotourism, etc.) with strong corporate social and environmental responsibility is encouraged and supported by the Government.

Effective forest governance requires adequate and improved capacity (i.e. legal, technical, organizational and entrepreneurial knowledge and skills) of relevant stakeholders based on the results of a capacity development needs assessment (CDNA). It also necessitates sufficient resources (i.e. personnel/staff/operating funds, equipment, tools, vehicles etc.) at national, sub-national and local levels.

To promote transparency, relevant government agencies and forestry and REDD+ projects should ensure that key stakeholders have timely access to relevant information and should be clearly communicated to stakeholders in a plain language.

The existing channel of communication (information flow) from district, *kumban*, *village* and *Neuay* (group of households) and vice versa should be enhanced and supported.

Explanatory note: The above interpretation is based on the need to understand, clarify and describe key terms in the safeguards such as *transparent* and *effective* as it relates to forest legislation, structure, and governance.

Transparent is described by stakeholders as consisting of: (i) timely access to relevant information in a format and a plain language; (ii) engagement in various phases of forestry and REDD+ projects and activities i.e. planning, implementation, M&E and reporting; and (iii) managing and resolving conflicts in an “open and fair” manner.

Effective - is described by stakeholders as comprising of: (i) design and implementation of forestry and REDD+ activity and actions based on clear, updated and sound data and information; (ii) building the capacity of relevant stakeholders involved with the inclusion of disadvantaged and vulnerable groups in forestry and REDD+ activities to allow them to share in the benefits; and (iii) ensuring the compatibility of forestry and REDD+ plans with other related policies and programs and addressing potential conflicts in an open and transparent manner.

How this item was addressed and respected in the implementation of the REDD+ PaMs

- Consolidation of forestry responsibilities back to MAF has increased the clarity and efficiency of forest governance structure not only of the government administration at both central and local levels, but also for other stakeholders including private sector, local communities, CSOs and development partners.
- PM Order No. 15 was one of the strictest measures to strengthen forest governance in terms of logging, forest conversion, processing and export involving coordination between several Ministries. Main components of PMO No. 15 have been incorporated in the revised Forestry Law in 2019.
- PLUP, VFMP and PFA Management Plans have all been formulated in a transparent and participatory manner and the plans have clear roles and responsibilities of concerned stakeholders for better forest governance.

Gaps and challenges

- Lack of effective coordination mechanism and platform amongst relevant stakeholders especially at subnational and local levels;
- Lack of resources (i.e. staff, funds, logistics, equipment, tools and vehicles) to effectively plan, implement and manage REDD+ PaMs;
- Limited capacity (i.e. technical, legal, organizational, entrepreneurial, etc.) of government staff, NGOs, CSOs and local communities to effectively plan, implement and manage REDD+ PaMs, projects and activities. Also, there is a lack of commitment, motivation and incentives for some of government staff and other stakeholders at national and subnational levels to effectively implement and manage REDD+ PaMs;
- Limited use of existing grievance and conflict management and resolution and benefit-sharing mechanisms;
- Awareness raising activities on sustainable forest management and conservation are not widely implemented and not on a regular basis. Flow of relevant information including reporting on forest governance both downward and upward is limited. Some people/communities are not aware of forestry rules and regulations and do not understand and appreciate their roles and responsibilities in sustainable forest management and conservation;

- Language barriers (many dialects are spoken by ethnic communities) and different traditions that complicates forest management and conservation e.g., communication, coordination, planning, etc.;
- Monitoring and evaluation is not implemented consistently and regularly. It is difficult to conduct monitoring and provision of technical assistance necessary to forest dependent villages as they are remote and inaccessible;
- Need for strict enforcement of relevant policies, laws and regulations to combat illegal forestry and other related activities including corruption;
- Need for clear guidelines and procedures for timber harvesting and utilization including timber flow and chain of custody as well as assessing timber legality especially at subnational and local levels;
- Need for an innovative and efficient governance system to overcome the persistent difficulties including way of communications, management and monitoring and evaluation through the use of advanced technologies adapted to the Lao context.

Cancun safeguard (c) – Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights on the rights of Indigenous Peoples.

National Description

In the context of Lao PDR, Cancun Safeguard (c) means acknowledging and respecting the knowledge and rights of ethnic groups and members of local communities as defined by the Lao Constitution, Policies, Laws and Regulations (PLRs) throughout the REDD+ process; and promote and respect the traditional practices and knowledge of ethnic groups and local communities to maintain and improve their livelihoods and sustainably manage forests and other natural resources.

The Ethnic Affairs Committee under the National Assembly is charged with the responsibility to draft and evaluate proposed legislation concerning ethnic groups, lobby for its implementation and implementation of socioeconomic development plans. Ethnic group research is the responsibility of the Institute for Cultural Research under the Ministry of Information, Culture and Tourism (MoICT). The lead institutions for ethnic affairs is the Lao National Front for Development which has an Ethnic Affairs Department, and the Lao Women’s Union, which exists in all organizations at all levels.

How this item was addressed and respected in the implementation of the REDD+ PaMs

- In the process of formulating PLUP Manual (2010), principles of participatory land use planning were discussed with a wide range of stakeholders and the agreed ones are stipulated in the Manual. Some of them related to this item are as follows:
 - i. Recognition of villager rights: The rights of villagers must be explained thoroughly before land use zoning and land use planning is initiated and be observed during the process of allocating forest and agricultural lands.
 - ii. Relevance and benefits: The procedure needs to be implemented in such a way that villagers understand how the end results will benefit them, e.g., their rights to manage agricultural and forest lands will be ensured by provision of secure land use right certificates.

- iii. Ethnic land use practices: Various ethnic groups practice different land use systems and farming practices which necessitates a flexible approach to such activities as forest and land use zoning and the development of land management plans.

These principles are reflected in various stages and steps of PLUP implementation.

- VFMP is to be developed by the villagers reflecting their traditional use and knowledge with technical support from DAFO based on PLUP. Both PLUP and VFMP are approved the District Governor.
- PFA management planning process also include PLUP in villages inside and bordering PFAs.

As stated in Section 2.3.3 on PFA management, through its safeguard instruments, especially the Community Engagement Framework, villagers' right to resource access are reviewed and respected in the management planning and implementation. Restrictions to access to forest resources were reported but participatory processes allowed villagers to be cognizant of the need for such restrictions and made it more acceptable to them. They were also aware of mitigating measures for their income losses due to those restrictions such as alternative livelihood programs.

Gaps and Challenges

- Limited engagement of the members of local communities' especially ethnic groups due to their lack awareness in forest protection, motivation and communication barrier (language issue). Ethnic groups have their own languages and oftentimes are not so conversant with the Lao language.
- The recognition of the traditional practices and formalization of customary use rights of forests and forest lands of ethnic groups inside and outside the 3 forest (production, conservation and protection forest areas) are unclear.
- Understanding and appreciation of the ethnic groups' traditional practices and beliefs is limited and not always taking these into consideration in the "formal" planning and implementation of REDD+ PaMs.
- Most ethnic groups members, especially women, have limited access to formal/informal education and information on forest protection in their local languages, which have resulted to their reluctance to participate in REDD+ PaMs.
- Most members of local communities and ethnic groups have limited access to relevant information, and less aware of gender equality.
- Development of a common approach to village forestry applicable to areas inside and outside 3 forest categories with needed local site adaptation is needed.

Cancun safeguard (d) – The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities.

National Description

In the context of Lao PDR, Cancun safeguard (d) means that appropriate mechanisms are in place and functioning to ensure meaningful participation of relevant stakeholders in the forestry sector including ethnic groups, local communities, government agencies, private sector, development partners and CSOs during the preparation of National REDD+ Strategy , Provincial REDD+ Action plans (PRAP) including planning and implementation of REDD+ PaMs. This includes, among others, capacity strengthening of relevant stakeholders particularly ethnic groups and local communities

and provision of adequate resources (i.e. staffs, logistics, funds, etc.) to implement REDD+ PaMs to maximize social and environmental outcomes.

REDD+ PaMs in Lao PDR are developed, implemented, monitored and coordinated with the full and effective participation of relevant stakeholders. Participation is considered full and effective if there is Free, Prior, and Informed Consent (FPIC) of relevant stakeholder's especially local communities and ethnic groups in different stages of REDD+ PaMs development, implementation and coordination.

In Lao PDR, relevant stakeholders refer to state agencies, mass organizations (i.e. Lao Women's Union, Lao Front for National Construction, Lao Youth Union), CSOs, non-profit associations, non-government organizations (national and international), development partners and projects, private sector, local communities and ethnic groups including individual persons (i.e. men, women, marginalized and disadvantaged).

The Lao Women's Union (LWU) and the National Commission for the Advancement of Women, Mother and Child (NCAWMC) complement each other's work, taking a comprehensive approach to gender issues. The Women's Caucus, however, is an organization for women parliamentarians under the direct supervision of the National Assembly Standing Committee. It assists the National Assembly in mainstreaming gender into laws; overseeing the implementation of the Constitution and laws and policies related to gender equality, women's advancement and mother-and-child health; promoting development; and protecting the interests of women and children.

How this item was addressed and respected in the implementation of the REDD+ PaMs

- Some of the PLUP principles stated and reflected in the actual stages and steps are as follows;
 - Participation and Gender: The procedures need to be more participatory to ensure that villagers are fully involved in decision making particularly in land zoning and preparing land use plans. In addition, attention needs to be paid to involving both men and women in all stages of the process, e.g., when considering agriculture and forest land use practices and land use rights.
 - Agency roles and responsibilities: The roles and responsibilities of the of the key agencies involved in PLUP need to be clarified and adopted to ensure the process is implemented effectively.
 - Inter-village networks and networking: Networks will be used as a tool to encourage inter-village co-operation in the management of land use zones and land management plans in villages and between villages in the village clusters.
- VFMP – The ownership of VFMP rests on the villagers and the process of VFMP development, implementation and management is led by them through the village forestry unit under the village administration with technical support from DAFO and approved. As mentioned earlier, the VFMP is based on PLUP developed by the village (as basis for forest and forest land allocation) with technical guidance from DAFO and approved by the district governor.
- PFA- the participation of group of villages and villagers in the development and implementation of PFA management plans is indispensable and embedded in the operational guidelines for Participatory Sustainable Forest Management (PSFM) and Village Livelihood Development (VLD). Villager's roles, responsibilities and rights in PFA management (including

benefit sharing, conflict resolution, etc.) are contained in the PSFM agreement signed by the village administration and DAFO. Together with DAFO, villagers are involved in the forest inventories for planning and harvesting purposes, forest protection, timber harvesting operations (1st-2nd log landing), timber sales, etc. Villagers share a portion of the forest revenue from timber sales as prescribed by PMO. Measures to promote gender equality and involvement of ethnic groups are also embedded in the technical guidelines and methodological protocols including requiring gender- and ethnic-based segregation in selected stages of village meetings, gender- and ethnic segregated data collection, etc. District teams comprise three staff including representatives of Lao Women's Union and Lao Front for National Reconstruction (party agency supporting ethnic groups). Of the district teams, 63% include at least one woman, and approximately 18% of the team members represented one of 16 ethnic groups. Non Lao- Tai ethnic groups were well represented among Village Livelihood Grant recipients. The safeguard assessment 2017 showed that the engagement of women and ethnic groups was adequate.

Gaps and challenges

- Lack of access to adequate and timely relevant information needed by relevant stakeholders' particularly ethnic groups and local communities in order to fully and effectively participate in the development, implementation, coordination, and monitoring of REDD+ PaMs. This is aggravated by the limited technical and legal capacity and competencies of relevant stakeholders and language barriers especially for ethnic groups.
- Limited participation of women as influenced by traditional beliefs and practices that men should participate more than women in REDD+ PaMs. The traditional notion that "*forestry belongs to men's world*" is still prevalent.
- Awareness raising activities are not properly designed and implemented particularly with ethnic groups and local communities due to their remote and inaccessible locations and limited resources/logistics, etc.
- In some cases, communication flow and coordination gaps exist from and to central-province-district- village levels. Some information is "lost or leaked" as communication flows to and from different levels.
- Some stakeholders prefer concrete immediate benefits instead of unclear long-term benefits from forest management and unclear benefit sharing mechanism
- Since many of the REDD+ PaMs are implemented through projects (mostly development partner funded), participation of stakeholders in such activities ceased and not sustained after the projects end.

Cancun safeguard (e) – that actions are consistent with the conservation of natural forests and biological diversity, ensuring that the actions are not used for the conversion of natural forest, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits

National Description

In the context of Lao PDR, the natural forest is the dominant land cover, even though slowly declining due to economic development, and provides important environmental services in Lao PDR. Since Lao PDR is an inland country, its rich biodiversity lies mostly in forest, wetland and rivers. As Lao PDR develops from the status of least developed country to that of medium income country, the demand

for forest environmental services including water/soil conservation, biodiversity protection, eco-tourism and so on is also increasing. Therefore, Cancun Safeguard (e) means that REDD+ PaMs should aim for protection of remaining natural forest and biodiversity, livelihood improvement and eco-system service enhancement, and lead to development of incentive mechanism for monetary and non-monetary benefits.

How this item was addressed and respected in the implementation of the REDD+ PaMs

- Consolidation of the all forestry work back to MAF has enhanced the efficiency and effectiveness of the management of 3 Forest categories all over the country thus contributing to conservation of natural forests and biological diversity.
- Strict implementation of PMO No. 15 contributed to the conservation of natural forests.
- Through PLUP and VFMP, village level conservation and protection forests were identified together with village use forest and the rules on use and management of these forests were agreed among villagers. Clear benefits from the village use forest and livelihood support provide incentives for villagers to protect the other forest categories. This also provides a sense of ownership to villagers and recognition of these boundaries and rights/duties of villages.
- Management Plans of PFAs, which have been formulated through participation of and consultation with concerned villages, identify high-conservation forest for bio-diversity protection.

Gaps and challenges

- Even though the PLUP manual in 2010 has been used by many projects supported by development partners, PAFO (Provincial Agriculture and Forestry Office), and DAFO, there are some other approaches developed and implemented by others. Criteria and methods for zoning and rules, duties and benefits need to be standardized for fair and common implementation.
- In addition to above, some villages have gone through land use planning many times with different approaches and benefits, so there is confusion about rules and benefits among villagers. However, given the rapidly changing socio-economic conditions and their livelihood styles, PLUP and VFMP needs to be updated.
- Due to lack of resources both financial and human, PLUP and VFMP covers only less than a quarter of upland villages.

Cancun safeguard f) – Actions to address the risks of reversals

National Description

In the context of Lao PDR, Cancun safeguard (f) means that REDD+ PaMs should be designed for long-lasting impacts taking into account potential risks and be flexible to counter changing risks both time- and location-wise. They need to take into account that there are anthropogenic and natural risks of reversal including illegal logging, market price fluctuations, emergent policies from other sectors or countries, fire, disease, etc. In addition, monitoring of both forest conditions and impacts of REDD+ PaMs through step-wise development of the National Forest Monitoring System (NFMS) is essential to address the risks of reversals by provision of near-real time information and alert to the REDD+ implementing agencies for action.

How this item was addressed and respected in the implementation of the REDD+ PaMs

- Since the 1st REDD+ MRV was conducted in 2019 with the reported emission reductions and removal enhancement, it is difficult to estimate the actual reversals, which could have taken place during the payment period. However, all of the REDD+ PaMs can potentially address the risks of reversals as they aim to prevent illegal logging and to stabilize land uses.
- In addition to the REDD+ PaMs, many forest related projects conducted forest monitoring within their areas during the payment period and took measures to prevent reversals through reporting of monitoring results to PAFO/DAFO and concerned villages.
- Near-real time detecting systems of deforestation and forest degradation have been developed and piloted in many Provinces and Districts. These systems then inform forest law enforcement activities. They have contributed to address the risks of reversals and will do so more when they are disseminated to all Provinces and Districts for actual operations, linking detection with law enforcement.

Gaps and challenges

- Since the REDD+ MRV at national level is planned every 3-4 years, it would be difficult for these MRVs to address reversal risks. However, it would be possible to make predictions of reversal risk areas based on analysis of actual reversals taken place between MRVs and deploy REDD+ PaMs in the predicted areas with priority in order to address the risks.
- One option to address reversal risks would be to provide higher REDD+ payments to the Provinces, Districts and villages with higher REDD+ performance indicators.
- Near-real time detecting systems of deforestation and forest degradation based on high resolution satellite images need to be developed and deployed to Provinces and Districts as early as possible.
- In order to distinguish planned (sanctioned) forest conversion and logging between unplanned ones, the data including geospatial of approved concessions, logging areas, PLUP need to be compiled and made available to the Provinces and Districts.
- Villagers, who are closer to forest areas and use them, need to be given equipment and training to report illegal forest conversion and logging.

Cancun safeguard g) –Actions to reduce displacement of emissions

National Description

Displacement of emissions means the increase of greenhouse gas emissions from deforestation and forest degradation in other location(s) as a consequence of emission reduction in the areas where REDD+ PaMs are implemented. Market displacement is not considered in the context of REDD+ in Lao PDR.

In the context of Lao PDR, REDD+ PaMs need to be assessed from the point of view of potential displacement and revised when found necessary in order to reduce the risk of displacement because REDD+ has been prepared and developed at various scales i.e. national, sub-national and project scales. Some REDD+ PaMs could cause displacement elsewhere without being noticed until it becomes significant and serious. In addition, a comprehensive and frequent forest monitoring through NFMS and localized forest monitoring should be in place and remedies should be prepared prior to notification of displacement.

How this item was addressed and respected in the implementation of the REDD+ PaMs

- Since the 1st REDD+ MRV was conducted in 2019 with the reported emission reductions and removal enhancement, it is difficult to estimate the actual displacement, which could have taken place during the payment period. However, all of the REDD+ PaMs can potentially reduce displacement of conversion and logging as they aim to prevent illegal logging and to stabilize land uses.
- In addition to the REDD+ PaMs, many forest related projects conducted forest monitoring within their areas during the payment period and took measures to stop or reduce unplanned forest conversion or logging through reporting of monitoring results to PAFO, DAFO and concerned villages.
- Near-real time detecting systems of deforestation and forest degradation have been developed and piloted in many Provinces and Districts. These have contributed to reduce displacement of emissions and will do so more when they are disseminated to and operated by all Provinces and Districts for full use together with law enforcement.

Gaps and challenges

- Since the REDD+ MRV at national level is planned to be conducted every 3-4 years, it would be difficult for these MRVs to detect and reduce displacement. Benefit-sharing of REDD+ payments could be structured to provide more payments to the Provinces, Districts and villages would be one incentive to promote detection and reduce displacement.
- Near-real time detecting systems of deforestation and forest degradation based on high resolution satellite images need to be developed and deployed to Provinces and Districts as early as possible.
- In order to distinguish planned (sanctioned) forest conversion and logging between unplanned ones, the data including geospatial of approved concessions, logging areas, PLUP need to be compiled and made available to PAFO and DAFO for monitoring.
- Villagers, who are close to forest areas and use them, need to be given equipment and training to report illegal forest conversion and logging.

4. IMPROVEMENTS MADE after the PAYMENT PERIOD

Revision of the Forestry Law (2007) was carried out in a participatory manner in 2018-19 and the National Assembly approved the revised Forestry Law on 13th Jun 2019. Among many additions and revisions, there are new or revised provisions relevant to addressing and respecting the Cancun safeguards and main ones are summarized in the table below.

Safeguard item	Forestry Law No. 64/NA 13 Jun 2019
a) Consistency with national forest program	- Defining the Forestry Strategy. (Articles 10-13)
b) Transparent and effective forest governance	- Physical definitions of forest and degraded forestland. (Articles 2 and 3)

	<ul style="list-style-type: none"> - Strict and detailed rules on logging, transportation and export, and legality assurance of timber from natural forest or conversion forest. (Articles 23, 24, 26, 28, 29, etc.) - Simpler process for harvesting and selling of planted trees from registered tree plantation. (Articles 30, 36, 41, etc.) - Inclusion of “consultation and agreement with local people” as a condition for lease or concession of forestland. (Article 87)
c) Respect for knowledge and rights	<ul style="list-style-type: none"> - Defining Village Forest Management Planning. (Article 39, etc.) - Inclusion of “consultation and agreement with local people” as a condition for lease or concession of forestland. (Article 87)
d) Full and effective participation	<ul style="list-style-type: none"> - Defining Village Forest Management Planning. (Article 39, etc.)
f) Reversal	<ul style="list-style-type: none"> - - Introduction of stricter rules on logging and forest conversion. (Articles 81-86)
g) Displacement	<ul style="list-style-type: none"> - - Introduction of stricter rules on logging and forest conversion (Articles 81-86)

Annex 1: Key Policy, Laws and Regulations to ensure “addressing and respecting” Cancun Safeguards

Key national policy/strategy, legislation and regulations

The Government of Lao PDR has a set of policy, strategy, legislation and regulations that reflect its attempts to minimize, or mitigate, harm to people and the environment, and at the same time to bring the most benefit from development activities, including REDD+, to people of all ethnic groups throughout the country. The Table 1 below provides the national policy, strategy, legislation and regulations (PLRs) explicitly or implicitly relevant to each of Cancun Safeguard item.

Table 4: Key national policy/strategy, legislation and regulations

UNFCCC Safeguards	Cancun	Key PLRs
a) Actions complement or are consistent with the objectives of national forest programs and relevant international conventions and agreements		<ul style="list-style-type: none"> - Lao Constitution, No. 63/NA (2015) - Forest Strategy 2020 (2005) - National Strategy on Climate Change of Lao PDR, No. 137/NA (2010) - Party Committee Resolution on Enhancement of Land Management and Development in the New Era, No. 026/CC (2017) - Forestry Law, No. 6/NA (2007, revised in 2019). - Administration Law, No. 017/NA (2015) - National Agriculture Development Strategy 2011- 2025 - Eighth Five-Year National Socio-Economic Development Plan 2016–2020 (2016) - PM Decision No. 57 On Restructuring of government Authorities (dated 22nd Jul 2016), which consolidated all forestry related responsibilities back to the Ministry of Agriculture and Forestry - Participatory Land Use Planning Manual (2010)
b). Transparent and effective national forest governance structures, taking into account national legislation and sovereignty		<ul style="list-style-type: none"> - PM Decree No. 59 on Sustainable Management of Production Forest Areas (dated 25 May 2002) - Presidential Decree No. 001 on Sharing of Revenue from Timber Harvested in the Production Forest Areas (dated 31 Dec 2012) - MAF Regulation No. 0204 on Establishment and Sustainable Management of Production Forest (dated 03 Oct 2003) - PM Decree No. 333 on Protection Forest - PM Decree No. ??? on Conservation Forest - MAF Regulation No. 535 on Village Forest Management (dated 18 Jun 2001) - DOF Guidelines No. 1476 on Village Forestry Management Plan Writing (dated 13 Jul 2016) - DOF Guidelines No. 1477 re Manual on Village Forestry Management Planning (dated 13 Jul 2016) -

UNFCCC Safeguards	Cancun Key PLRs
<p>c). Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples</p> <p>d). Full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities</p>	<ul style="list-style-type: none"> - PM Decision on Strategic Environmental Assessment, No. 0483/PM (2017) - Prime Minister Decree on Environmental Impact Assessment No. 112/PM (2010) - MoNRE Instructions on ESIA No. 8030/MoNRE (2013) and Initial Environmental Examination (IEE) of the Investment Projects and Activities No. 8029/MoNRE (2013) - Minister Agreement on the Acceptance and Announcement on the Use of Project Investment List and Activities that require the Conduct of IEE and ESIA No. 8056/MoNRE (2013) - Minister Agreement on the Conduct of Environmental Impact Assessment (EIA) for Industries and Processing in Lao PDR No. 1222/Ministry of Industry and Handicraft (now Ministry of Industry and Commerce or MOIC), 2005 - Law on permanent dwelling and livelihood settlement (2018) - PM Decree on Compensation and Resettlement for People Affected by Development Projects No. 84/PM (2016) - Public involvement Guideline (2012) - Participatory Land Use Planning Manual (2010) - Lao Ethnic Minority Policy (1992)- The Resolution of the Political Bureau Concerning the Affairs of various minorities - Ethnic Group Consultation Guideline (2012) - Law on Lao Women’s Union No. 31/NA (2015) - NA Resolution No. 213 on Recognition of 49 ethnic groups in Laos dated 24 Nov 2008) - NA Resolution No. 108 on Recognizing Bru as the 50th ethnic group in Lao PDR dated 05 Dec 2018. - LNFC Decision No. 50 on Ethnic Group Consultation Guidelines dated 30 May 2013 - Law on Grievance Redress Mechanism, No. 035/NA (2014) - Guidelines on Customary Use of Forest Resources, No. 377/MAF (1996) - Guideline on Land and Forest Allocation for Management and Use, No. 822/ MAF (1996) - MAF Regulation No. 535 on Village Forest Management (dated 18 Jun 2001) - Decree on Protected Area No. 134/GoL (2005) - Labor Law (1994) requires non-discrimination in employment (art. 2) and equal pay for work of equal quantity, quality and value (art 39). - The Family Law (1990) states that ‘the husband and wife have equal rights in all aspects within the family (art 13)

UNFCCC Safeguards	Cancun Key PLRs
	<ul style="list-style-type: none"> - PM Decree No. 110 on the Advancement of Women, Mother and Child (dated 29 March 2017) - Vision to the year 2030 Gender Equality Strategy of Agriculture, Forestry and Rural Development Sector (2016-2025) - Second National Strategy for the Advancement of Women and the 5- Year Plan of Action for Gender Equality (2016–2020). - National Strategy for Gender Equality (2016–2025) approved by the Prime Minister in March 2016
<p>e). Actions are consistent with the conservation of natural forests and biological diversity, ensuring that the [REDD+] actions are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits</p> <p>f). Actions to address the risks of reversals</p> <p>g). Actions to reduce displacement of emissions</p>	<ul style="list-style-type: none"> - National Biodiversity Strategy 2016-2025 (2016) - Forestry Law (2007) - Law on Investment Promotion No. 02/NA (2009) - Law on Environmental Protection No. 29/NA (2012) - Wildlife and Aquatic Law No. 07/NA (2007) - Water and Water Resources Law No. 02/NA (2013) - Law on Minerals No. 02/NA (2011) - Law on Electricity No. 19/NA (2017) - Law on National Roads No. 03/NA (2016) - PM Decision on Strategic Environmental Assessment, No. 0483/PM (2017) - Prime Minister Decree on Environmental Impact Assessment No. 112/PM (2010) - MoNRE Instructions on ESIA No. 8030/MoNRE (2013) and Initial Environmental Examination (IEE) of the Investment Projects and Activities No. 8029/MoNRE (2013) - Minister Agreement on the Acceptance and Announcement on the Use of Project Investment List and Activities that require the Conduct of IEE and ESIA No. 8056/MoNRE (2013) - Minister Agreement on the Conduct of EIA for Industries and Processing in Lao PDR No. 1222/Ministry of Industry and Handicraft (now Ministry of Industry and Commerce or MOIC), 2005 - Minister Agreement on the Extraction of Soil, Pebbles and Sand along the Mekong River and Tributaries No. 7737/PWT (2010) - Policy on Sustainable Hydropower Development in Lao PDR (2015) - National Policy on Health Impact Assessment No. 365/MOH (2006) - Practical Guideline on Health Impact Assessment (2007) - PM Order on the Prevention of Harvesting and Buying-Selling of Protected Species No. 10/PM (2011)

UNFCCC Safeguards	Cancun Key PLRs
	<ul style="list-style-type: none"> - PM Order On Intensifying Strictness in the Management and Inspection of Wood Exploitation, Timber Removal and Wood Related Businesses No. 15/PM (2016) - Decree on Moratorium of Mining, Rubber and Eucalyptus Concessions, No. 13/PM (2012); this is replaced with Prime Minister Order on the Enhancement of Land Management for Industrial and Agricultural Crop Concessions No. 09/PM (2018) - Regulation on the Control of Pesticides, No. 2860/MAF/ 2010 - PM Decree on Pesticide Management No. 258/PM (2017) - National Environmental Standard (2017)

Outline of Key PLRs

Key Strategies

The **Eighth National Socio-economic Development Plan (8th NSEDP)** covers the period from 2016 to 2020. The strategy aims to maintain economic growth at 8 %, achieve the Sustainable Development Goals (SDGs) for full integration with the ASEAN (Association of South-East Asian Nations), lay the foundation to graduate from the Least Developing Country status by 2020, and ensure sustainable development by integrating economic development with socio-cultural development and environment protection to the nations advantage, and ensure political stability, public security and support international cooperation. The strategy provides the analysis of the current interaction between economic decisions and environment soundness in each sector, and also provides guidance in the development of balanced programs. The provinces and districts also have their own socio-economic development plans, which tie in with the national ones.

The **Forestry Strategy 2020**, No 229/PM, dated 09 August 2005, identifies the objectives of the forestry sector to enhance the capacities of government institutions and relevant stakeholders to strengthen sustainable forest management and protection in Lao PDR. It includes participatory mechanisms for all three forest categories -- protection, protected and production forests -- to ensure the production of timber and forest products, biodiversity conservation and environment protection. It also aims to develop and update the legal and institution structures.

The first **National Biodiversity Strategy and Action Plan (NBSAP)** up to 2010 was prepared in June 2004. It was updated for 2016-2025 and adopted in 2016 to promote the biodiversity conservation and sustainable use based on 20 targets set by the Convention of Biological Diversity (CBD). Lao PDR is signatory to the CBD, which commits the country to achieve targets set in the NBSAP, e.g. diversity of the ecosystems, protected areas management (like tree, fish and plants species, non-timber forest products and medicinal plants). Given the current situation, Lao PDR needs to take urgent actions for biodiversity conservation, sustainable use approaches, and fair and equitable sharing of benefits, to reduce the loss rate of biodiversity globally, regionally and nationally. To achieve biodiversity and forest targets, the highest importance is given to activities that will also enhance national economic development, livelihood improvement in the rural areas, and food security.

The **National Agriculture Development Strategy 2016 to 2025 and Vision to 2030** laid out development goals to improve techniques in flatland agricultural production according to market forces, including adaptation to climate change, and for small-scale agricultural production and for ecosystem conservation in mountainous areas. The strategy aims both to expand agriculture from 3 million hectares to 4.5 million hectares, and to increase the efficiency of agricultural production. In terms of national land use, the area suitable for agriculture is considered to be 4.5 mil. Ha, so this area is currently under-utilized.

The **National Climate Change Strategy** No. 137/PM, dated 12 March 2010, has a vision to establish programs, adaptive strategies and mitigation options, to increase resilience of key sectors to the impacts of climate change that aims to promote sustainable economic development, reduce poverty, protect public health and safety, enhance the quality of Lao PDR's natural environment to protect ecosystem integrity and productivity of forest resources, and advance the quality of life for all Lao people. It requires strong cooperation, partnerships with national stakeholders and international partners, and increased public awareness of climate change, and increased stakeholder willingness to take actions to implement the national development goals.

Key Legislations

The Constitution of Lao PDR (updated version) No 63/NA, dated 8 December 2015, acknowledges all forms of property rights under Article 16, and encourages protection and restoration of environment and natural resources in participatory and sustainably manner in the Article 17.

The Constitution specifies that Lao PDR is a multi-ethnic society, and all ethnic groups and citizens have equal rights. The Lao Government promotes the development, protection, and advancement of women, and supports their participation, decision-making, and equitable benefit-sharing in all development activities according to Article 4 of the **Lao Women's Union Law, No. 31/NA**, dated 23 July 2013.

Article 7 of the **Environment Protection Law** (2012) describes the responsibilities of individuals, households and institutions to protect the environment, while participation of the public -- with the engagement of institutions, local authorities and affected people -- in the preparation of all environmental activities is specified in the Article 48. Key activities under the environmental activities are specified in detail in Articles 19, 21 and 22 of this law, including the requirements for Strategic Environment Assessment (SEA), Initial Environmental Examinations (IEE) and Environmental and Social Impact Assessments (ESIA).

The Environment Protection Law promotes the conservation of natural resources together with the policies and measures clearly specified in Article 50. The registration of specific natural resources is noted in Article 49 while the responsibilities of individuals, households and institutions in rehabilitation of degraded environment in impacted areas is described in Article 55.

Article 5 of the Environmental Protection Law (2012) requires that certain types and sizes of development projects carry out an **Initial Environmental Examination (IEE)** and/or an **Environmental and Social Impact Assessment (ESIA)**. This analysis must include a proper consultation process with all stakeholders, especially those who are affected directly by the projects, as described in MONRE's Instruction on ESIA, No. 8029 (2013) and Instruction No. 8030 (2013). In addition, the Public Involvement Guidelines (2012) established public participation requirements for

data collection, dissemination of information, consultation and participation. In actual practice, the IEE and ESIA guidelines are often not well followed. These guidelines are followed by large infrastructure projects, like hydropower schemes or mining operations, but usually not followed for forestry projects. Some needed information is often not recorded. Often the IEE and ESIA approval processes have not followed all the agreed procedures. The teams preparing the IEEs and ESIAAs have not always consulted with the relevant Provincial Agriculture and Forestry Department concerning possible social and environmental impacts, including impacts on forests and local communities. If significant impacts are discovered, then the project developer must prepare an Environmental and Social Management and Monitoring Plan (ESMMP), and the project must be monitored by both the project proponent and the government.

PM Decree No. 84 (2016) on Compensation and Resettlement for People Affected by Development Projects replaces the previous PM Decree No. 192 (2010). It lays down key policies and principles for compensation and resettlement of people affected by development projects (both public and private sectors). Specifically, the Article 7 requires that the project developers cooperate with relevant organizations at all levels to collect information on people to be affected by the project including a detailed Compensation Plan as part of an Environmental and Social Management and Monitoring Plan (ESMMP) before the signing of a concession agreement. The approval date of the ESMMP document shall be regarded as the date of registration of the rights of affected people. It is important to note that after a few years of piloting the implementation of this Decree by development projects, especially in the hydropower sector, it was learned that a compensation rate benchmark in a “separate regulation” as stipulated in the Article 9 of this Decree could not be established. Furthermore, there are a few conflicts existed between this Decree with revised Electricity Law 2017 on the responsible entity for the formulation of a Resettlement Committee. It can take the projects more than two years to complete the Compensation Plan with details on compensation rate, Bill of Quantity for type of housing, compensated land and etc. in order to obtain approval from MONRE as part of the ESMMP document. This Decree is being revised by MONRE together with a Decree on EIA No. 112 (2010).

Water and Water Resources Law 2017 requires that the Project developers prepare a Plan for the protection and rehabilitation of protection forests (Article 24). It also stipulates that individual or organizations have obligations in protecting water and water resources, rehabilitate forest resources and land in the watershed areas in strict compliance with management plans of water resources, forests and land (Article 26) as well as encouraging forest rehabilitations and protection in the watershed areas, promotion of organic fertilizers, waste disposal and wastewater treatment as means to restore damaged water resources (Article 56).

Electricity Law 2017 anticipates that ESIA is undertaken since the early stage of hydropower project development, i.e. after signing Memorandum of Understanding (MOU) and Project Development Agreement (PDA) stage as part of the overall Feasibility Study (Article 59) and obtaining approvals from MONRE in cooperation with MEM (Article 60). In addition to the payment of Royalty, duty and tax, the Project Company or the concessionaire shall pay its contribution to the Environment Protection Fund and funds for socio-economic development of the localities where the project is located and surrounding areas, downstream area of the project and contribution to the Fund for

watershed and reservoir protection, plantation of forest in flooded forest land area and land area for temporary use.

Article 11 of the Policy on Sustainable Hydropower Development (2015) requires that natural conserved habitat area losses due to hydropower development projects shall be avoided and mitigated as much as possible. Where avoidance is not possible, it must be compensated and restored by the project developer as well as provide funding to help manage and effectively conserve the watershed area as well as nearby watersheds and other important conservation areas. The Project Developers must develop a sustainable biodiversity management plan, considering compensation or helping to mitigate the impact on the local natural resources base. Article 13 also describes the Project Developers' obligations in paying taxes, royalties, etc. as well as "benefit sharing" with local communities through Community Development Fund and other Funds for watershed protection and socio-economic development of that areas.

Public Involvement Guidelines, Ministerial Instruction No 29/MONRE (2013) requires Environmental and Social Impact Assessment by every Investment Project and Activity of a public and private both domestic and foreign enterprise operating in Lao PDR that causes or is likely to cause environmental and social impacts. The instruction also brings into consideration four public involvement processes, which are information gathering, information dissemination, consultation, and participation, to ensure project activities are designed with consideration to minimize social and environmental negative impacts and to maximize positive impacts in a long run.

- Lao Ethnic Minority Policy (1992)- The Resolution of the Political Bureau Concerning the Affairs of various minorities, especially the Hmong Minority (Hmong Policy 1981) adapted in 1981 was the first explicit statement of policy on ethnic groups since the founding of the Lao People's Democratic Republic in 1975. The policy also attempted to improve the living conditions of Hmong people, and to increase national security for the country as a whole. In 1992, the policy was adjusted and developed into a resolution of the Administrative Committee of the party to become The Ethnic Minority Policy under the Resolution on Ethnic Affairs in the New Era, which applies to all ethnic groups throughout the country. There are no specific articles in it, rather it is an agreement on the principles that all ethnic groups should have improved access to services and that all discrimination must be eradicated.
- Disseminating information in the remote areas is mandated, through many methods, especially, radio broadcasting in minority languages. The plan calls for engagement of specialist officials who speak minority languages and who possess knowledge of science, production, and socioeconomic problems. The question of where these persons are found is not addressed.

The Ethnic Minorities Committee under the National Assembly is charged with the responsibility to draft and evaluate proposed legislation concerning ethnic groups, lobby for its implementation and implementation of socioeconomic development plans. Ethnic group research is the responsibility of the Institute for Cultural Research under the Ministry of Information, Culture and Tourism (MoICT). The lead institution for ethnic affairs is the mass (political) organization, the Lao National Front for Construction, which has an Ethnic Affairs Department.

- The **Ethnic Group Consultation Guidelines** (2012) issued by the Lao Front for National Construction (LFNC) gives guidance on how to consult with various ethnic groups in culturally-appropriate ways. This national guideline on consultation with ethnic groups was largely in line with the World Bank policy on Indigenous People (OP/BP 4.10). It aims to ensure that all ethnic groups who benefit from or are adversely affected by a development project, without regard to the source of funding, are fully engaged in a meaningful consultation process at all stages from preparation into implementation. The guideline also aims to ensure that the potentially affected ethnic groups are fully informed of project objectives, as well as their potential positive and adverse impacts on their livelihood and their environment, and provided with opportunities to articulate their concerns. The guidelines provide principles and processes to carry out meaningful consultations with, and obtain free, prior and informed consent (FPIC) of, all ethnic groups affected by developments projects in a culturally sensitive manner. The guidelines consist of a) objectives and scope of the guidelines, b) consultation processes with ethnic groups at respective stages of development projects, c) consultation approaches and methods for different ethnic groups in a cultural sensitive manner, d) expected outcomes of consultation at each stage, and e) implementation arrangement and responsibility

The **Free, Prior and Informed Consent Guidelines** (FPIC, 2012) raises awareness for projects to apply FPIC based on the Public Involvement Guidelines (2012). Through the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (2008) the legal status of the right to FPIC has been strengthened. Amongst others GIZ (German Agency for International Cooperation) and RECOFTC²⁵ (and most forest related projects) have provided guidance and training manuals and it has been a consistent central theme to all REDD+ forest projects implemented in Lao. FPIC principles are expected to be included in the revised Forest Law Currently, as in most REDD+ countries, the FPIC guidelines they are followed on a voluntary 'best practice' basis and supported by all development partners and most CSOs/ NGOs associated with the forest sector in Lao PDR.

Considerable stakeholder consultations have been conducted during the design of the ER Program, as well as the National REDD+ Program. Consultation applying FPIC principles will continue throughout the implementation of the ER Program. Once the ER Program reaches the implementation phase, further detailed consultations will take place, including in the steps of detailing PRAPs into annualized implementation plans. Local level stakeholders, particularly ethnic groups, women, poor and vulnerable households and groups will be specifically targeted. The Community Engagement Framework (CEF) outlines the approach for socially inclusive engagement in REDD+ activities. The Provincial Implementation Units will mobilize specialized capacity targeting the district or *kumban* levels that will receive training on FPIC principles and practices, following the principles applied for the PRAP consultations.

The FPIC consultation process needs to ensure:

- Ethnic groups are not coerced, pressured or intimidated in their choices of development;
- Ethnic groups' consultation is to be sought sufficiently in advance of any authorization or commencement of activities and respect is shown to time requirements of ethnic minority group consultation/consensus processes; and

- Ethnic groups have full information about the scope and impacts of the proposed development activities on their lands, resources and well-being. Information should be provided on the nature, size, pace, reversibility and scope of any proposed project or activity; the purpose of the project and its duration; locality and areas affected; a preliminary assessment of the likely economic, social, cultural and environmental impact, including potential risks; personnel likely to be involved in the execution of the project; and procedures the project may entail. This process may include the option of withholding consultation.

Arrangements for consultations should be carefully considered and tailored to the sub-project context, the anticipated impacts and the context of the local communities. Consultation approaches should include:

- Community meetings, both with the community as a whole and with sub-groups;
- Focus group discussions and participatory planning exercises;
- Distribution of project information in both full format (project documents, assessment reports, etc.), simplified formats such as posters and brochures, and audio-visual material using local languages;
- Identification of contact persons within the communities (some training may be appropriate to enhance their ability to engage meaningfully in the consultation process);

Involvement of the Ethnic or tribal leader if any, Provincial or District Offices of Lao Front for National Development and other local civil society organizations (CSOs) identified by the ethnic groups as important in representing their interests; and

- Opportunities for consultation at each stage of sub-project preparation and implementation.

Conflicts can be addressed through a legal conflict resolution system as described under the **Law on Grievance Redress No. 53/NA 2014**, through a traditional or customary system, or Village Conflict Mediation Unit. Above the village are the Regional, Provincial, and National Supreme Courts. Any urgent issues, complaints, or inquiries can be publicly voiced to the National Assembly members, or through the National Assembly Hotline, which is open during the National Assembly sessions. Grievance redress can also be pursued through administrative channels or Party channels, via the mass organizations (the Lao Front for National Development, concerning ethnic issues, and the Lao Women's Union, concerning women's issues).

It should be noted, however, that the Government encourages villages to prevent any conflicts or problems related to family issues through effective village GRM, becoming "model cultural villages" and very few cases are sent to higher levels.

The Party Central Committee recognizes that the country has been facing many land issues including land allocation, land use planning, and benefits from land, and as a result issued a **Resolution, or National Policy, on Land No. 026/CC**, dated 03 August 2017. The Resolution provides general guidance on land management and development with focus on centralization and consistency of land management nationwide. The Resolution requires review of agriculture land use to ensure conformity with protecting the environment, meeting the demand for national development with green growth and sustainability, increasing land quality and ensuring land for agriculture to guarantee food security. On the one hand, the policy affirms that 'land rights' already granted to

individuals are legal and will be retained. But on the other hand, the policy states that the Government has the right to withdraw (cancel) land use rights held by individuals, entities, collectives and organizations for the purpose of national social-economic development plans. Thus, ultimately any land rights can be revoked by the Government, but if this occurs, the rights holders are due compensation.

Article 09 of the **Land Law No. 04/NA (2003, being revised 2019-20)** stipulates that land is under the ownership of the national community as prescribed in Article 17 of the Constitution in which the State is charged with the centralized and uniform management [of land] throughout the country and with the allocation [of land] to individuals, families and economic organizations for use. In addition, Article 21 mentions that the State allows individuals or families to utilize unstocked or degraded forestlands in conformity with the [land use] purposes, sustainability and effectiveness not exceeding 3 hectares per labor force in a household. The allocation of forestland use rights in respect of forestland which is under the State management to individuals and organizations is done through issuing land certificates that are valid for three years. During this period, if land has been used in conformity with objectives and regulations, and there is no objection or claim, or those claims have already been settled, then [the individuals and organizations] have the right to apply to the land management authorities at the provincial or city level for the issuance of land titles for long term use rights. Customary land use rights are not recognized in the 2003, but the National Policy on Land No. 026/CC, dated 03 August 2017 mentions this right and this has been one of issues in the process of revising Land Law. The Land Law has been under revision for several years, and the revised version was submitted to the National Assembly with very low approval votes. The revision is still going on in the National Assembly and concerned Ministries.

The **Forestry Law (2007, revised 2019)** sets key conditions for the management of forests, and thus is of particular relevance for the development of the National REDD+ Program and National REDD+ Strategy.

Article 7 of Forestry Law (2007) encourages individuals, households and institutions to protect and develop forests, forest resources, water sources, biodiversity, and environment in line with the regulations to avoid the degradation, erosion and others. Many forests are categorized into three types – production, conservation, and protection forests - under the Article 9 to 12 of the Forestry Law. Other forest lands are “uncategorized.” Article 13 of the Forestry Law (2007, revised 2019) clarifies that degraded and barren lands, which were distinct forest categories under an earlier version of the law, are included now in the other forest categories.

The State promotes the preparation of the management plans for all three forest categories (including the water sources, watersheds) to develop sustainable forest management, including approved areas under rotational agriculture and for wood and forest products use based on the Article 22 to 26 of Forestry Law. The use of wood and forest products for the community, household livelihoods, and customary use is described in the Article 40 to 42 of Forestry Law (2007), while harvesting for trade is in the Article 43 and 49, and the conversion of forest lands to other development objectives based on the Article 70 of Forestry Law.

The National Assembly released the **Decision on the Approval of the Protection Forests, Protected Areas and Production Forests No. 273/NA, on 21 August 2014**. It acknowledged of the rights of people living in or adjacent to the three categories of forests to use lands for agriculture production. This NA Decision requested the Government to re-delineate the boundaries of the three categories of forest, to exclude land being used for agriculture or other non-forest purposes, and to replace it with suitable forest land. Methods for undertaking this re-delineation have been piloted in two areas, but there is not yet agreement on how to proceed. Thus, this re-delineation has not yet been proposed. Having more clear boundaries of the three categories of forests would facilitate implementation of REDD+ and the Forest Strategy.

The **Wildlife and Aquatic Law No. 07**, dated 24 December 2007, specifies the management of wildlife and aquatic resources, and controls their harvesting. It promotes conservation of biological diversity, including rare and endangered species. The Department of Forest Inspection (DoFI), created in 2007, has responsibility nationwide for enforcement of both the Forestry Law and the Wildlife and Aquatic Law.

The **Regulation on the Control of Pesticides** (Lao PDR, 2860/MAF, 2010) provides details on the use of pesticides, as well as the ways to collect and destroy the pesticides, to avoid negative impacts to people, animals and environment according to the Article 23 and 24. This was followed by the **Decree on Pesticide Management**, No 258 /GOV, 24 August 2017. This defines the principles, regulations and measures regarding the use of pesticides, management and monitoring of pesticide activities to ensure the quality, efficiency and safety for humans, animals, plants and environment with the aim of allowing the agricultural and forest production to be carried out in line with clean, green and sustainable agriculture, capable to ensure regional and international integration, and contribute to the national socio-economic development.

Annex 2: Summary of local consultations on Cancun safeguards**Dates and Venues of SOI Stakeholders' Consultations and Composition of Participants**

Target Area	Date	Venue	Province	District	Kumbam/Village	Remarks
Luang Prabang	27 Nov 2019	PAFO Meeting Room	PAFO, Provincial Office of Natural Resources and Environment (PONRE), Provincial Office for Forest Inspection (POFI), Provincial Committee for Advancement Of Women (PCAW)	DAFO, District Office of Natural Resources and Environment (DONRE), District Forest Inspection Unit (DFIU) (6 districts)		Provincial Protection Forest (PFF)
Luang Prabang	27 Nov 2019	PAFO Meeting Room	PAFO	DAFO, DONRE, DFIU (1 district)	Kumban Phousouang (9 villages)	(PFF)
Savannakhet	19 Nov 2019	PAFO Meeting Room	PAFO, PONRE, POFI, PCAW, Association for Rural Mobilisation and Improvement (ARMI)	DAFO, DONRE, DFIU (8 districts)		Production Forest Area (PFA)
Thapangtong	20 Nov 2019	DAFO Meeting Room	PAFO	DAFO, DONRE, DFIU (1 district)	Kumban Nonchan (7 villages)	PFA
Champassak	21 Nov 2019	PAFO Meeting Room	PAFO, PONRE, POFI, PCAW, Khong District Community Development Association (KCDA)	DAFO, DONRE, DFIU (5 district)		PFA and outside
Patumphone	22 Nov 2019	DAFO Meeting Room	PAFO, KCDA, Lao Disabled People's Association (LDPA)	DAFO, DONRE, DFIU (1 district)	Kumban Patumphone (9 villages)	PFA

No of stakeholders/participants by province, district and village (number of women in bracket)

Venue	No of stakeholders/participants				Total	Remarks (Ethnic group)
	Central	Province	District	Kumban/Village		
Vientiane	70 (25)				70 (25)	
Luang Prabang		4	29 (2)	36 (9)	69 (11)	Lao, (27), Khmu (2), Lue (2), Youan(5)
Savannakhet		6	23(4)		29(4)	
Thapangthong		1	5(2)	15 (4)	21(6)	Lao (5) Katang (10)
Subtotal		7	28(6)	15 (4)	50(10)	
Champassak		2	18(4)		20(4)	Lao
Pathumpone		1	3	28(8)	32(8)	Lao
Sub-total		3	21(4)	28(8)	52(12)	
Total	70(25)	14	78 (12)	79(21)	241 (58)	

References

- Government of Lao PDR 2016. The 8th national Socio-Economic Development Plan
- Lao Statistics Bureau 2016. Results of the 4th Population and Households Census 2015.
- Ministry of Agriculture and Forestry 2018. Emission Reduction Program Document of Lao PDR for the Carbon Fund.
- Ministry of Agriculture and Forestry 2020. Environmental and Social Management Framework for GOVERNANCE, FOREST LANDSCAPES AND LIVELIHOODS - NORTHERN LAOS
- Ministry of Agriculture and Forestry 2020. Ethnic Group Policy Framework for GOVERNANCE, FOREST LANDSCAPES AND LIVELIHOODS - NORTHERN LAOS
- Ministry of Agriculture and Forestry 2020. National REDD+ Strategy of Lao PDR
- Ministry of Agriculture and Forestry 2020. Process Framework for GOVERNANCE, FOREST LANDSCAPES AND LIVELIHOODS - NORTHERN LAOS
- Ministry of Agriculture and Forestry 2020. Resettlement Policy Framework for GOVERNANCE, FOREST LANDSCAPES AND LIVELIHOODS - NORTHERN LAOS
- Ministry of Agriculture and Forestry 2020. Strategic Environmental and Social Assessment for GOVERNANCE, FOREST LANDSCAPES AND LIVELIHOODS - NORTHERN LAOS
- Ministry of Agriculture and Forestry and National Land Management Authority 2010. Manual on Participatory Agriculture and Forest Land Use Planning at Village and Village Cluster Level.
- Prime Minister 2005. The Forestry Strategy to Year 2020.
- RECOFTC 2020. Report on Stakeholders Consultations on the Implementation of REDD+ Safeguards in Relations to the Development of Lao Summary of Information (SOI) for the Sustainable Forest Management and REDD+ Support Project.
- SUFORD-SU 2017. Integrated Safeguards Assessment of the SUFORD-SU Project
- Sustainable Forest Management and REDD+ Support Project 2018. Forestry Sector Indicators 2018.