



# **Lao National Safeguards Information System (LNSIS)**

## **Technical Document**

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Department of Forestry  
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## ACRONYMS

DAFO	District Agriculture and Forestry Offices
DSMIS	Decentralized Safeguards Management Information System
ESIA	Environmental and Social Impact Assessment
ESMMP	Environmental and Social Management and Monitoring Plan
FGDWB	World Bank Focus Group Discussions
FGRM	Feedback and Grievance Redress Mechanism
FREL	Forest Reference Emission Level
GCF	Green Climate Fund
GHG	Greenhouse gas
GoL	Government of Lao PDR
IEE	Initial Environmental Examination
IFMIS	Integrated Forest Management Information System
Lao PDR	Lao People's Democratic Republic
LFND	Lao Front for National Development
LNCCI	Lao National Chamber of Commerce and Industry
LNSIS	Lao National Safeguards Information System
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
NCAWMC	National Committee for Advancement of Women, Mother and Child
NDC	Nationally Determined Contribution
NFMS	National Forest Monitoring System
NGO	Non-governmental Organization
NRS	National REDD+ Strategy
NRTF	National REDD+ Task Force
NUoL	National University of Laos
PAFO	Provincial Agriculture and Forestry Office
PLR	Policies, Laws and Regulations
PRAP	Provincial REDD+ Action Plan
PRTF	Provincial REDD+ Task Force
REDD+	Reducing Emissions from Deforestation and Forest Degradation
SESA	Strategic Environmental and Social Assessment
SESU	Social and Environmental Safeguards Unit
SIS	Safeguards Information System
SoI	Summary of Information
TWG	Technical Working Groups
UNCCD	United Nations Convention to Combat Desertification
UNFCCC	United Nations Framework Convention on Climate Change
VDC	Village Development Committee
VMC	Village Mediation Committee

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## **1. INTRODUCTION**

1. The Lao People's Democratic Republic (Lao PDR) has been engaged with Reducing Emissions from Deforestation and Forest Degradation (REDD+) Readiness preparation since it was selected as a participant to the Forest Carbon Partnership Facility (FCPF) in 2008. The Government of Lao PDR (GoL) is currently moving towards the completion of its REDD+ Readiness phase, which includes a National REDD+ strategy (NRS), a Forest Reference Emission Level (FREL), a National Forest Monitoring System (NFMS), and a Safeguards Information System (SIS). The COP 17 decision 12/CP.17 provides guidance on the systems for providing information on how all safeguard decisions, referred to in the 1/CP.16, appendix I, are being addressed and respected by countries that wish to apply for results-based payments. It was agreed by the COP that decision 1/CP.16 should take into account national circumstances, capabilities, relevant international obligations and agreements, must respect gender considerations, and recognize national sovereignty and legislation. There must also be a focus on transparent and consistent information systems, which are accessible to all relevant stakeholders and updated on a regular basis, while building upon existing systems as appropriate.
2. Safeguards are an integral part of any development programme, in order to ensure that negative impacts on people and nature are mitigated or minimized. Early on in the development of REDD+ as a climate change mitigation mechanism, the United Nations Framework Convention on Climate Change (UNFCCC) mandated the development of a system for providing information on how safeguards are addressed and respected in REDD+ activities. This was determined in 2010 by the UNFCCC Conference of the Parties (COP) decision in Cancun, Mexico. The UNFCCC requests countries to develop a system that can provide information on how safeguards are being addressed and respected, called the Safeguards Information System (SIS).
3. Lao PDR joined UNFCCC in 1995 and ratified the Kyoto Protocol in 2003, signed the Paris Agreement on 7 September 2016, and submitted its first Nationally Determined Contribution (NDC) on September 2015 and the second NDC was submitted in March 2021. A requirement for all countries participating in the REDD+ process is to develop a SIS to explain and ensure how safeguards are being addressed and respected in REDD+ activities. As a prerequisite for obtaining results-based payments, countries should periodically submit to the UNFCCC a summary of information, outlining their work with respect to safeguards.<sup>1</sup> The GoL is now establishing its Lao National Safeguards Information System (LNSIS) to complete the eligibility process for receiving REDD+ results-based payments. The LNSIS is guided by international commitments and decisions, national legislative and policy frameworks, plans and guidelines, as well as the national REDD+ framework and strategy.

## **2. NATIONAL REDD+ FRAMEWORK**

4. Reducing Emissions from Deforestation and forest Degradation (REDD) was first discussed in November 2005 by the UNFCCC at the meeting of the eleventh session of the Conference of the

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<sup>1</sup> UNFCCC Decision 12/CP.17 and UNFCCC Decision 12/CP.19

Parties (COP 11), as a concept to minimize emissions from deforestation in developing countries. As referenced in COP 13 (decision 1/CP.13), the plus in REDD+ refers to conservation of forest carbon stocks, sustainable management of forests, and enhancement of forest carbon stocks. Incentives are provided in the form of result-based payments (via measuring and verification of results) for developing countries to reduce deforestation and forest degradation; foster conservation, promote sustainable management of forests, and ensure enhancement of forest carbon stocks. Between 2007 and 2015, negotiations between the UNFCCC member states resulted in the formulation and approval of many decisions and guidelines for REDD+, which were subsequently approved in the Paris Agreement in 2015.

5. Lao PDR became actively involved with REDD+ in 2008, with the submission of its Readiness Plan Idea Note (R-PIN) to the FCPF. Since then, the country has been focusing on the four major components of REDD+ readiness (i.e., National REDD+ Strategy (NRS), Reference Emission Level (REL), National Forest Monitoring System (NFMS), and Safeguard Information System (SIS)). Lao PDR finalized its National REDD+ Strategy in April 2021 and has a plan to develop a National REDD+ Action Plan.
6. The national Forest Reference Emission Level/Forest Reference Level (FREL/FRL) was submitted to the UNFCCC in 2018, and the technical assessment was completed in January 2019. The assessed FREL/FRL serve as the baseline for future results-based payments. All relevant information is published in the UNFCCC REDD+ web platform<sup>2</sup>. The first national measurement, reporting and verification (MRV) was conducted in 2019. The results of the MRV are communicated in the 2020 BUR and will serve as a basis for the submission of the application for the Green Climate Fund (GCF) results-based payment. In 2018, Lao PDR submitted the Emission Reductions Program Document (ERPD) to the FCPF's Carbon Fund, for six provinces in the north of the country.
7. Lao PDR has also benefited from the ongoing support of several REDD+ specific donor programs, including the Climate Protection through Avoided Deforestation (CliPAD) program, funded by KfW and GIZ; and the Sustainable Forest Management and REDD+ Program (F-REDD), funded by JICA.
8. Lao PDR has focused on capacity building and piloting REDD+ projects at sub-national and local levels, obtaining lessons from REDD+ interventions. Projects were implemented in Phonxay District and Xieng Gneun District in Luang Prabang Province during 2010 to 2015, and Xam Nuea District and Hua Mueang District in Hua Phan Province during 2009 to 2020. The sub-national REDD+ programme, supported by the FCPF, covering six northern provinces, will be implemented for the period of 2020 to 2025.
9. The implementation of REDD+ is currently under the responsibility of the Ministry of Agriculture and Forestry (MAF), within its organizational structure at central and local levels. The central level institutional structure includes the National REDD+ Task Force (NRTF), six Technical Working Groups (TWG), and a REDD+ Focal Point. The local level institutional structure comprises the Provincial REDD+ Task Force (PRTF) and Provincial REDD+ Offices within the six northern provinces

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<sup>2</sup> <https://redd.unfccc.int/submissions.html?country=lao>

under the Emissions Reduction Program (ERP) (the ERP is also referred to as Governance, Forest Landscapes and Livelihoods in Northern Lao PDR (GFL)).

10. One of the six specific objectives stipulated in the Forestry Strategy 2021-2035 (draft) is to reduce emissions from deforestation and forest degradation. One of five projects specified in the Forestry Strategy is the REDD+ Strategy Monitoring and Encouragement Project, with objectives and expectations for reducing emissions from deforestation and forest degradation. The focal tasks are: (1) expand the implementation of the REDD+ strategy; (2) produce REDD+ action plans at local levels; (3) monitoring the implementation of the Provincial REDD+ Action Plans (PRAPs) in the six northern provinces; (4) designate and strengthen revenue management from carbon selling; (5) designate and strengthen REDD+ safeguards management; and, (6) evaluate results of emissions reduction. The Forest Strategy is the fundamental policy concerning management, preservation, development and utilization of forest and forestland towards a green and sustainable direction, in order for increasing forest coverage rates to reach 70 percent of the total land area.

### **3. CANCUN SAFEGUARDS AND SCOPE OF THE LNSIS**

11. Countries undertaking REDD+ activities need to develop country-level approaches that enable them to respond to the requirements outlined in the UNFCCC agreements, which aim to ensure that social and environmental risks are minimized and benefits are enhanced. REDD+ countries also need to carefully consider further objectives that the country approach may need to achieve, such as responding to the requirements of organizations providing support for REDD+ activities. Although REDD+ may provide significant long-term benefits, there is also a potential for causing negative impacts on the environment and to the livelihoods of communities, including small ethnic groups, who are fully or partially dependent on the forests. This LNSIS is based on the Lao PDR's policies, laws and regulations, as well as the specific risks and benefits of REDD+.
12. The UNFCCC Durban Outcome<sup>3</sup> states that a SIS should provide information on how all Cancun safeguards are addressed and respected. It is highly expected that SIS are country-driven, implemented at a national level, and built on existing systems as appropriate. It was also agreed that the reporting of summary information on how safeguards are being addressed and respected would take place periodically in national communications to the UNFCCC. As a Party to the UNFCCC, Lao PDR agreed and is bound by relevant international obligations and agreements to ensure that the environment and social safeguards standards are met, for which the SIS is a mandatory requirement.
13. The World Bank/International Finance Corporation's Performance Standards provide guidance on how to identify risks and impacts. The approach is designed to help avoid, mitigate, and manage risks and impacts, as a way of doing business in a sustainable way. The safeguards standards include: Assessment and Management of Environmental and Social Risks and Impacts; Labor and Working Conditions; Resource Efficiency and Pollution Prevention; Community Health, Safety, and

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<sup>3</sup> Durban decision 12/CP.17: <http://unfccc.int/resource/docs/2011/cop17/eng/09a02.pdf#page=16>

Security; Land Acquisition and Involuntary Resettlement; Biodiversity Conservation and Sustainable Management of Living Natural Resources; Indigenous Peoples; and, Cultural Heritage.

14. The Emission Reduction Programme (ERP) aligns with the National REDD+ Strategy (NRS) to 2025 and Vision to 2030, and is intended to inform strategic and operational lessons for the scaling up of REDD+ nationwide. According to the 8<sup>th</sup> National Socio-Economic Development Plan (NSEDP) 2016-2020, the direction indicates that initiatives on environmental protection and disaster risks management are essential, in order to increase capacity on climate change resilience and impact mitigation. Similarly, the current 9<sup>th</sup> NSEDP 2021-2025 has a number of relevant priority themes, including: i) financing for sustainable development; ii) trade, private sector, value chains and tourism; iii) skill development and sustainable employment; iv) human capital; and, v) green growth resilience and risk management. The GoL has laws, regulations and decrees (i.e., Law on Land, Law on Forest, Law on Water and Water Resources, Law on Environment Protection, Decree on Social-Environmental Impact Assessment, and Decree on Compensation and Relocation of Population) that seek to protect environmental and social aspects and harmonize with the safeguards of the World Bank, international organizations and donors.
15. The detailed interpretation of the seven Cancun safeguards has been provided in Annex: 1. As agreed in Paris at the COP 21, Parties to the UNFCCC have developed some further guidance on ensuring transparency, consistency, comprehensiveness and effectiveness when informing on how all the safeguards referred to in decision 1/ CP.16, appendix I, are being addressed and respected. The approach also strongly encourages the Parties to the Convention to describe how each safeguard is being addressed in accordance with the Cancun decision and in relation to national circumstances. In this regard, Lao PDR submitted to the UNFCCC in November 2020 its first Summary of Information for the period of 2015 to 2018.

#### **The Cancun Safeguards**

When undertaking REDD+ activities, the following safeguards should be promoted and supported:

- That actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements.
- National forest governance structures are transparent and effective, taking into account national legislation and sovereignty.
- 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.
- The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities.
- That actions are consistent with the conservation of natural forests and biological diversity, ensuring that [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\*.
- Actions to address the risks of reversals.
- Actions to reduce displacement of emissions.

\* Taking into account the need for sustainable livelihoods of indigenous peoples and local communities and their interdependence on forests in most countries, reflected in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

Source: Framework Convention on Climate Change, UNFCCC/CP/2010/7/Add.1, 15 March 2011.



## 4. KEY POLICY, LAWS AND REGULATIONS CONSISTENT WITH CANCUN SAFEGUARDS

### 4.1. KEY NATIONAL POLICIES, LAWS AND REGULATIONS

16. Lao PDR has several laws and regulations governing the utilization and environmental and social impact management of natural resources (i.e., land, forest, water, aquatic, and wildlife).
17. The **Constitution of Lao PDR** (updated version) No 63/NA, dated 8 December 2015, acknowledges all forms of property rights under Article 17, and encourages protection and restoration of environment and natural resources in a participatory and sustainable manner under Article 19. The Constitution specifies that Lao PDR is a multi-ethnic society, and that all ethnic groups and citizens have equal rights. The GoL has a set of policies, strategies, 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.
18. The **Environmental Protection Law**, first enacted in 1999 and amended in 2012, describes the principles, regulations, and measures for managing, monitoring, restoring, and protecting the environment, including processes for pollution control and impact assessment. Regulations for Environmental and Social Impact Assessment (ESIA) and Initial Environmental Examination (IEE) were established under separate decrees in 2013, although revisions are pending on the ESIA Guidelines. Subsequently, the regulations for Environmental Impact Assessment (EIA) were revised in 2019. In addition, over the past decade, several decrees, regulations, and guidelines have been established. These legally binding environmental and social safeguard provisions are a helpful guide and have informed the development of the SIS. In the SIS, both the World Bank's safeguard policy and the GoL's laws and regulations are followed, in order to fulfill and cover all the potential impacts from project implementation.
19. Regarding social safeguards, the PM Decree No. 84 (2016) on **Compensation and Resettlement for People Affected by Development Projects** requires that developers compensate for the loss of land and other assets at replacement cost. A technical guideline to support the implementation of the Decree has also been developed.
20. Table 1 provides the national strategy, policies, laws and regulations that are consistent with the Cancun safeguards, at the time that this SIS document was developed. This table will be updated as the GoL's policies, laws and regulations are revised and developed in the future. Annexure 1 provides a detailed description of the key relevant policies, laws and regulations.

**Table 1: Key policies, laws and regulations consistent with Cancun safeguards**

UNFCCC Cancun Safeguards	Key PLRs
<p>a) Actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements.</p> <p>b) Transparent and effective national forest governance structures, taking into account national legislation and sovereignty.</p>	<ul style="list-style-type: none"> <li>- Lao Constitution, No. 63/NA (2015)</li> <li>- Forest Strategy 2020 (2005)</li> <li>- National Strategy on Climate Change of Lao PDR, No. 137/NA (2010)</li> <li>- Party Committee Resolution on Enhancement of Land Management and Development in the New Era, No. 026/CC (2017)</li> <li>- Forestry Law, No. 64/NA (2007, revised in 2019)</li> <li>- Local Administration Law, No. 68/NA (2015)</li> <li>- National Agriculture Development Strategy 2011- 2025</li> <li>- Ninth Five-Year National Socio-Economic Development Plan 2021–2025</li> <li>- 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</li> <li>- Participatory Land Use Planning Manual (2010)</li> <li>- PM Decree No. 59 on Sustainable Management of Production Forest Areas (dated 25 May 2002)</li> <li>- Presidential Decree No. 001 on Sharing of Revenue from Timber Harvested in the Production Forest Areas (dated 31 Dec 2012)</li> <li>- MAF Regulation No. 0204 on Establishment and Sustainable Management of Production Forest (dated 03 Oct 2003)</li> <li>- PM Decree No. 333 on Protection Forest, 2010</li> <li>- PM Decree No. 134 on Conservation Forest, 2015</li> <li>- MAF Regulation No. 535 on Village Forest Management (dated 18 Jun 2001)</li> <li>- DOF Guidelines No. 1476 on Village Forestry Management Plan Writing (dated 13 Jul 2016)</li> <li>- DOF Guidelines No. 1477 Manual on Village Forestry Management Planning (dated 13 Jul 2016)</li> </ul>
<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"> <li>- PM Decision on Strategic Environmental Assessment, No. 0483/PM (2017)</li> <li>- Prime Minister Decree on Environmental Impact Assessment No. 21/GoL (2019)</li> <li>- MoNRE Instructions on ESIA No. 8030/MoNRE (2013) and Initial Environmental Examination (IEE) of the Investment Projects and Activities No. 8029/MoNRE (2013)</li> <li>- 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)</li> <li>- 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</li> <li>- Law on permanent dwelling and livelihood settlement, No 45/NA, (2018)</li> <li>- PM Decree on Compensation and Resettlement for People Affected by Development Projects No. 84/PM (2016)</li> <li>- Public involvement Guideline (2012)</li> <li>- Participatory Land Use Planning Manual (2010)</li> <li>- Lao Ethnic Minority Policy (1992)- The Resolution of the Political Bureau Concerning the Affairs of various minorities</li> <li>- Ethnic Group Consultation Guideline (2012)</li> <li>- Law on Lao Women’s Union No. 31/NA (2013)</li> <li>- NA Resolution No. 213 on Recognition of 49 ethnic groups in Laos dated 24 Nov 2008)</li> <li>- NA Resolution No. 108 on Recognizing Bru as the 50th ethnic group in Lao PDR dated 05 Dec 2018.</li> <li>- LNFC Decision No. 50 on Ethnic Group Consultation Guidelines dated 30 May 2013</li> <li>- Law on Grievance Redress Mechanism, No. 05/NA, (2016)</li> <li>- PM Decree on Conservation Forest No. 134/GoL (2015)</li> <li>- Labor Law (2013) requires non-discrimination in employment (art. 3, paragraph 28) and equal pay for work of equal quantity, quality and value (art 96)</li> <li>- The Civil Code (2019) states that ‘the husband and wife have equal rights in all aspects within the family (art 161)</li> <li>- PM Decree No. 110 on the Advancement of Women, Mother and Child (dated 29</li> </ul>

UNFCCC Cancun Safeguards	Key PLRs
	<p>March 2017)</p> <ul style="list-style-type: none"> <li>- Vision to the year 2030 Gender Equality Strategy of Agriculture, Forestry and Rural Development Sector (2016-2025)</li> <li>- Second National Strategy for the Advancement of Women and the 5- Year Plan of Action for Gender Equality (2016–2020)</li> <li>- National Strategy for Gender Equality (2016–2025) approved by the Prime Minister in March 2016</li> </ul>
<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"> <li>- National Biodiversity Strategy 2016-2025 (2016)</li> <li>- Forestry Law (2007), (Revised in 2019)</li> <li>- Law on Investment Promotion No. 032/NA (2009, revised 2016)</li> <li>- Law on Environmental Protection No. 041/NA (2012)</li> <li>- Wildlife and Aquatic Law No. 100/NA (2007)</li> <li>- Water and Water Resources Law No. 10/NA (2017)</li> <li>- Law on Minerals No. 063/NA (2017)</li> <li>- Law on Electricity No. 06/NA (2017)</li> <li>- Law on National Roads No. 021/NA (2016)</li> <li>- PM Decision on Strategic Environmental Assessment, No. 0483/PM (2017)</li> <li>- Prime Minister Decree on Environmental Impact Assessment No. 21/GoL (2019)</li> <li>- MoNRE Instructions on ESIA No. 8030/MoNRE (2013) and Initial Environmental Examination (IEE) of the Investment Projects and Activities No. 8029/MoNRE (2013)</li> <li>- 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)</li> <li>- 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</li> <li>- Minister Agreement on the Extraction of Soil, Pebbles and Sand along the Mekong River and Tributaries No. 7737/PWT (2010)</li> <li>- Policy on Sustainable Hydropower Development in Lao PDR (2015)</li> <li>- National Policy on Health Impact Assessment No. 365/MOH (2006)</li> <li>- Practical Guideline on Health Impact Assessment (2007)</li> <li>- PM Order on the Prevention of Harvesting and Buying-Selling of Protected Species No. 10/PM (2011)</li> <li>- PM Order on Intensifying Strictness in the Management and Inspection of Wood Exploitation, Timber Removal and Wood Related Businesses No. 15/PM dated 13 May 2016</li> <li>- 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)</li> <li>- Regulation on the Control of Pesticides, No. 2860/MAF/ 2010</li> <li>- PM Decree on Pesticide Management No. 258/PM, dated 24 August 2017</li> <li>- National Environmental Standard, No 81/GoL, dated 31 Feb 2017</li> </ul>

#### 4.2. LAO PDR ESTABLISHES NATIONAL SAFEGUARDS INFORMATION SYSTEM

21. Lao PDR has made considerable progress to develop a national safeguards system that will strengthen its national framework, and meet the requirement for REDD+ Readiness. The Ministry of Agriculture and Forestry (MAF) issued a decision for the establishment of the LNSIS. The decision outlines institutional arrangements for the establishment of a Social and Environmental Safeguards Information System and assigns the Department of Forestry (DoF) to appoint responsible staff at central and provincial levels, in order to ensure the effective management and functioning of the SIS. Annex 2 provides the full text of the decision.

## 5. NATIONAL REDD+ STRATEGY AND LNSIS

22. The National REDD+ Strategy (NRS) sets out the vision, mission, objectives and broader areas of intervention. The LNSIS will complement the NRS and other REDD+ related interventions, by providing rich sources of information to comply with national and international standards in relation to social and environment safeguards. This will include the provision of efficient, structured, and reliable information, in a coherent manner in order to measure impacts and verify results.
23. The NRS forms a basis for the elaboration of forestry and environment sector's short and medium-term plans for the GoL and provincial REDD+ action plans for provinces, including the development of programmes and projects on forest and environmental protection in cooperation with concerned governmental organizations, civil society organizations (CSOs), non-governmental organizations (NGOs), and international organizations. The NRS is aligned with the policies, laws and regulations of the GoL, and will be revised periodically depending on the changes in socio-economic and environmental situations.
24. The NRS clearly specifies the vision, mission, objectives and major intervention areas for the development of forestry and related sectors, in terms of emission reductions and removal enhancement, programmes and strategic interventions (including a total of five programmes and 19 strategic interventions). The NRS aims to provide value for environmental, social, and economic services, through reducing deforestation and forest degradation, in collaboration with sector stakeholders. The vision, mission, objectives and major intervention areas are as follows:
  - **Vision:** By 2030, all forestlands throughout the country are sustainably managed with the participation of all stakeholders in the whole society, in order to make sure that there is improvement in terms of the quality and quantity of forests. The aim is to provide value for environmental, social, and economic services.
  - **Mission:** All stakeholders throughout the whole society work together to further develop and implement a programme to reduce deforestation and forest degradation, and to increase the crown cover, the quantity and quality of forests.
  - **Objectives:** To reduce greenhouse gas emissions from deforestation and forest degradation through: i) strengthening of forestland and forest planning and allocation in cooperation with the relevant stakeholders; ii) improvements of the actual implementation by stakeholders concerning the use and management of forests and forestland, agroforestry practice, and rural development; iii) collaboration with stakeholders to protect forest landscapes effectively; and, iv) provision of support to stakeholders for the sustainable management of forestland and forests.
25. For each programme, strategic interventions are identified and grouped under: i) capacity enhancement and dissemination of policy and legislation; ii) formulation and improvement of the planning processes; iii) implementation of plans; and, iv) improvement and implementation of the monitoring system.
26. **Major interventions:** To achieve the above objectives and missions on emission reductions and removals from the forestry sectors, the following programmes 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:

- Development of sustainable agriculture in coordination with forest protection.
  - Infrastructure (including resettlement and urban expansion) and mining development in coordination with forest protection.
  - Sustainable timber harvesting (wood and forest products) and forest management.
  - Turning pioneering shifting cultivation to sedentary cultivation, controlling forest fires and forest restoration (carbon stock enhancement).
  - Development of sustainable commercial tree plantations.
27. The NRS specifies the implementation framework and directions for the identified problem-solving programme, with the aim to reduce GHG emissions. In order to mitigate potential negative impacts deriving from the implementation of the GHG emission reduction programmes the SIS is regarded as a key reference document.
28. The NRS also highlights the need for a SIS for the operationalization of the NRS and the implementation of a fully-fledged REDD+ programme with results-based-payments via measurement, reporting and verification (MRV) through a national forest monitoring system (NFMS). The provision of information on safeguards through a SIS is considered as the backbone to the REDD+ programme, guided by the overall global directions set by the UNFCCC, the NSEDP, and other relevant policies and programmes, which require the cooperation of other stakeholders within forestry, agricultural, and other sectors.

## **6. LNSIS AND NATIONAL FOREST MONITORING SYSTEM (NFMS)**

29. Lao PDR has made considerable progress to develop a national SIS, which will strengthen its overall national framework, and meet the requirements for REDD+ Readiness. The first national Measurement, Reporting and Verification (MRV) report was submitted to the UNFCCC in 2020. The National Forest Monitoring System (NFMS) that supports the REDD+ MRV has been established. Currently Lao PDR 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 programme. The RELs for the national level and the sub-national level for the FCPF Carbon Fund programme were constructed based on fully consistent methodologies, using the same datasets. Therefore, the two levels are considered as highly consistent with each other. However, the Social and Environmental Safeguards related component is not included in the NFMS as yet.
30. The design of a designated tool for SIS data collection and organization is a major challenge, in order to be able to collect data from sources and manage it in an efficient way, as well as compile and analyze data to link with the National Forest Monitoring System (NFMS). The intention is to design a Decentralized Safeguards Management Information System (DSMIS), a computer-based data management system. It is expected that the DSMIS will work as an effective tool to collect, enter, and process data at source. This will fulfill the reporting requirement for the donor, as well as provide access to information for relevant sector stakeholders. However, the development of this system requires a longer-term plan and needs some investment from relevant projects. The system needs to be based on the local context and practical points of view, along with the technological and capacity aspects of the LNSIS.

## 7. DEVELOPMENT PROCESS OF THE LNSIS

31. 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 used a participatory and consultative approach, as well as significant analytical effort for the design of its SIS, which includes the development of a set of safeguards data, and a gap analysis of policies, laws and regulations.
32. The results of the gap analysis indicate that the GoL has 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 LNSIS design is based on the principle of participation of all stakeholders in order to obtain their contribution to the LNSIS. During the LNSIS preparation, several consultation meetings with a Technical Working Group were organized, along with a range of national and sub-national consultations, meetings, and workshops. These consultations are still ongoing, obtaining feedback and contributions in order to make the SIS dynamic, usable and functional.
33. Lao PDR carried out a Strategic Environmental and Social Assessment (SESA) for the 6 northern provinces in 2019, which provided an analysis of the social, economic, and institutional context of the six provinces that constitute the project area. The SESA identifies risks and offers mitigation measures that aim to enhance positive benefits from the project, and avoid or reduce any likely negative impacts. An Environmental and Social Management Framework (ESMF); a Process Framework (PF); a Resettlement Policy Framework (RPF); and an Ethnic Group Policy Framework (EGPF), which is equivalent to the Indigenous Peoples Plan (IPP) as defined by World Bank<sup>4</sup>, have been prepared to address environmental and social safeguards.
34. The existing and emerging institutional mechanisms in the forestry sector will also determine the priorities in the forest sector. During consultations, REDD+ sector stakeholders, including the DoF, expressed consistent interest and commitment for social and environmental safeguards and the establishment of a Social and Environmental Safeguards Unit (SESU). This widespread commitment provides assurance towards the LNSIS and its institutional hub. 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, which will enable the GoL to put into place an effective and functioning SIS that will provide information on how Lao PDR addresses and respects the Cancun safeguards.
35. Multiple options for grievance redress are already available in the Lao PDR for addressing complaints and grievances. The existing national village mediation mechanisms will also be further strengthened to receive feedback and grievances and to address these in a manner that is timely,

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<sup>4</sup> World Bank Environmental and Social Safeguards and Their Policy Objectives OP/BP 4.04, OP/BP4.12, OP/BP 4.36, BP/OP 4.09, OP/BP 4.10, OP/BP 4.11, OP/BP 4.12.

fairly, and transparent. Gradually, these approaches will also be integrated into the LNSIS, in a user-friendly manner.

36. In close coordination and cooperation with the Technical Working Groups, REDD+ Division, stakeholders, relevant departments and several internal divisions under the DoF, workshops and meetings were organized to discuss the seven Cancun safeguards. The safeguards were analyzed comprehensively and meaningfully in these meetings, in order to harmonize them with Lao PDR's existing policy, laws and regulations. Lao PDR's policies, laws and regulations relevant to safeguards have been explored, searched, studied during these meetings and workshops, so as to meet the optimum requirements of the Cancun safeguards (see Annex 3).
37. The scope of the LNSIS will be national and will cover all of the forest areas as per the Forest Reference Emission Level (FREL) submitted to the UNFCCC. As a UNFCCC member state, the formulations and approval of decisions and guidelines for REDD+ in respect to the Paris Agreement in 2015 have been helpful in the development of this report.
38. The aim of LNSIS is to protect environmental and social aspects and ensure sustainable environmental management. Since Lao PDR has entered into the Emission Reduction Payment Agreement (ERPA) with the FCPF's Carbon Fund in December 2020, it has strategic significance to the UNFCCC Cancun Safeguards provisions and ensuring benefit sharing to the most vulnerable groups. Similarly, the existing and upcoming programmes by the GoL and various development partners such as GFL, I-GFL, F-REDD will equally benefit from this system to fulfill the requirements of domestic stakeholders, UNFCCC, FCPF, and GCF.

## **8. DESIGN OF THE LNSIS**

39. The National REDD+ Task Force (NRTF) was established in 2008, as a multi-sector and inter-ministerial mechanism responsible for the development and implementation of REDD+ in Lao PDR. The NRTF is hosted by the MAF, with the Vice Minister of MAF as the chairperson of the NRTF and the Director General of DoF as the deputy chairperson. Members of the Task Force represent diverse sectors including agriculture, forestry, land use planning, finance, investment, law and justice, and energy and mines. The Task Force includes representatives from the Ministry of Natural Resources and Environment (MoNRE), Ministry of Finance (MoF), Ministry of Planning and Investment (MPI), Ministry of Justice (MoJ), and Ministry of Energy and Mines (MEM). In addition, the Lao Front for National Development (LFND), Lao Women's Union (LWU), the National University of Laos (NUoL), and the Lao National Chamber of Commerce and Industry (LNCCI) are also members of the NRTF. These groups will work and coordinate as an apex level stakeholder group to harmonize REDD+ efforts and the LNSIS process.
40. The design of the LNSIS is based on Lao PDR's context, the existing institutional arrangements, reporting systems, and existing sources of information. Lao PDR has adopted an incremental approach to its SIS and aims to design a mechanism that is simple, meets UNFCCC requirements, and can be expanded and improved as capacities strengthen, based on evolving guidance and learning. The LNSIS considers that the REDD+ social and environmental safeguards are consistent with existing laws, transparent governance and sovereignty, respect for knowledge of Indigenous People, full and effective participation of stakeholders, conservation, biological diversity and enhancement of benefits, addressing risk of reversals, and reducing displacement of emissions.

41. The SIS is expected to be a web-based information hub and manageable in a decentralized manner, with the potential to integrate with other existing management information systems. A future vision is for a Decentralized Safeguards Management Information System (DSMIS) that can be linked with other data management platforms, which will be called Integrated Forest Management Information System (IFMIS) and National Forest Monitoring System (NFMS). The generic SIS management modality is proposed in the Figure 1.

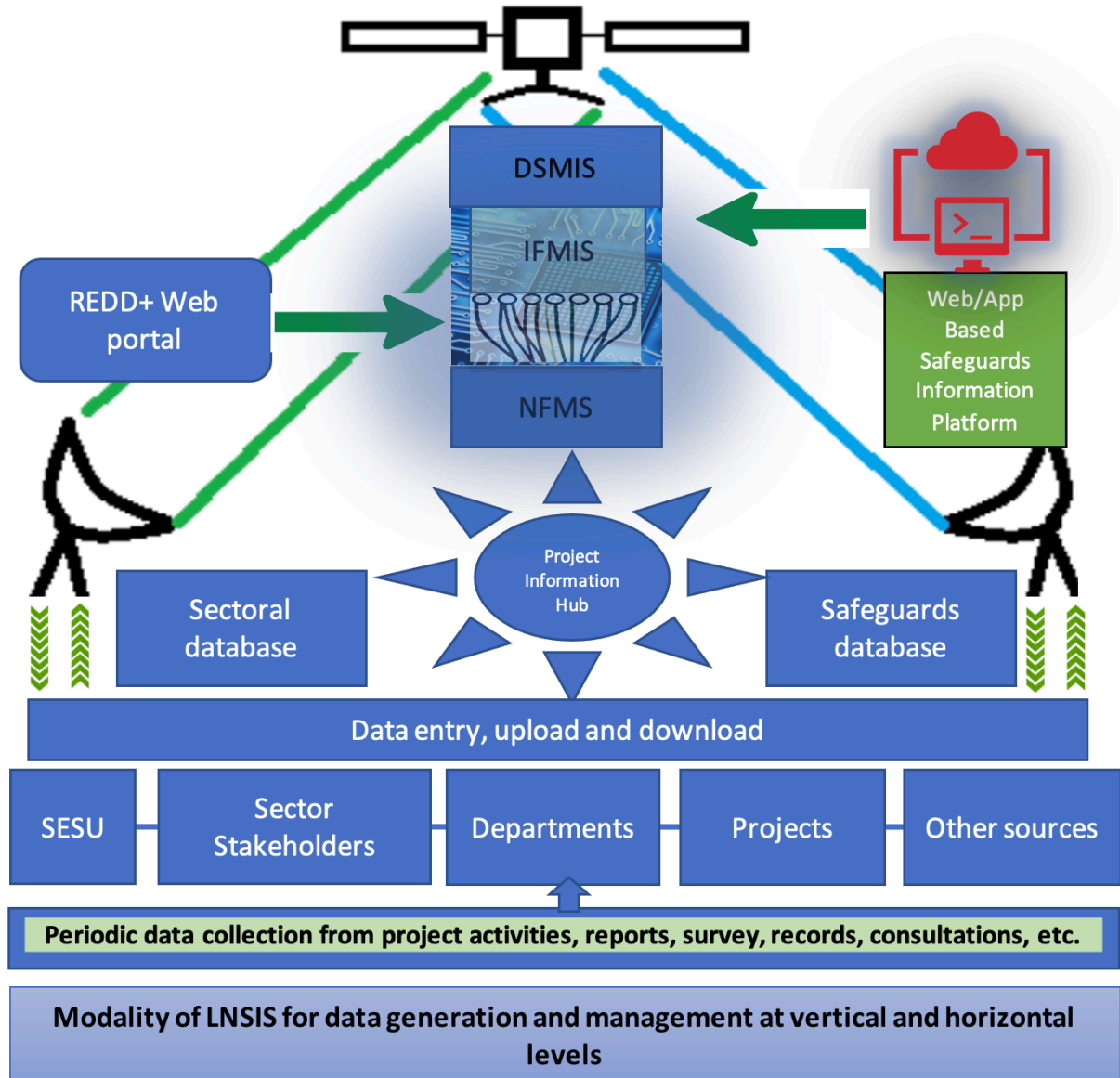


Figure 1: LNSIS Management Modality (a future plan)

42. The SESUs at provincial levels will coordinate with provincial and sectoral stakeholders, departments, projects, partners, communities, and other sources, in order to collect data. The SESUs will carry out surveys, consultations, meetings and workshops to obtain primary data, along



with obtaining secondary data from records and reports. All of the collected data will be entered and uploaded into the Web/App based safeguards database, which is called the Decentralized Safeguards Information System (DSMIS).

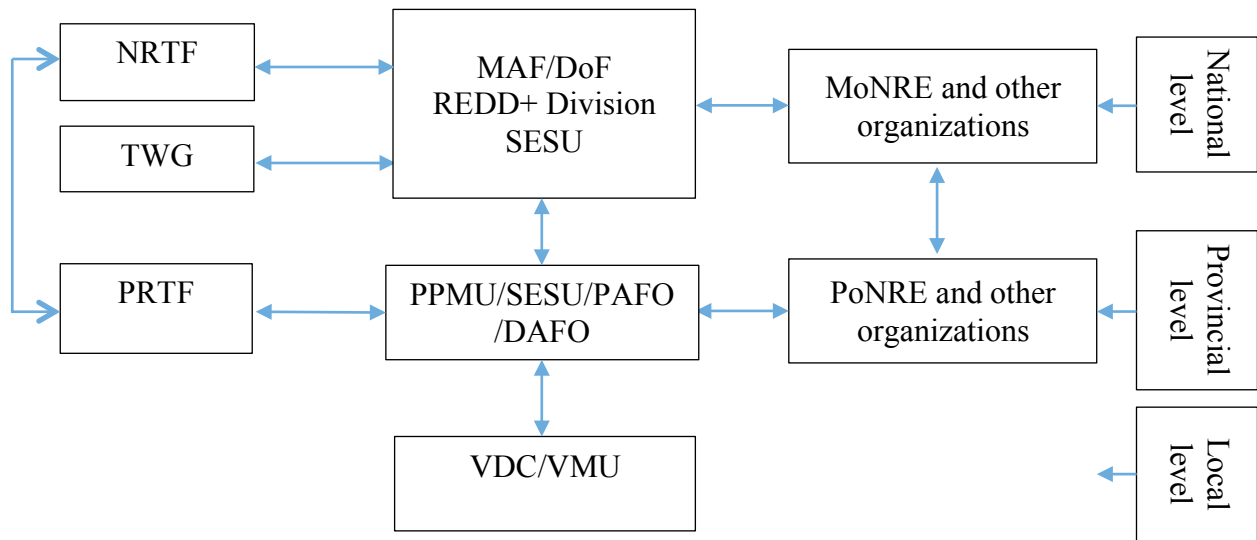
43. The SESU at the national level will further verify data, identify gaps, triangulate data and generate information, and link the outputs with the National Forest Monitoring System (NFMS). Other sectoral REDD+ information will also be integrated into the NFMS, in order to achieve a complete REDD+ information system that is called an Integrated Forest Management Information System (IFMIS). The national level SESU will manage the safeguard related information and will be responsible for the preparation of reports as per the UNFCCC criteria, as well as dissemination of information to the relevant donors and stakeholders. The periodic reports and data outputs will be accessible to all the sector stakeholders and will be available in an open safeguards information hub. The IFMIS data and outputs will also be available on the REDD+ web portal.

### **8.1. OBJECTIVES OF THE SIS**

44. The objective of the LNSIS is to establish a mechanism for national REDD+ safeguards management aligning with Cancun safeguards for implementation of REDD+ activities in Lao PDR. The LNSIS will have oversight and coordinate the implementation of safeguards plans and instruments, maintain data and information, and promote capacity building and documentation. In addition, with the help of the LNSIS the REDD+ Division will prepare reports that will provide information on how safeguards are being addressed and respected as per UNFCCC COP Decision 12/COP.17.

### **8.2. INSTITUTIONAL ARRANGEMENTS FOR THE LNSIS**

45. The SIS functions and institutional arrangements are crucial to operationalize and functionalize the system. The institutions and their responsibilities for performing the technically assigned functions and operating the information system are substantially important. The National REDD+ Strategy sets out a vision for Lao PDR, not only to minimize deforestation and forest degradation but also to bring all forests throughout the country under sustainable forest management by 2030. Achieving this ambitious target will require coordinated efforts of all stakeholders. The institutional structure needs have a challenge to be responsible for its own business, as well as to coordinate with the sector stakeholders to operationalize LNSIS in a harmonized manner.
46. The LNSIS aims to gather, process, analyze, and present necessary information on how the Cancun safeguards are addressed and respected in REDD+ activities. The LNSIS will be located and managed by the DoF, through its REDD+ Division. To facilitate systematic and regular information and data collection, a Social and Environmental Safeguards Unit (SESU) has already been established under the REDD+ Division for making contacts at all levels and conducting consultations for gathering information. The REDD+ Division will be responsible for monitoring the overall performance of the SESU. The National REDD+ Taskforce (NRTF) will have an oversight function of the LNSIS. The Technical Working Group (TWG) on safeguards will define roles and scope of information provision in safeguards information systems, which can be integrated into national REDD+ activities. Figure 2 describes the institutional structure for managing the safeguards component and the LNSIS.



**Figure 2 Institutional Structure of LNSIS**

47. A key consideration of LNSIS design and operation is how it performs effectively and efficiently, so it is very important to establish institutional arrangements and entrust mandates to relevant and capable institutions. At the national level, the institutional arrangement consists of the National REDD+ Task Force (NRTF) including members such as the Ministry of Natural Resources and Environment (MoNRE) and other ministries' representatives; while the REDD+ Division under the DoF at the MAF plays an integral role, with responsibilities for the development of policies and strategies, along with the dissemination of REDD+ activity implementation.
48. At the provincial level, the institutional arrangement consists of the Provincial REDD+ Task Force (PRTF), including its members which are the Provincial Office of Natural Resources and Environment (PoNRE) / District Office of Natural Resources and Environment (DoNRE), Provincial Agriculture and Forestry Offices (PAFOs), provincial SESU, and other sector stakeholders. The PAFOs / District Agriculture and Forestry Offices (DAFOs) play important roles and responsibilities in data collection, compilation, management, analysis and dissemination.
49. The DoF is also establishing a Provincial Project Management Unit to coordinate with REDD+ projects. The national and provincial SESU has been already established to coordinate and manage safeguards related activities and the SIS. As a newly established unit the institutional, as well as technological capacity, of the SESU will need to be gradually enhanced to manage the SIS and social and environmental safeguards.

### **8.3. DATABASE MANAGEMENT**

50. Designing an effective and efficient SIS for REDD+ will remain a continuous process for the implementation of safeguards. The SIS will cover a range of issues, including respect for the knowledge and rights of Indigenous Peoples and local communities, transparent national forest governance structures, effective participation of stakeholders, and the conservation of natural forests and biodiversity. Effective systems to share information will help promote transparency, guard against unintended social and environmental harms, and provide information on the impact of REDD+ actions. The following database management framework will be put into action to

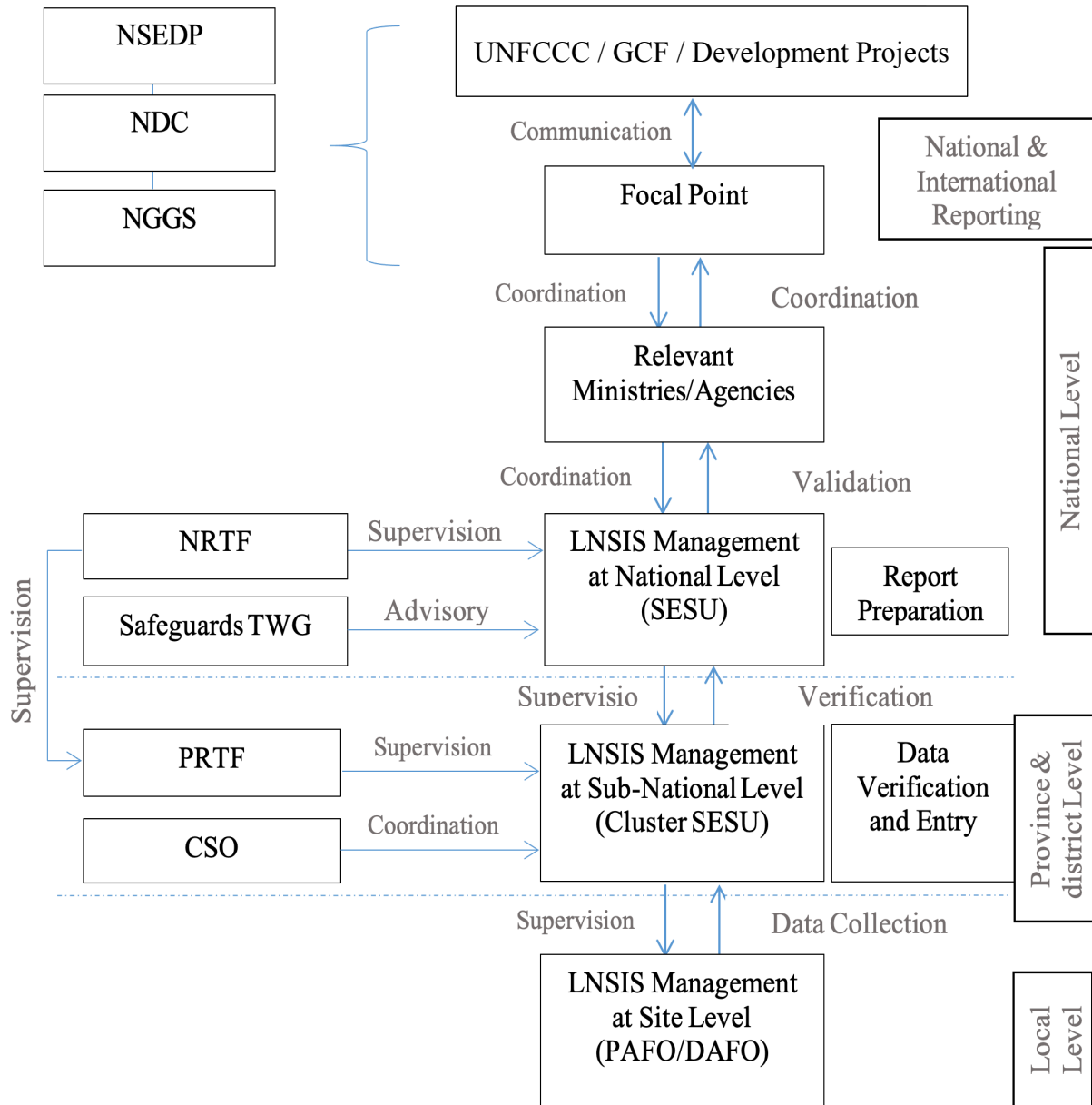
manage the SIS effectively from national to local levels (Village Development Committees (VDCs), and Village Mediation Units (VMUs)).

51. The national SESU located at the REDD+ Division will provide overall leadership for the LNSIS database management and administration. However, the PAFOs/DAFOs will be in charge of data management and data quality control related administration, supervised by the national SESU. The PAFOs/DAFOs will also conduct a self-assessment on projects by filling out a form/checklist, which will be prepared by the REDD+ Division. The VDCs / Village Maintenance Committees (VMCs), in collaboration with relevant PAFOs/DAFOs, will update the data about safeguards implementation at the site level periodically and submit this information to the SESU. The DAFOs, in cooperation with the VDCs/VMCs, are responsible for preparing information for the public about safeguards implementation at the site level, in local languages that are easy to understand.
52. The DAFOs also will establish a grievance mechanism, as well as opening communication channels with stakeholders and disseminating information. In general, the data collection for the LNSIS will come from the grass-roots level (VDC/VMU) consisting of village forest patrolling, grievance log-book, events of wildfire, illegal timber, and forest poaching.
53. All of the data will be collected at the VDC/VMU level, under the leadership of the provincial SESU. This data will feed into the Web/App based portal (not prepared as yet), which is the key source of data for the LNSIS. Both qualitative and quantitative primary data, as well as evidence-based documents, will be uploaded into the DSMIS.
54. The provincial SESU will ensure data quality and identify data gaps at local levels, in association with the national SESU. The data will then be processed by the national SESU and the information could be linked with the Lao National Forest Monitoring System (LNFMS) that is already in place at the DoF after consideration of costs and efficiency with concerned stakeholders. The national level SESU will manage the safeguard related information and will be responsible for data analysis, prepare reports as per the UNFCCC criteria, and disseminate them to relevant donors and stakeholders through respective departments and ministries. The reporting structure is proposed in Figure 3.

#### **8.4. REPORTING STRUCTURE**

55. Developing a system for providing information on how safeguards are being addressed and respected throughout the implementation of REDD+ activities is a key requirement for REDD+ programme. A reliable and robust SIS is an essential and challenging piece of REDD+ architecture, to ensure results-based payments based on the broader environmental and social safeguard framework, including institutional structure, capacity and roles and responsibility of each stakeholder.
56. The responsibilities for reporting and coordination are an important part of the LNSIS. The data collection and quality control should be carried out at district and local levels, whereas the data verification and quality control should be maintained at the provincial levels. Similarly, the data analysis, validation, triangulation and sectoral coordination role falls under the responsibility of SESU at the national level, in association with several advisory and supervisory bodies including other relevant sectoral ministries. The MAF is the final authority to report to the UNFCCC and

other relevant donors and development partners, as well as providing feedback and dissemination of the report and information, in association with the REDD+ Division and national SESU. The future overall database management and coordination framework for the LNSIS is given in Figure 4.



**Figure 3: Reporting Structure of the LNSIS**

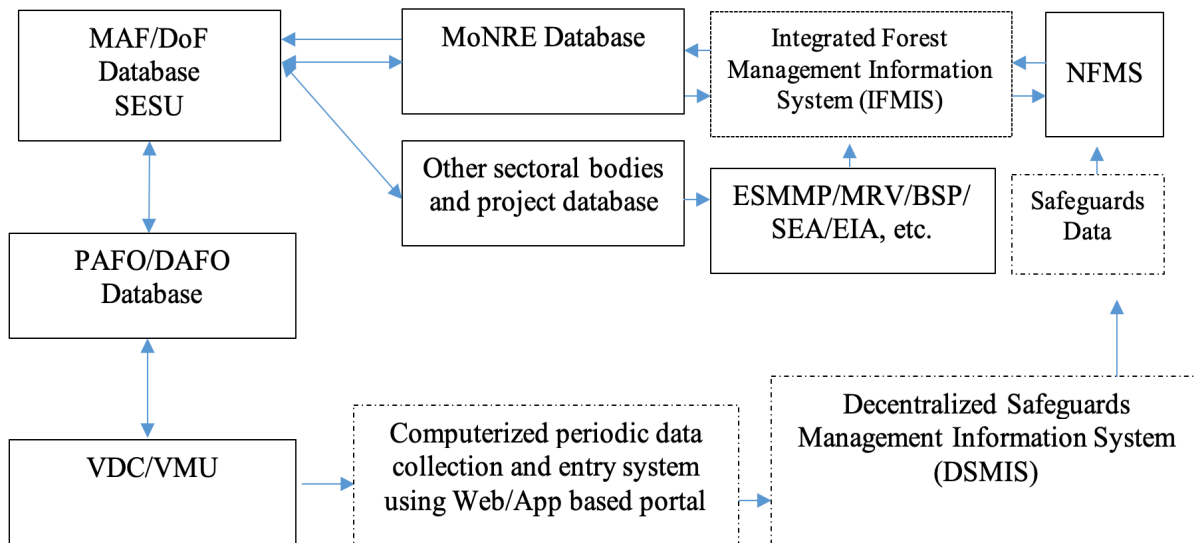


Figure 4: Database Management Framework of the LNSIS

### 8.5. ROLES AND RESPONSIBILITIES

57. The LNSIS is a mechanism to provide information on how Cancun safeguard standards are compiled and grievances and complaints were addressed in an accountable, transparent and efficient manner during the project process. The system will provide data to prepare a report that will be useful to understand the situation, monitor the progress, and find any gaps in achieving Cancun safeguard standards, while implementing the safeguards components, which is a pre-requisite for the results-based payments. Since this is a Web/App based system, it can be easily accessible to the wider level of sector stakeholders, using the current institutional framework. The process and functions of LNSIS, as well as the roles and responsibility of stakeholders, were discussed with national and sub-national stakeholders in order to obtain and manage information. The key functions of the LNSIS are described below:

#### Information collection and management for LNSIS:

**Design of a designated tool for SIS data collection and organization:** The design of an appropriate tool to collect data from sources and its periodic update is a major challenge. A Decentralized Safeguards Management Information System (DSMIS) is proposed and will be an effective tool to collect and enter data at source, which will be subsequently integrated into the Integrated Forest Management Information System (IFMIS) for harmonization with other components and link with the National Forest Monitoring System (NFMS). However, this requires a longer-term plan and its feasibility will be assessed based on the local context and practical points of view.

**Capacity building:** Since the Social and Environment Safeguards Units (SESUs) have only recently been established at the REDD+ Division and provincial offices, it is essential to develop the overall capacity building on social and environment safeguards provisions and plans. Additionally, the SESUs should be equipped with tools and systems for SIS data management and its operationalization. The SESU staff at the national level are responsible for providing technical and capacity support to SESU staff at the provincial and district levels. The capacity

building support include topics on safeguards management, safeguards plans and instruments, data collection, storage, management, analysis, verification and reporting.

**Periodic data collection:** Data is a critical element of the SIS. The sub-national SESU and local/project level staffs, under the supervision and guidance of national SESU, will be responsible for periodic data collection and its update. This stage is very important because the system functionality and linking with the broader REDD+ data management system (e.g., NFMS and IFMIS) will largely depend on the quality and usability of the system and data.

**Information compilation and management:** Under the supervision and guidance of the national SESU, SESU staff at the PAFOs, in coordination and cooperation with the DAFOs, are responsible for collecting information from the VDCs/VMCs, as well as managing and providing information for the LNSIS.

**Information analysis and interpretation:** The national SESU team will primarily be responsible for the data mining, analysis, information management, report preparation and dissemination. However, the SESU staff at the PAFOs, in coordination and cooperation with DAFOs, are required to check for data consistency, target groups, area, and data gaps. They will act immediately to bridge the gaps and clarify any inconsistencies aligning with the LNSIS's requirements and the Cancun safeguard's standards. This will involve reaching out to field staff, as well as other sources of verification and triangulation, such as the review of documents and reports.

**Information dissemination and use:** There are a number of levels of information dissemination and use, which include international, national and sub-national levels. The international and wider level dissemination will be undertaken through the MAF website, REDD+ web portal, and the LNFMS pages. The MAF will fulfill the reporting requirement of the donors and partners through the REDD+ Division. The sub-national/national level dissemination will be carried out through the coordination meetings of PRTF/NRTF and stakeholders. In addition, the SESU staff at national and sub-national levels are in charge of preparing information for the public about safeguards implementation at the site levels in local languages; to establish grievance mechanisms and communication channels with stakeholders; as well as responsibilities for disseminating information.

**Coordination:** The SESU staff at the national level are responsible for coordinating with the SESU staff at the provincial and district levels for the implementation of safeguard plans and instruments, collaborating and coordinating with CSOs in capacity building and community engagement.

58. The LNSIS is designed to receive inputs from various stakeholders. A forum will be established within the LNSIS web-platform to serve as a communication channel with representatives from the government, Indigenous Peoples, private sector, NGOs, CSOs, educational and research institutions, and community leaders. This forum will serve as a point for coordination between agencies, providing regulatory recommendations, a contact center for complaints related to REDD+ safeguards implementation, and a mechanism to conduct awareness raising and education programmes. It will also be linked with the grievance redress mechanism, forms, and formats for the projects, as well which would further facilitate the project process. Figure 5. summarizes the LNSIS operational modality, which includes information collection, inputs, and management.

## 9. INFORMATION NEEDS, FLOW AND TECHNOLOGICAL SYSTEMS REQUIREMENTS IN LNSIS

59. REDD+ interventions are designed in compliance with the objectives of the national forest programmes and consistent to the provisions of the relevant treaties and international conventions that the Lao PDR is Party to. Both qualitative and quantitative data will be collected and used to fulfill the requirements. Based on the UNFCCC, FCPF/FCF, ERPD, NDC, Environmental and Social Impact Assessment (ESIA), Environmental and Social Management Framework (ESMF) and Environmental and Social Management, and Monitoring Plan (ESMMP) and the requirement of Lao REDD+, Forestry, Environmental and Social projects, a set of indicators will be designed and incorporated into the computerized Decentralized Safeguards Management Information system (DSMIS), which is described in Database Management Mechanism and Framework of the LNSIS above. This will be a dynamic approach and will be helpful to address additional information based on the policy and regulatory framework, project requirements and Grievance Redress Mechanism (GRM), aligned with National REDD+ strategy/framework, objectives of REDD+ projects consistent with the relevant treaties and international conventions, including Cancun Safeguards.
60. Reliability, timeliness, transparency, accountability and effectiveness of forest governance, access and rights to information will be integral principles of the LNSIS. The quantitative data related to land rights and resettlement, benefits sharing and distribution, promotion of gender equality, access to justice, social economic and environmental considerations and cross sectoral considerations related data will be collected and managed. Data will be updated on an annual basis. However, the SIS technological systems requirements, including hardware and software necessary for information storage, management and dissemination online/offline, have not yet been designed and finalized. Additional effort will be required to have this system in place.

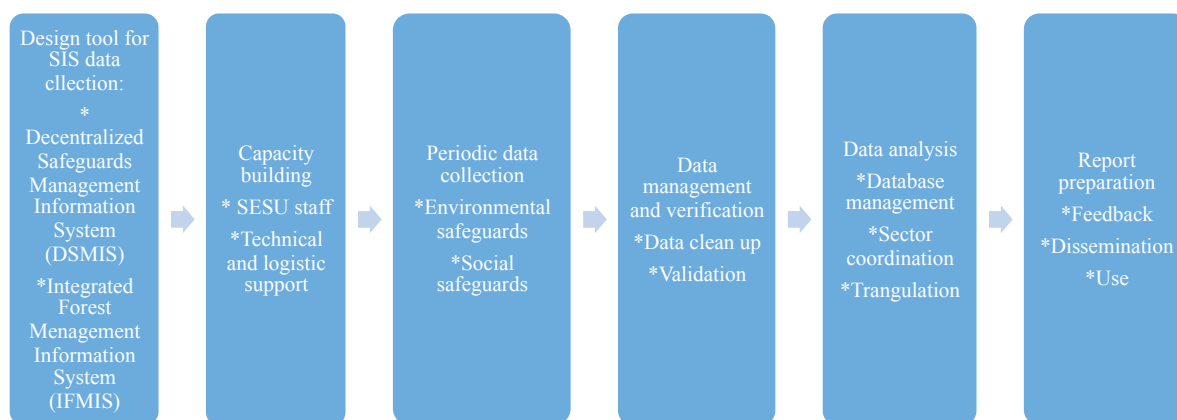


Figure 5: SIS Operational Modality

### 9.1. INFORMATION FLOWS IN LNSIS

61. The information flows depend on the institutional arrangements in collecting raw data, compilation and processing, integration of data into a central repository, processing and undertaking a qualitative assessment of the information in order to determine the extent of data

analysis, preparation of report and internal and external reporting and dissemination through appropriate means.

62. In the LNSIS, the provision of safeguards implementation information is designed to be delivered through different levels, from the project at the local level to the LNSIS management in the provinces, and up to the national level. As REDD+ as a mechanism is still being developed, both at global and country levels, the provision of safeguards information will also be conducted in stages, in line with the capacity, resources, and phases of REDD+ development. The information will be submitted directly by PAFOs/DAFOs to the SESU at the national level.
63. To promote transparency and ease of access to safeguards information provided in the LNSIS, two mutually reinforcing components will be built:
  - A database to manage data and information on safeguards implementation; and,
  - A web-platform to present and display the information on safeguards implementation.
64. The web-platform DSMIS will be designed and integrated into the existing DoF website. The web-platform is designed to provide information on safeguards implementation on REDD+ activities, as well as project information including project names, locations, implementers, partners, duration and scope of activities. The REDD+ subproject implementers will need to register as users to be able to report information on safeguards implementation in their activities. The users will fill out forms and a checklist prepared by the REDD+ Division at the DoF, including short descriptions about safeguards implementation. On this platform, users can also upload electronic documents as evidence of safeguards implementation. The SESU at the relevant level will verify the documents and confirm the process upon completion. Only verified information will be displayed on the website and will be accessible by public. Annex 3 provides a framework for the LNSIS database, which will collect, store and disseminate information consistent with the Cancun safeguards.
65. As there are several forestry databases already in place, the DoF will consider connecting the LNSIS with the existing forestry database, which has relevant REDD+ safeguards elements. The key responsibilities for information generation and management is provided in Figure 6.

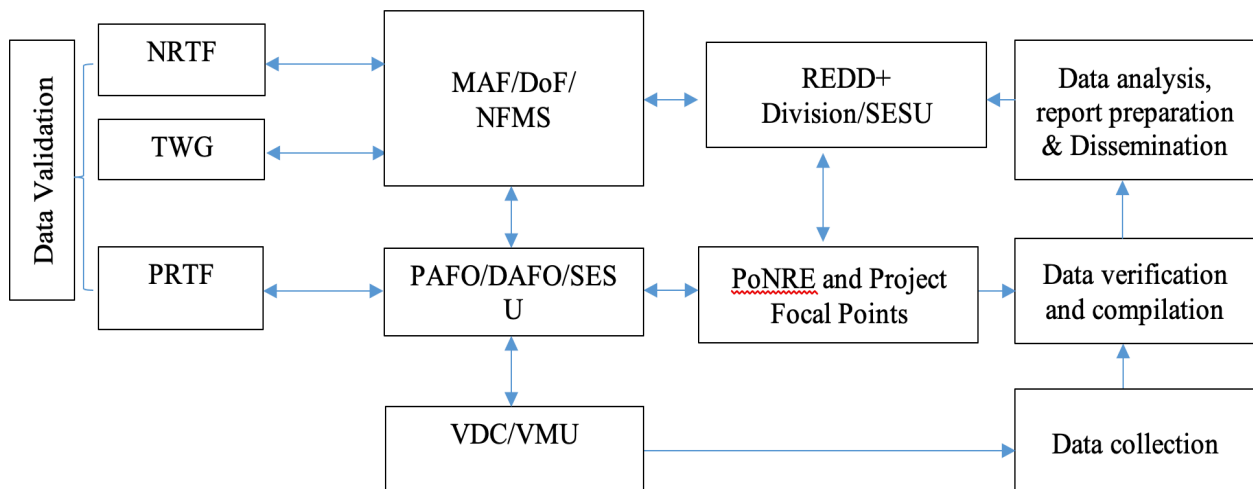


Figure 6: Key Responsibility for Information Generation and Management



66. Various communication approaches have been proposed and implemented to access information on REDD+ safeguards. Advocacy and awareness raising on REDD+ safeguards have been implemented through promotional materials dissemination, events organizing such as Arbour Day, and online media channels such as the REDD+ website and Facebook Page.

## **10. FEEDBACK AND GRIEVANCE REDRESS MECHANISM**

67. A grievance refers to an issue, concern, problem or claim that an individual, a community group, or any other party has in relation to an issue that they have a stake in. The primary objective of the grievance redress mechanism (GRM) for REDD+ is to refrain from adverse impacts of REDD+ related to projects, decisions and actions at national and sub-national levels. The GRM is created to handle national and international obligations, which should be adequately addressed during design, implementation and monitoring of the REDD+ programme and projects. The GRM should have the authority to consider procedural violations at every level of decision-making including national, provincial, and local levels, using both formal and informal mechanisms. The 2008 Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises describes six principles for non-judicial grievance mechanisms: legitimacy, accessibility, predictability, equitability, rights-compatibility and transparency.<sup>5</sup>
68. To comply with safeguard requirements and to ensure that stakeholders receive adequate benefits and avoid negative impacts, the REDD+ project must set up a Feedback Grievance Redress Mechanism (FGRM) to deal with potential issues that may arise from project implementation. The FCPF Carbon Fund's methodological framework also requires that a country has a FGRM in place to be eligible to access finance from the Carbon Fund.
69. The FGRMs are intended to complement as opposed to replacing formal legal channels for managing grievances. These measures include accelerating processes, tracking status, recording negative impacts/events and reporting results and solutions. The projects working in ER areas will share FGRM data related to REDD+ activity implementation in the consultation meetings at PAFOs/DAFOs/PPMUs, who will screen and prepare information for the LNSIS. These mechanisms are not intended to replace the judiciary or other forms of legal recourse. The FGRMs act as recourse for situations in which, despite proactive stakeholder engagement, some stakeholders have a concern about actual or potential impacts. As the executing agency, the DoF and REDD+ Division will coordinate with other REDD+ projects that are using their own GRM process, and will try to harmonize processes with the LNSIS. Potential issues the FGRM may have to deal with include:
- Allegations of non-compliance with safeguards and standards.
  - Financial, fiduciary and benefit sharing disputes.
  - Land tenure and customary rights.

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<sup>5</sup> UN Special Representative of the Secretary General on Human Rights and Transnational Corporations and other business enterprises, John Ruggie, 2008.

- Rights to carbon.
- Participation and free, prior and informed consent (FPIC).
- Access to information.
- Adequacy and the independence of reporting from project implementers and local, provincial and national governments including on information provided to the SIS.

### **10.1. PRINCIPLES OF FGRM**

70. Conflicts may result from project activities. They will be resolved following a grievance mechanism that is based on the following key fundamentals:
1. Rights and interests of impacted people, communities', workers and others associated with, or impacted by the project are protected.
  2. Concerns of project participants arising from the project implementation process are adequately addressed and in a prompt and timely manner.
  3. Entitlements or livelihood support for project participants are provided on time and in accordance with the Government and World Bank safeguard policies.
  4. Project participants are aware of their rights to access grievance procedures free of charge.

### **10.2. GRIEVANCE REDRESS SYSTEM IN LAOS**

71. The grievance mechanism should be in line with existing policies, strategies, and regulations on grievances as defined by GoL, which require project owners/developers to set up grievance mechanisms starting from the village level, and also follow recent legislation under Decision No. 08/MOJ, dated 22 February 2005, that seek to strengthen conflict resolution at the grassroots level, by establishing Village Mediation Committees (VMCs). The GoL Decree 192/PM requires that the project owners/developers put in place a fair and equitable grievance redress mechanism. Specific requirements are described in Part VI of the Decree's Implementing Regulations, and as part of the Technical Guidelines in more detail. Decree 192/PM determines that the prime responsibility for grievance resolution lies with the Project proponent, that are responsible for carrying out the project which may be the source of grievances (such as the access restrictions, entitlements, etc.) and as such, they are best placed to respond to and resolve grievances in the most timely and acceptable method.
72. Lao citizen's access to justice is guaranteed by Section 41 of the 2015-revised Constitution. This states that any dispute should be resolved amicably using existing "customary and traditional" practices and mutual agreement involving the concerned disputing parties and other concerned stakeholders with, where appropriate, the assistance of the village administration, traditional authorities, and GoL officers as third parties. If the "traditional and customary" approach in resolving the dispute fails, there are three possible paths that a citizen can follow to redress any grievance they may have. These paths involve the Lao PDR State institutions including administrative, judicial and legislation. A fourth path is through Party internal audit and mass organisations. Usually, grievance systems in Lao PDR follow administrative structure from grassroots to the central level. The initial point of contact between a grievant and the project consists of village officials; the second level is district level; the third the provincial level; and,

finally at the central level. Annex 4 provides information on the structure, functioning, and protocols of the FGRM. Figure 7 illustrates a possible pathway for the FGRM in Lao PDR.

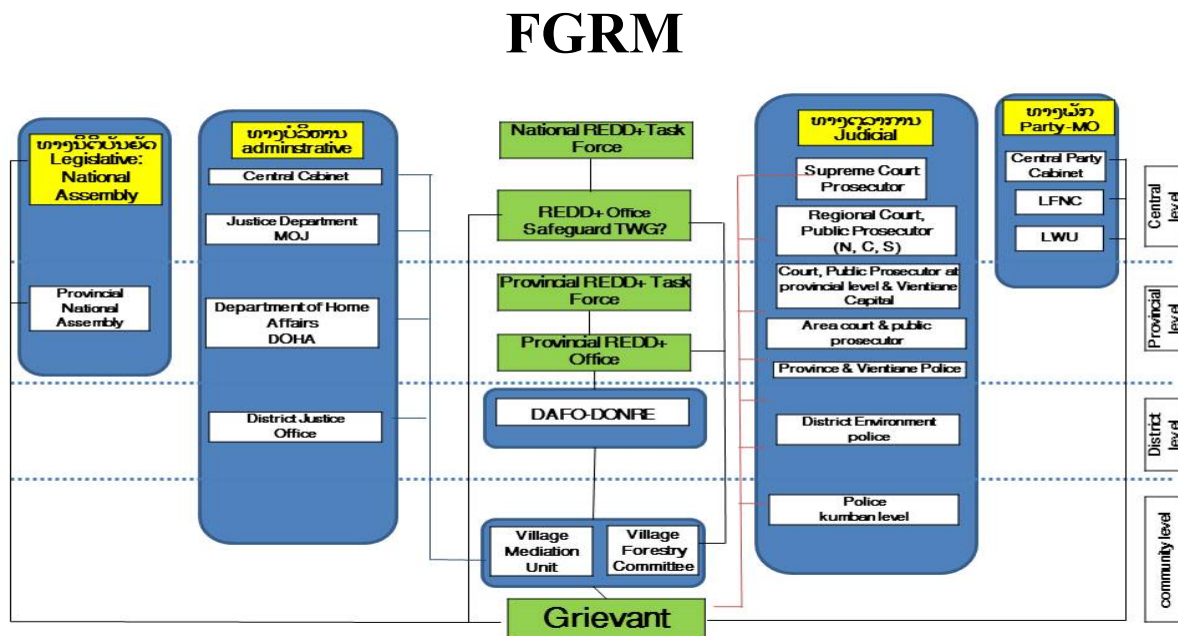


Figure 7: Possible Paths for FGRM in Lao PDR

## 11. METHODOLOGY OF LNSIS PREPARATION

73. Different methods and tools were applied to acquire data/information/ experiences in order to prepare the LNSIS. The aim was to take the best methods being used and to build upon them to create a LNSIS that combines the best lessons from other World Bank, GCF, and FCPF-funded projects, within the broader international and national framework and criteria. Through the development of REDD+ safeguards in previous experiences with development programmes and regarding their impacts on the environment and local communities, many stakeholders called for the further use of safeguards to minimize the negative impacts of REDD+ on people and nature, including biodiversity.
74. A consultative, multi-stakeholder LNSIS design process was developed and received endorsement from the Technical Working Group (TWG) on safeguards. For each safeguard, the LNSIS shows the Cancun safeguard principle, followed by the GoL's specific safeguard elements. Under each element, a set of parameters shows how that safeguard is being addressed and respected. The information presented in the LNSIS is drawn from a range of sources, including the online MAF portal, the National Forest Management Information System (NFMIS), the REDD+ Information Portal, VMC process and the Lao Statistics Bureau. This includes information on how the safeguards are being addressed, the governance arrangements relevant to the safeguards, and descriptions of relevant policies, laws and regulations. Information on how the safeguards are being respected includes descriptions and figures on how these policies, laws and regulations are

working in practice, along with relevant outcomes of REDD+ implementation. More specifically, the following methods were used for the preparation of the LNSIS.

75. **Desk review:** The LNSIS is guided by international REDD+ frameworks and requirements. A wide range of documents, as well as practices from other countries, were reviewed mainly to consider the Cancun safeguards standard, ESMF process, Lao PDR's existing and applicable policy, laws and regulations, risks, opportunities and lessons from the pilot projects at national and sub-national levels including benefit sharing, co-benefits, grievance redress mechanism and institutional arrangement. At the same time, documents related to SIS from Vietnam, Indonesia, UN-REDD, and other countries were reviewed.
76. **Consultation:** The LNSIS was prepared through a participatory and consultative process with a wide range of stakeholders including relevant government authorities, CSOs, development partners, private sectors, and NGOs at the national, sub-national and local levels. Similarly, eight VMCs level interactions were organized; in order to understand the major environmental and social issues related to REDD+ and potential safeguard measures. A set of open-ended questionnaires was used to acquire information.
77. **Focus group discussions, observations and consultation:** Numerous focus group discussions, consultations, observations, interviews, meetings, and workshops were organized. A preliminary capacity assessment of the responsible agencies was also undertaken during the consultation process, based on observations and interaction with the relevant agencies. Similarly, discussions were held with the TWG, stakeholders, relevant departments, non-governmental organizations, provincial/district staff, and village development committees. A wider level of interactions was held with the development projects and development partners with the similar projects and goals.
78. **Field research:** Joint field trips were organized in the villages of Khammuane and Champasak provinces, in which the REDD+ Division officers and PAFO/DAFO staff accompanied safeguards consultants. This effort allowed the safeguards team to capture information, including opinions on the REDD+ safeguards issues, from stakeholders and target groups through face-to-face interaction. The field visits and interactions helped to visualize the LNSIS process. A better understanding of the capacity, skills and ability of the staff concerned was also gained during the field visits.
79. **Discussions on Grievances Redress Mechanism:** Discussions were held with all the community members in different villages, considering their perception towards negative impacts of REDD+ projects and their own perspective of potential impacts on their lives and possible mitigation methods and processes. This provided the ability for local people to outline impacts, problems and solutions, which provided a general idea on how the community's coping strategy to deal with the problems. At the same time, it was useful to gauge the organizational and community capability in implementing grievance redress mechanisms. The village discussions provided useful feedback and insights for the LNSIS.
80. **Key informant consultation:** Key persons from the KfW, World Bank and other donor-funded projects in ER area (including LENS2) were consulted to understand their experience and lessons learnt from the past projects.

## 12. TARGET AUDIENCE

81. Based on the identified objectives for the LNSIS, the system and its main outputs (e.g., webpage, Summary of Information) will have target audiences at both the international and national levels. Initial discussions suggest the following target audiences:
- **International:** The international REDD+ community, potential donors for REDD+ implementation, and potential purchasers of results-based payments (e.g., Green Climate Fund, bilateral financiers).
  - **Domestic:** Government staff involved in REDD+ implementation and monitoring & evaluation (M&E) at national and provincial levels, and other relevant agencies of the MAF; other government agencies involved in REDD+ implementation, such as MoNRE and MPI; national civil society organizations who are interested in REDD+ implementation and its social, environmental and economic impacts; provincial and local level government agencies involved in REDD+ implementation and M&E.

## 13. FURTHER DEVELOPMENT OF THE LNSIS/WAY FORWARD

82. One of the biggest challenges that the LNSIS faces is how to make and keep the system operational at various levels, including the national, provincial, district and village levels. This will require commitment, particularly from the provincial administrations, to provide the budget, human resources, and other support needed; legal umbrellas to affirm and ensure the authority of the management agencies; and support from all stakeholders, including donors, to keep the momentum going. The following section highlights future steps that would be necessary to further develop REDD+ safeguards information systems in Lao PDR.
83. The necessary steps would include:
- The proposed safeguards data in Annex 3 reflects the diversity of views among stakeholders based on suitability and measurability. What specific information should be collected, key indicators, and a monitoring and evaluation framework for the LNSIS would be developed based on this data during the operational phase.
  - Identifying and assessing institutions and individuals as potential members for the creation of a multi-stakeholder forum at provincial and district levels; and identifying needs at the national, provincial and district levels to maintain the LNSIS.
  - Evaluating and continuously improving the LNSIS web-platform, keeping in mind the wide disparity of infrastructure and technical capacities in various forested areas across Lao PDR.
  - Implementing the LNSIS in other provinces and districts, emphasizing the benefits and importance of a REDD+ safeguards information system and securing support from the provincial administrations, including commitment and resources for the necessary human resources and infrastructure.
  - Identifying ways to utilize other emissions reduction initiatives by Development Partners and integrate the LNSIS into their activities on the ground, feeding information to the national system. These may include defining standard operating procedures and reporting mechanisms for the LNSIS at the district and provincial levels.
  - Encouraging and preparing further use of the LNSIS to support the REDD+ Registry System, for climate change mitigation actions.

## ANNEXURES

### ANNEX 1 - KEY POLICY, LAWS AND REGULATIONS CONSISTENT WITH CANCUN SAFEGUARDS

#### Key Plans and Strategies

The **Ninth Five-Year National Socio-Economic Development Plan 2021–2025 (draft)** is the plan to organize, expand the solution of the 11th Party Conference that has designated the fundamental direction for new conversion to the socio-economic development in the next several years, enabling the existing foundation (political ideas, economic system, techniques, social culture, including human development, state governance-administration, security-nation defense and foreign affairs) to be strongly improved, every national potentials developed to be productive sectors and spear service, being in accordance with green and sustainable development, people have more foodstuff; trades and debt payment are stably equilibrium and the nation is gradually released from the least developed situation. Continuation of economic development to be the core tasks of the party and people.

The **Forestry Strategy 2021-2030 (draft)** has objectives to create the enabling environment to achieve forest vision of 2030 with specific objectives: 1) to survey, designate and allocate forest land covering 70% of nation-wide land areas; 2) to promote forest plantation and restore degraded natural forest; 3) to sustainably manage, protect and develop natural forest; 4) to manage and develop non-timber forest products; 5) to reduce emission from forest degradation; and, 6) to enhance the capacities of forest sector and local government organizations relevant with readiness for implementing the Forest Strategy 2021-2030.

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 (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 NRS 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 million hectares, so this area is currently under-utilized.

The **National Climate Change Strategy** No. 137/PM, dated 12 March 2010, has a vision to establish programmes, 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 Legislation**

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 strategy and plans 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 list 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.

The Decree on the Environmental Impact Assessment (2019) 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 IEE, No. 8029 (2013) and Instruction on ESIA 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 are not usually followed by forestry projects. Some required 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 ESIA 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). The Decree lays down key policies and principles for compensation and resettlement of people affected by development projects (both public and private sectors). Specifically, 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 Article 9 of this Decree could not be established. Furthermore, there are a few conflicts that existed between this Decree and with the 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 types of housing, compensated land 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 individuals 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 during the early stage of hydropower project development (i.e., after signing Memorandum of Understanding (MOU) and Project Development Agreement (PDA)), 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 the Community Development Fund and other Funds for watershed protection and socio-economic development of areas.

**Public Involvement Guidelines**, Ministerial Instruction No 29/MoNRE (2013) requires an 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. However, 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 Groups 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 culturally 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 RECOFTC<sup>25</sup> (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.

Considerable stakeholder consultations have been conducted during the design of the ER Programme, as well as the National REDD+ Programme. Consultation applying FPIC principles will continue throughout the implementation of the ER Programme. Once the ER Programme 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*<sup>6</sup> levels that will receive training on FPIC principles and practices, following the principles applied for the PRAP consultations.

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<sup>6</sup> village cluster

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.

The **Land Law No. 70/NA** (dated 21 Jun 2019) Article 3 stipulates that the Land of the Lao People's Democratic Republic is the ownership of the national community where the State represents the ownership holder and manages lands in a centralized and uniform manner across the country with land allocation plans, land use planning and land development. The State grants long-term and secured land use rights Lao citizens as well as legal persons, collectives and organizations of Lao citizens. The State acknowledges the right to use surface land only, while all underground and surface natural resources belong to the National Community. The State will re-acquire the land use right back from the users of those lands in case of necessity and for national interests by paying compensation for the damages caused by the reacquisition. The State will revoke the land use rights without paying any compensation to the land right users in case of infringement of laws or contracts. Article 85 The State manages the use of land of individuals, legal entities and organizations by making land records, certifying the land use, issuing land titles and registering activities and changes of land use rights in order to acknowledge the land use rights, to monitor the activities and changes of the land use rights in accordance with laws. Article 86 Individuals, legal entities and organizations who are granted land use rights shall use their lands in accordance with their purposes and in consistency with the Land Allocation Master Plan, land use strategy and land use plan adopted by the State for each time period. Article 126 Lao citizens including Lao legal entities and organization will acquire land use rights on one of the following bases: Allocation by the State; Transfer; Inheritance; Sale of allocated State land use rights with determined timeframe as prescribed in Article 123.

The **Forestry Law, No. 64 (dated 13 June 2019)** sets key conditions for the management of forests, and thus is of particular relevance for the development of the National REDD+ Programme and National REDD+ Strategy. Similarly, Article 4 of the Law states that the natural forest and forestland is the property of the nation community and the state manages through centralization and unity throughout the country, with public participation in restoration and preservation and receive benefits in according to laws. Forest and trees planted by individuals, legal entities, or organization, including investors, in the areas designated with their labor and/or funds with recognition of the Forest and Forestland Management Organization shall become the property of the planters or investors.

Moreover, the Law considers that trees grown naturally in rice paddy, garden, construction land of individuals, legal entities or organizations that receive rights to use in according to law, are the ownership of individuals, legal entities or organizations. However, trees grown naturally or planted in public land are the ownership of the state.

Likewise, Article 5 of the Law provisioned that the state has the policy to promote investment in management, preservation, development, utilization of forest and forestland, in accordance with the Socio-Economic Development Plan, National Master Plan for Land Allocation, and in building facilities and technical bases for preserving the environment, water sources, biodiversity and people's livelihoods including the provision of livelihoods that are suitable for those who live in forest areas. The Article further asserts that the state encourages individuals, legal entities, and organization to carry out management, protection, development, of all types of forest and forestland in degraded forestland and barren forestland areas to become abundant forests for environmental protection, tree planting for raw material supply to industry and handicraft factories with the provision of various incentive policies such

as credit and exemption or reduction of taxes and duties in accordance to laws, with equal and fair benefit sharing. It has provisioned that the state encourages and promotes indirect utilization of forest such as tourism sites, recreation sites, study and research sites, forest carbon trading, forest ecosystem services and others in accordance to laws. It acknowledges legal operation of forestry-related businesses by developing certification system for forest and wood product, and timber legality assurance system and in accordance with the international forest management standard.

Article 7 of the same Law provisioned for the protection, conservation and development of forest and forestland areas, which is considered as duties of all citizens, households and organizations of any sector in the society. Individuals, legal entities, and organizations have the obligation to protect and develop forests, forest resources, forestlands, water sources, biodiversity and environment in accordance with laws, and to refrain from causing degradation, depletion or erosion of forests and forestland, and to prevent forest fires and any form of forest and forestland destruction.

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 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 forestland. 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 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- DECISION ON ESTABLISHMENT OF SOCIAL AND ENVIRONMENTAL SAFEGUARDS INFORMATION SYSTEM (LNSIS) FOR LAO REDD+ PROGRAMME**

Lao People's Democratic Republic  
Peace Independence Democracy Unity Prosperity  
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Ministry of Agriculture and Forestry

No. 1882 /MAF  
Vientiane Capital, Date 21 September 2020

### **Decision on Establishment of Social and Environmental Safeguards Information System (LNSIS) for Lao REDD+ Programme**

- Pursuant to Prime Minister's Decree No 99/PM, dated 9 March 2017 on the Establishment and Activities of the Ministry of Agriculture and Forestry
- Pursuant to the Ratification of Lao PDR for the UNFCCC on 4 January 1995
- Pursuant to Decision 12/CP.17 on Guidance on systems for providing information on how safeguards are addressed and respected and modalities relating to forest reference emission levels and forest reference levels as referred to in decision 1/CP.16
- Pursuant to paragraph 71 of Decision 1/CP.16 of the United Nations Framework Convention on Climate Change in December 2010
- Pursuant to the Proposal of Department of Forestry, No. 4984/DoF, dated 18 September 2020

#### **The Minister of the Ministry of Agriculture and Forestry issues the following Decision:**

**Article 01:** Approves the establishment of Social and Environmental Safeguards Information System (hereafter LNSIS) for the Lao REDD+.

**Article 02:** Institutional Arrangements for the Establishment of Social and Environmental Safeguards Information System

Assign Department of Forestry to appoint responsible staff or technical team of relevant divisions as appropriate. Assign Department of Forestry to oversee and support PAFO and DAFO to appoint responsible staff or technical team as appropriate.

**Article 03: Roles and Responsibilities Central Level:**

- Is responsible for managing the information/data, and coordinating with staff or technical team at the provincial and district levels for the implementation of safeguards plans and instruments.
- Is responsible for monitoring the performance of the staff or technical team at the provincial and district levels.
- Provides technical and capacity support to responsible staff or technical team at the provincial and district levels.
- Collaborates and coordinates with CSOs in capacity building and community engagement.
- Undertakes monitoring and evaluation of the implementation of social and environmental safeguards plans.
- Is responsible for summarizing, reporting and providing safeguards information/data to relevant stakeholders at the central level and international as requested.

**Provincial and District Level:**

- Is responsible for managing information/data and coordinating with relevant departments and offices at the provincial and district levels for the implementation of safeguards plans and instruments.
- Is responsible for safeguards plan and instruments implementation at the provincial and district levels.
- Is responsible for summarizing and providing safeguards information/data to relevant departments or stakeholders at the provincial and district levels as requested.
- Collaborates and coordinates with CSOs in capacity building and community engagement.
- Undertakes monitoring, evaluation and reporting of safeguards implementation at the provincial and district levels and reports to relevant provincial, district and central stakeholders.

**Article 04:** Assign Department of Forestry and Provincial Agriculture and Forestry Offices implement this decision effectively and report to the management level in a suitable time.

The budget is to be utilized from FCPF budget.

**Article 05:** This decision is effective from the date of signature.

Minister of the Ministry of Agriculture and Forest

Signed by Mr. Thongphat Vongmany

### ANNEX 3 – FRAMEWORK OF THE LNSIS DATABASE

Safeguards	Safeguards Data	Source of information
A. That actions complement or are consistent with the objectives of <b>national forest programmes</b> and relevant <b>international conventions and agreements</b>	<ul style="list-style-type: none"> <li>• Key national forest programme in Lao PDR and their objectives</li> <li>• Relevant conventions and agreements and their objectives</li> <li>• How is Lao REDD+ program consistent with national forest programme and relevant conventions and agreements?</li> <li>• How are Provincial REDD+ Action Plans consistent with national forest programme?</li> </ul>	Programme document
B. <b>Transparent and effective national forest governance structures</b> , taking into account <b>national legislation and sovereignty</b>	<b>B1. Transparent forest governance structures</b>	
	B11. How does Lao REDD+ Programme ensure access to information?	
	<ul style="list-style-type: none"> <li>• REDD+ information sharing mechanisms at national level</li> </ul>	REDD+ Division
	<ul style="list-style-type: none"> <li>• REDD+ information sharing mechanisms at provincial level</li> </ul>	Provincial REDD Office
	<b>B2. Effective forest governance structures</b>	
	B2.1 How does Lao REDD+ Programme ensure that rights to land and forestland are recognised and protected?	
	<ul style="list-style-type: none"> <li>• Policies, laws and regulations on rights to land and forest land</li> </ul>	Programme document
	<ul style="list-style-type: none"> <li>• National REDD+ Programme benefits, risks and measures related to rights to land and forest land</li> </ul>	Programme document
	<ul style="list-style-type: none"> <li>• Grievance redress mechanisms and rights to land and forest land (refer to B2.5)</li> </ul>	Village Mediation Unit Ministry of Justice
	<ul style="list-style-type: none"> <li>• Trends in forest owners                             <ul style="list-style-type: none"> <li>○ Status and trends in distribution of forest owner types in forested provinces</li> </ul> </li> </ul>	DoF, MAF
	<ul style="list-style-type: none"> <li>• Trends in land use certificates                             <ul style="list-style-type: none"> <li>○ Status and trends in land use certificates in forested provinces</li> </ul> </li> </ul>	Department of Land, MoNRE
	<ul style="list-style-type: none"> <li>• Trends in land use certificates in conflict                             <ul style="list-style-type: none"> <li>○ Status and trends in conflict situations related to land use certificates in forested provinces</li> </ul> </li> </ul>	Department of Land, MoNRE
	<ul style="list-style-type: none"> <li>• Trends in access to forest resources including NTFPs (link to E5.1)</li> </ul>	DoF, MAF
B2.2 How does Lao REDD+ Programme ensure fair benefit sharing?		
<ul style="list-style-type: none"> <li>• Outcomes of measures to enhance benefits &amp; reduce risks</li> </ul>	Village	

Safeguards	Safeguards Data	Source of information	
	related to land and forest rights	Mediation Unit, PoNRE, DoNRE	
	<ul style="list-style-type: none"> <li>• Policies, laws and regulations related to benefit sharing</li> </ul>	Programme document	
	<ul style="list-style-type: none"> <li>• REDD+ benefit sharing mechanism</li> </ul>	Programme document	
	<ul style="list-style-type: none"> <li>• Outcomes of benefit-sharing mechanism</li> </ul>	Project implementation	
	<b>B2.3 How does Lao REDD+ Programme enhance gender equality?</b>		
	<ul style="list-style-type: none"> <li>• Policies, laws and regulations on gender equality</li> </ul>	Programme document	
	<ul style="list-style-type: none"> <li>• Lao REDD+ Programme benefits, risks and measures to enhance gender equality</li> </ul>	Programme document	
	<ul style="list-style-type: none"> <li>• Outcomes of Lao REDD+ Programme measures supporting gender equality</li> </ul>	Project implementation	
	<b>B2.4 How does Lao REDD+ Programme ensure cross-sector coordination?</b>		
	<ul style="list-style-type: none"> <li>• Coordination mechanisms for REDD+</li> </ul>	Programme document	
	<ul style="list-style-type: none"> <li>• Implementation of REDD+ coordination mechanisms</li> </ul>	Project implementation	
	<b>B2.5 How does Lao REDD+ Programme ensure access to justice?</b>		
	<ul style="list-style-type: none"> <li>• Policies, laws and regulations supporting access to justice</li> </ul>	Ministry of Justice	
	<ul style="list-style-type: none"> <li>• Grievance redress mechanism for REDD+ <ul style="list-style-type: none"> <li>○ Explore and assess the existing GRM: grassroots mediation, complaint settlement, dispute settlement by courts</li> </ul> </li> </ul>	Programme document Field visit to explore and assess grassroots mediation	
	<ul style="list-style-type: none"> <li>• Outcomes of grievance redress mechanism for REDD+</li> </ul>	Project implementation	
C. Respect for the knowledge and rights of <b>indigenous peoples</b> and members of <b>local communities</b> , by taking into account relevant international	<b>C1. Recognition of ethnic groups and local communities</b>		
	C1.1 How are ethnic groups and local communities defined and recognised in Lao REDD+ Programme?		
	<ul style="list-style-type: none"> <li>• Legal framework for defining and recognising ethnic groups and local communities</li> </ul>	Programme document	
	<ul style="list-style-type: none"> <li>• Ethnic groups population in Lao PDR <ul style="list-style-type: none"> <li>○ Table showing number of ethnic people living in each province of Lao PDR</li> </ul> </li> </ul>	Lao Bureau of Statistics	
	<ul style="list-style-type: none"> <li>• Communities in forested areas by province (i.e. NPAs, PFAs, Village forests)</li> </ul>	DoF, MAF	
<b>C2. Respect for the knowledge and rights of ethnic groups and local communities</b>			
C2.1 How is knowledge of ethnic groups and local communities respected in Lao REDD+			



Safeguards	Safeguards Data	Source of information
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	Programme? C2.2 How are the rights of ethnic groups and local communities respected in Lao REDD+ Programme	
	<ul style="list-style-type: none"> <li>• Policies, laws and regulations related to traditional knowledge</li> </ul>	Programme document
	<ul style="list-style-type: none"> <li>• Co-management agreements by province</li> </ul>	Programme document
	<ul style="list-style-type: none"> <li>• Policies, laws and regulations on ethnic groups and local community rights</li> </ul>	Programme document
	<ul style="list-style-type: none"> <li>• Lao REDD+ Programme benefits, risks and measures on ethnic groups and local community rights</li> </ul>	Programme document
	<ul style="list-style-type: none"> <li>• Outcomes of Lao REDD+ Programme measures to enhance benefits &amp; reduce risks related to ethnic groups and local communities</li> </ul>	Project implementation
	<ul style="list-style-type: none"> <li>• Land and forest rights outcomes related to ethnic groups and local communities <ul style="list-style-type: none"> <li>○ Table showing the status and trends in a number of indicators related to ownership and rights to land and forest resources for local communities and ethnic minorities nationally. Indicators include number and percentage of ethnic households lacking residential land, number and percentage of ethnic households lacking productive land</li> <li>○ Link to Trends in forest owners</li> <li>○ Link to Trends in land use certificates</li> <li>○ Link to Trends in land use certificates in conflict</li> </ul> </li> </ul>	Project implementation
	<ul style="list-style-type: none"> <li>• Access to forest resources related to ethnic groups and local communities</li> </ul>	Project implementation
	<ul style="list-style-type: none"> <li>• Outcomes related to benefit sharing for ethnic groups and local communities</li> </ul>	FPF
<ul style="list-style-type: none"> <li>• Outcomes of grievance redress mechanism for REDD+</li> </ul>	Project implementation	
D. The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities, in the actions referred to in paragraphs 70	<b>D1. Relevant stakeholders</b> D1.1 Who are relevant stakeholders for REDD+ in Lao PDR?	
	<ul style="list-style-type: none"> <li>• How stakeholders are identified</li> <li>• Categories of stakeholders identified</li> </ul>	Programme document
	<b>D2. Right to full and effective participation</b> D2.1 What rights do stakeholders have to full and effective participation in REDD+ and how are these regulated? D2.2 How does Lao REDD+ Programme ensure the full and effective participation of stakeholders?	
	<ul style="list-style-type: none"> <li>• Policies, laws and regulations related to participation in REDD+</li> <li>• Principles for stakeholder participation in the Lao REDD+ Programme</li> </ul>	Programme document

Safeguards	Safeguards Data	Source of information
and 72 of this decision	<ul style="list-style-type: none"> <li>Mechanisms for stakeholder participation</li> <li>Stakeholder participation in development of National REDD+ Programme</li> </ul>	
	<ul style="list-style-type: none"> <li>Implementation of stakeholder participation mechanisms at national level</li> <li>Implementation of stakeholder participation mechanisms at provincial level</li> </ul>	Project implementation
E. That actions are consistent with the conservation of natural forests and biological diversity, ensuring that the actions referred to in paragraph 70 of this decision 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, taking into account the need for sustainable livelihoods of	<b>E1. Natural forests and biodiversity</b> E1.1 How does GoL's policies, laws and regulations define natural forests and biodiversity?	Forestry Law
	<b>E2. Conversion of natural forests</b> E2.1 How is conversion of natural forests regulated in Lao PDR?	Forestry Law
	E2.2 What are the outcomes for non-conversion of natural forests in Lao PDR?	
	<ul style="list-style-type: none"> <li>Policies, laws and regulations on natural forest conversion</li> </ul>	Forestry Law
	<ul style="list-style-type: none"> <li>National REDD+ Programme benefits, risks and measures related to non-conversion of natural forests</li> </ul>	Programme document
	<ul style="list-style-type: none"> <li>Natural forest trends nationally <ul style="list-style-type: none"> <li>Natural forest cover statistics</li> <li>Natural forest cover map</li> <li>Conversion of natural forest nationally</li> </ul> </li> </ul>	FIPD, MAF
	<b>E3. Conservation of natural forests and biodiversity</b> E3.1 How does Lao REDD+ Programme support conservation of natural forests, biodiversity and ecosystem services?	
	<ul style="list-style-type: none"> <li>Policies, laws and regulations on conservation</li> </ul>	Forestry Law
	<ul style="list-style-type: none"> <li>National REDD+ Programme benefits, risks and measures for conservation of natural forests and biodiversity</li> </ul>	Programme document
	<ul style="list-style-type: none"> <li>Outcomes of REDD+ policies and measures related to conservation <ul style="list-style-type: none"> <li>Information on outcomes of PAMs specifically targeted at conservation, biodiversity, e.g. natural forest conservation models, protected areas, NTFP</li> </ul> </li> </ul>	Project implementation
<ul style="list-style-type: none"> <li>Outcomes of identified measures for conservation of natural forests and biodiversity</li> </ul>	Project implementation	
<ul style="list-style-type: none"> <li>Natural forest under protection nationally <ul style="list-style-type: none"> <li>Table showing natural forest area (ha) nationally in the three categories: total, protection, special use, for two or more periods</li> </ul> </li> <li>Protected areas and forest in Lao PDR <ul style="list-style-type: none"> <li>Map showing protected areas and forest cover in Lao PDR</li> </ul> </li> <li>Change in natural forest quality <ul style="list-style-type: none"> <li>Table or graph showing the area (ha) of natural forest nationally for at least two periods, and by quality range, i.e. poor natural forest, medium natural forest, rich natural forest</li> </ul> </li> </ul>	FIPD, MAF	

Safeguards	Safeguards Data	Source of information
indigenous peoples and local communities and their interdependence on forests in most countries, reflected in the United Nations Declaration on the Rights of Indigenous Peoples, as well as the International Mother Earth Day	<ul style="list-style-type: none"> <li>• Extent and quality of forest function areas               <ul style="list-style-type: none"> <li>○ Table/figures showing forest area and quality nationally by forest function sub-class (ha). I.e. for each sub-class, show national extent in ha and proportion classified as poor, medium, rich</li> </ul> </li> <li>• Number of species used in plantations               <ul style="list-style-type: none"> <li>○ Table on species being used for timber and other plantations, i.e. total no. species in use nationally and per forested province, over at least two periods</li> </ul> </li> </ul>	
	<b>E4. Incentivizing the conservation of natural forests, biodiversity and ecosystem services</b>	
	E4.1 How does GoL incentivise the conservation of natural forests, biodiversity and ecosystem services?	
	<ul style="list-style-type: none"> <li>• Policies, laws and regulations for incentivising conservation</li> </ul>	Forestry Law
	<ul style="list-style-type: none"> <li>• Incentives in the National REDD+ Programme</li> </ul>	Programme document
	<ul style="list-style-type: none"> <li>• REDD+ incentives and benefits sharing outcomes</li> </ul>	Project implementation
	<b>E5. Enhancing social and environmental benefits</b>	
	E5.1 How does GoL seek to enhance the social and environmental benefits of REDD+?	
	<ul style="list-style-type: none"> <li>• Policies, laws and regulations related to enhancing social and environmental benefits from forests</li> </ul>	Forestry Law
	<ul style="list-style-type: none"> <li>• Enhancing social and environmental benefits and reducing risks in the Lao REDD+ Programme</li> </ul>	Programme document
	<ul style="list-style-type: none"> <li>• Outcomes of identified measures for promoting social and environmental benefits and reducing risks</li> </ul>	Project implementation
	<ul style="list-style-type: none"> <li>• Benefit sharing from REDD+ (refer to B2.2)</li> </ul>	
	<ul style="list-style-type: none"> <li>• Trends in certificate for privately own forest               <ul style="list-style-type: none"> <li>○ Status and trends in certificate for privately own forest</li> </ul> </li> </ul>	DoF, MAF
	<ul style="list-style-type: none"> <li>• Poverty rate in poorest districts               <ul style="list-style-type: none"> <li>○ Table showing poverty rate by district for the whole country</li> </ul> </li> </ul>	Lao Bureau of Statistics
	<ul style="list-style-type: none"> <li>• Area of production forests               <ul style="list-style-type: none"> <li>○ Map showing production forests nationally</li> </ul> </li> </ul>	DoF, MAF
<ul style="list-style-type: none"> <li>• Timber harvesting               <ul style="list-style-type: none"> <li>○ Amount of timber logged/produced in m<sup>3</sup> by province</li> </ul> </li> </ul>	DoF, MAF	
<ul style="list-style-type: none"> <li>• Permits for harvesting non-timber forest products including fuelwood</li> </ul>	DoF, MAF	
<ul style="list-style-type: none"> <li>• Forestry and agroforestry extension resources               <ul style="list-style-type: none"> <li>○ Table showing the number of forestry and agroforestry extension staff and change from previous period</li> </ul> </li> </ul>	DoF, MAF	
<ul style="list-style-type: none"> <li>• Conservation of natural forests, biodiversity and ecosystem services (link to E3)</li> </ul>		
F. Actions to	F1. Risks of reversals	Programme

Safeguards	Safeguards Data	Source of information	
address the risks of <b>reversals</b>	How does GoL define 'reversals'?	document	
	F2. Actions to address the reversals of emissions		
	What actions is Lao REDD+ Programme taking to address the risks of reversals?	Programme document	
	<ul style="list-style-type: none"> <li>• Policies, laws and regulations relevant to addressing risks of reversals</li> </ul>		
	<ul style="list-style-type: none"> <li>• Actions to address risks of reversals</li> </ul>		
	<ul style="list-style-type: none"> <li>• Analysing risks of reversals</li> </ul>		
	<ul style="list-style-type: none"> <li>• Designing policies and measures to address risks of reversals</li> </ul>		
	<ul style="list-style-type: none"> <li>• National Forest Monitoring System</li> </ul>		
	What are the outcomes related to the risks of reversals?		
	<ul style="list-style-type: none"> <li>• Outcomes of National REDD+ Programme measures to reduce risks of reversals</li> </ul>	Project implementation	
<ul style="list-style-type: none"> <li>• Incidences of reversals and how these have been addressed <ul style="list-style-type: none"> <li>○ Description of outcomes of implementation of these processes: - Incidences of reversals recorded/reports submitted/management steps taken</li> </ul> </li> </ul>			
<ul style="list-style-type: none"> <li>• Greenhouse gas emission reductions and removals through REDD+ <ul style="list-style-type: none"> <li>○ Table/figures from the REDD+ Information Portal on total net emission reductions/removals</li> </ul> </li> </ul>			
G. Actions to reduce <b>displacement</b> of emissions	G1. Displacement of emissions		
	How does GoL define 'displacement'?		
	<ul style="list-style-type: none"> <li>• Policies, laws and regulations relevant to reducing displacement of greenhouse gas emissions</li> </ul>	Programme document	
	G2. What actions is Lao REDD+ Programme taking to reduce displacement of emissions?		
	<ul style="list-style-type: none"> <li>• Actions to reduce displacement of greenhouse gas emissions</li> </ul>	Programme document	
	<ul style="list-style-type: none"> <li>• Scale of REDD+ implementation in Lao PDR (Provincial REDD+ Action Plans)</li> </ul>		
	<ul style="list-style-type: none"> <li>• Analysing risks of displacement</li> </ul>		
	<ul style="list-style-type: none"> <li>• Designing the Lao REDD+ Programme and its policies and measures to reduce risks of displacement</li> </ul>		
	<ul style="list-style-type: none"> <li>• Reducing displacement at subnational level</li> </ul>		
	<ul style="list-style-type: none"> <li>• Regional actions to reduce risks of displacement</li> </ul>	NFMS	
	<ul style="list-style-type: none"> <li>• National Forest Monitoring System</li> </ul>		
	G3. What are the outcomes related to reducing displacement?		
	<ul style="list-style-type: none"> <li>• Outcomes of Lao REDD+ Programme measures to reduce displacement</li> </ul>	Project implementation	
<ul style="list-style-type: none"> <li>• Incidences of displacement and how these have been addressed</li> </ul>			
<ul style="list-style-type: none"> <li>• Greenhouse gas emission reductions and removals through REDD+</li> </ul>			

## **ANNEX 4 - FEEDBACK AND GRIEVANCE REDRESS MECHANISM**

According to Law on Handling of Petitions 012/NA (2015), authorities dealing with petitions include:

1. State administrative or concerned authority: A petition that is presented to a State administrative or concerned authority is called a request.
2. Courts, public prosecutors, and investigation organization's: A petition that is presented to an investigation 41 organizations, the Office of the Public Prosecutor or the People's Courts is called a claim.
3. Provincial or National Assembly: A petition that is presented to Provincial or the National Assembly is called a petition for justice.

### **Authorities dealing with requests**

- Village administrations.
- Administrative authorities at district level.
- Administrative authorities at provincial level.
- Ministries or ministry-equivalent organizations.
- The government.

### **Stages in Dealing with Requests**

Village authorities perform the following stages:

1. Review and consider the request and collect additional data, information or evidence, as necessary.
2. Issue a decision relating to the handling of the petition.
3. Notify the requesting person and the person subject to the request.
4. Implement a decision on a request that already has legal effect.

In the event that the requesting person or the person subject to the request is not satisfied with the decision, he can propose to a higher public administrative authority to consider. If such person believes that the decision of the higher administrative authority cannot provide him with justice, he has the right to bring a claim in court or to present a petition for justice to the Provincial or National Assembly.

### **Authorities dealing with petitions for justice**

- Committees of the members of the Provincial or National Assembly in the constituencies.
- Commission related to the National Assembly.
- The National Assembly Standing Committee.

### **Stages in Dealing with petitions for justice**

1. The petition must be submitted to the Provincial National Assembly for consideration, resolve or review.
2. If the petition can't be resolved at the Provincial National Assembly, the Commission related to the National Assembly will review and verify the petition in order to propose to the National Assembly Standing Committee.
3. National Assembly Standing Committee issues an agreement. If the petition is not within the responsibility of the National Assembly Standing Committee, the National Assembly Standing Committee will issue a letter of respond and a referral letter to concern authorities.

## **GRIEVANCE REDRESS MANAGEMENT**

It needs to be noted that the FRGM has to be readily accessible to all stakeholders including older ethnic group people who are not competent in the use of the Lao language, poorer village persons who cannot afford expenses associated with the cost of seeking grievance redress including litigation in a court of law, and on an individual, group or collective village basis.

Lao Law No 035 dated 30/01/2015 on Handling Petition, Article 13, Clause 2 has specified that the plaintiff /complainant has the rights: She/he is protected, prevented from coercion and secretly kept, including anonymity of name, family name and residence.

At central/provincial/district levels, the SESUs will be established to be responsible for all safeguards matters, including FGRM.

Each PRTF will appoint a safeguards focal point, responsible to the NRTF appointed official to take charge of social safeguards matters.

In order to incorporate lessons learnt and close loopholes of FGRM and other social safeguards matters, an item in the agenda will be included in regular meetings of REDD+ Task forces. At regular meetings, lessons learnt would be tabulated for actions and appropriate actions would be initiated against standing or recognized loopholes.

## **GRIEVANCE REDRESS PROCESS**

### **Central level**

Grievances that cannot be solved at the provincial level will be sent to the National REDD+ Office. The NRO will send the National REDD+ Task Force (NRTF) chaired by the Vice Minister of MAF at the central level and, members will include DG/DDG level representatives of participating agencies in various ministries (MAF, MoNRE, MOIC, MPI, etc.), as well as national leaders of mass organizations like LWU and LNFD.

It should be noted that at each level, the complainants are allowed to report their grievances directly to the administrative, judicial system, provincial or National Assembly.

### **Provincial level**

In case of strong or unresolved grievances such as land grabbing cases will be referred to the Provincial REDD+ Office that acts as secretary and coordinating body for REDD+ issues at provincial level. The PRO will present the case to the REDD+ Provincial Task Force (PRTF) that will be chaired by the Vice Governor of the province.

Members of this committee will include the District Governors of participating districts, division heads of participating line agencies, and representatives of LWU and LNFC. The PRO will also be in charge of compiling all grievances into a Provincial Grievance logbook. If the Complainant is still dissatisfied with the outcome, he/she can then submit his/her complaint to the National REDD+ Task Force (NRTF).

### **District level**

Grievances that cannot be resolved at the village level will be brought to the District focal point or Grievance Committee DFP-DGC that will have 30 days after the receipt to review all available information from the investigation and analyze/ investigate each case. Within 30 days, the DFP-DGC invites the Complainant to discuss the grievance and the Grievant is informed of the outcome of the investigation and the decision.

If the Complainant is satisfied with the outcome, the issue is closed, and the Complainant provides a signature as acknowledgement of the decision. If the Complainant is not satisfied with the outcome, the Complainant may submit an appeal to the DFP-DGC if there is additional relevant information for reconsideration.

Within 14 days the DFP-DGC will both collect facts and reinvestigate and will invite the Complainant to discuss the appeal and the Complainant is informed of the outcome of the investigation and the decisions made. If the Complainant is still dissatisfied with the outcome, he/she can then submit his/her complaint to the Provincial Steering Committee. The DFP-DGC will also be in charge of compiling all grievances into a District Grievance logbook.

### **Village level**

A grievant (individual or group of villagers) that has been impacted (perceived or actual) from the REDD+ project implementation should directly fill up a complaint form and submit it to the Village Mediation Unit. The Grievance forms/Complaint form and Initial Examination/Investigation Report by Village Mediation Committee (VMC) are provided in Annex: 3 and 4 respectively. A formal submission of the grievance is the appropriate complaint mechanism; therefore, the grievance should be submitted in writing using the appropriate form. For ethnic group or non-literate people, a verbal grievance shall be documented by the VMU, using the form provided and signed/fingerprinted by the Grievant for processing.

After receiving the written complaint, the VMU will be in charge of documenting the grievance by using the Initial Examination/ Investigation Report Form and signed/fingerprinted by the grievant for processing. The VMU will keep the Village Grievance Logbook, which is provided in Annex 5.

The VMU will be required to provide immediate confirmation of receiving a complaint and should complete an investigation within 14 days of receipt. Then, within 5 days after receipt of the grievance the VMU should meet the Complainant to discuss (mediate) the grievance and will advise the complainant of the outcome. If the grievance is either a valid REDD+ grievance that requires investigation and action/compensation or if the Complainant is not satisfied with the response, the issue is transferred within one month to the next level, at the District.

The facts are then reviewed through a VMU hearing attended by the VMU Head and at least two members of the VMU, The Complainant and up to two witnesses provided by the Complainant.

In the event that a Physical Cultural Resource or a Culturally Significant Area or salvage logging, related grievance is submitted, the VMU shall report the grievance to the District Steering Committee (DSC) immediately.

### **VILLAGE MEDIATION UNIT**

Grievance mechanism addresses Cancun Safeguard including Transparent and Effective Forest Governance; Full and Effective Participation; and respect for rights and knowledge (i.e. if people feel their rights are not respected, they should have redress mechanism at their disposal). Village Mediation Units (VMU) operate under the auspices of the Ministry of Justice and are designed to address conflicts at the community level through negotiation and mediation, using a combination of tradition, culture, and the law.

Village Mediation Units at villages throughout the country were established based on Ministry of Justice's decision No.304/MoJ, dated July 15, 1997 on establishment and responsibilities of Village

Mediation Unit. Later, there was a number of developments and changes have been made on the decision in order to respond to the actual needs and be consistent with social context in each period.

In 2016, the practice of Village Mediation was elevated and became the Village Mediation Committee (VMC) in accordance with Prime Minister's Decree No. 01/PM, dated 6 January 2016, on VMC establishment. The VMC carries out its roles and responsibilities in compliance with Minister of Justice's decision No. 404/MoJ, dated 28 April 2016 on VMC structure and movement; and the attention increment for grass-root justice activities have been given subject to the Prime Minister's Order No. 46/PM, dated 29 September 2009. The establishment of the Village Mediation Committee as a basis for unanimous implementation has been done throughout the country.

VMU comprises of members with law and law-related background such as governance. However, in some areas VMU have yet received any training or capacity reinforcement on village mediation. The GoL on the other hand, is extending technical support to grassroots level with support from NGOs. The support includes training courses at the grassroots level. Topics covered throughout the courses include relevant Lao laws, the mediation process, how to prepare for mediation, and techniques for listening and asking questions.

VMU provide justice at the community level and use defined rules and procedures while still providing further opportunity for parties to re-negotiate and reach mutual agreements to resolve disputes. Although VMU are encouraged, they can only handle conflicts within the village. Conflicts related to land and involved parties outside the village are often unable to be resolved by VMU and most of the cases are beyond VMU responsibilities.

The Lao government also encourages mediation for civil disputes and some criminal offences to reduce the court's backlog of cases. More importantly, the amicable settlement of disputes through mediation saves the parties costs and time, and improves access to justice. Furthermore, Laos is keen to build its mediation capabilities at the regional and international level. The Centre for Economic Dispute Resolution (CEDR) was established for this purpose under the Lao Ministry of Justice.

## **ISSUES RELATED TO NATURAL RESOURCES**

To understand grass-root issues related to land, environment and natural resources, a field visit was conducted in June 2020 in four villages in Khammuan province and four villages in Champasak province. During the field mission and consultation meetings with VMC, it was observed that VMC members know and understand what VMC is, each member replied questions fluently. Each VMC composed of 5-7 persons who are deputy headman, representatives of village Lao Women's Union, Village Youth Union, Lao Front for National Development and Defense/Security, variety of VMC members are dependent on village size or number of households. They work based on terms of reference specified in the guideline provided by district justice office or relevant authority.

Process of solving issues, complaints and conflicts follows guidance and manuals provided by District Justice Office. Generally, the time spent for solving a case is not more than few days since the date complainants submitted to VMC. However, some cases usually environmental, land or forest related grievances are unable to be solved at VMC level and are submitted to district/province authorities or provincial assembly to proceed and usually take more than few months because they are associated with concession agreements and there are many sub-contractors or investors involved. For instance, discharge of waste water from factory or land concession for mining in Khammuan province; village production land acquisition for concession project; re-occupation of village forest by villagers without authority and approval from the concerned organizations in Champasack. These cases were reportedly unable to be resolved at VMC level and were submitted to the concerned district authority. A significant



case related to involuntary resettlement caused by dam construction was that VMC members of two resettled villages expressed concerns about their future livelihood difficulties related to agricultural land, fuelwood and wood utilization after the impoundment of the catchment. Although resettlement area and houses are already arranged and handed over to affected households, some households have not moved to resettled area and houses.

The survey indicated that most VMC record the grievances in a logbook, there is no grievance statistic/record book of each VMC, so it's difficult to track status of each case.

In terms of capacity building for VMC, most VMC did not receive the trainings on mediation procedures before entrusting them to implement VMC activities. They just learned by them-selves and followed guidelines provided by relevant authorities. Most VMC members express interesting in obtaining the trainings on mediation procedures.