

# VOLUME 2 – CHAPTER 7

## INSTITUTIONAL ARRANGEMENTS AND CAPACITY FOR ETHNIC GROUPS ON THE NAKAI PLATEAU

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## **7 INSTITUTIONAL ARRANGEMENTS AND CAPACITY FOR ETHNIC GROUPS ON THE NAKAI PLATEAU**

### **7.1 INSTITUTIONAL ARRANGEMENTS**

The overall project organization is explained in detail in Chapter 6 of Volume 1. The main components are:

Resettlement Committee (RC), which will have overall responsibility for the resettlement process, policy issues and auditing.

Resettlement Management Unit (RMU) will be the implementing agency primarily for the co-ordination of government organizations, allocation of budgets, consultation and monitoring in relation to livelihood development, community development and training.

District Resettlement Working Groups (DRWG) are the main groups for carrying out the relocation of villages, ongoing consultation with villagers, implementation of livelihood programs and designing sites, plot layouts and allocation.

Village Resettlement Committees (VRC) will represent villagers' concerns and mobilization base for resettlement activities.

The RMU will be responsible for organizing community development and extension services for the resettlement villages. The extension education staff required for this work would have to be recruited and trained. They will participate in specialized training in all the relevant areas pertaining to the livelihood model. An agronomist with university level training and at least 10 years professional experience will be available to or employed by the RMU, supplemented by village level extension workers employed at a rate of about 1:100 households during the first five years. They will have at least a Diploma level training in agriculture, including livestock and will be based in the villages and provided with housing. Their residences may also serve as extension centres at the rate of one centre for every two villages.

Since most of the plateau resettlers have been classified as Ethnic Minorities under WB and ADB policy, it will be necessary to have expertise to cover this field in the RMU, linked to expertise in handling gender issues, community development and participatory planning and consultations. It is important that understanding of social issues and international standards of planning, implementation and monitoring in relation to these issues form a central part of the capacity building programme for GoL agencies.

### **7.2 ASSESSMENT OF CAPACITY**

#### **7.2.1 Resettlement Experience with Ethnic Minorities**

Resettlement of ethnic minority groups in the context of hydropower development is recognised as being very challenging. There have been numerous reviews of resettlement, including the recent WCD Report, that state that ethnic minorities (EMs) are among the most vulnerable of populations. Because attachment to traditional territory and reliance on the resources in these areas, EMs require additional assistance to adjust to new surroundings and adapt to new livelihood systems. In addition, a lack of representation in decision-making bodies and in government, illiteracy and different value systems, religion and social organisation from the dominant groups have in led to marginalisation of small groups.

A critical review of resettlement in Lao PDR was carried out by the UNDP (Goudineau 1997). Some of the main shortcomings of previous resettlement projects in Lao that were carried out by the government are as follows:

- Lack of funds for planning, actual relocation, livelihood development and follow-up monitoring;
- Lack of experience on local and district levels in implementation due to a lack of qualified staff and experience in dealing with a range of issues, especially in the fields of livelihood development and health;

- Difficulties occurred as a result of a top-down approach from the various levels within the government resulting in a lack of meaningful consultation with relocatees in advance of resettlement regarding site selection, services and support;
- Local cultural beliefs and values and ethnicity were often not taken into consideration in relation to achieving policy directives such as the reduction of swidden practices such that many ethnic minorities lost their sense of cultural identity and well-being as communities.

Given this background and capacity, a major challenge for the developers is to ensure that capacity is in place before implementation commences. Following the extensive interaction between professionals and planners and the different specialists and administrators on the Lao side that has been ongoing since 1996, steps are being taken to strengthen the capacity and to establish robust institutional arrangements in the form of the RMU and other implementation agencies under the leadership of the Resettlement Committee. However, there will be a need for considerable input from international and national experts in a number of fields, including anthropologist or ethnic minority specialist, community development experts and institutional experts. See Table 7-1 for a list of GoL staff associated with the Project and their ethnicity.

**Table 7-1: GoL Staff Allocation for NT2 Resettlement Activities (as of October 2004)**

Location, and name		Normal position	Position in NT2	Tenure	Ethnicity
<b>Khammouane Province</b>					
1	Mr Khambai Lamdath	Province Governor	President RC		Kaleung
2	Mr Odai Soudaphone	Deputy of Province Governor	Deputy of President RC	PT	Kaleung
<b>Bolikhamxai Province</b>					
1	Mr Khamphan Soudthidampha	Deputy of Province Governor	Member RC		Meoy
<b>RMU</b>					
1	Mr Hoy Phomvisouk	NT2	Head of RMU	FT	Tai Daeng
2	Mr Maniveng Phetoudom	Director of LIL project	Deputy of RMU	PT	Phouha
3	Ms Keoula Souliyadeth	Deputy Head of Prov LWU	Deputy, Women's affairs	PT	Kaleung
4	Mr. Sisouvanh	Land Planning & Development Division	Planning Officer	PT	Kaleung
5	Mr. Vieng Khone	Livestock Specialist	Livestock	PT	Phouthai
6	Mr. Vath	Engineer	Design & Construction	PT	Phouthai
7	Mr. Boualien	Agronomist	Agriculture	FT	Hmong
8	Mr. Omega	Planning Dept	Administration	FT	Phouthai
9	Ms. Souksavanh	Rural Development	Community Development	FT	Kaleung
10	Ms. Keo koud	Planning Dept	Home Economics	FT	Moey
11	Ms. Opick	Planning Dept	Home Economics /Education	FT	Tai Daeng
12	Ms. Toum	Nurse	Public Health	PT	Phouthai
<b>Nakai District Working Group</b>					
1	Mr Thonekeo	Dep. Head of District Cabinet	Head of DRWG	PT	Kaleung
2	Mr Sengkeo	Head: Construction Office	Deputy head of DRWG	PT	Brou
3	Mr Khamsing Boualaphan	Head of Trade Union	Coordinator	PT	Brou
4	Mr Khamveui Souliyapom	Head, Justice/Court Office	Pilot Village Manager	FT	Phou Thay
5	Mr Inthasone	Head, DAFO	Member	FT	Phouan
6	Mr Siangsouang	Head of Welfare	Member	PT	Brou
7	Mr Bounhiang	Head of Youth Union	Member	PT	Phouthai
8	Ms Dr Khamla Nartdavong	Head of District LWU	Member	PT	Kaleung
9	Mr Bounmy Phanouvong	Head of Health	Member	PT	Phou Thay
10	Mr Syhai Keokaithin	Head of Education	Member	PT	Phouan
11	Mr Sengxai Komnaloon	Lao NFC	Member	PT	Tai Bo
<b>Khamkeut District Working Group</b>					
1	Mr Kongkham	Head of district cabinet	Head of DRWG	PT	Tai Moey
2	Ms Souny Saimany	Head of district LWU	Member	PT	Tai Moey
3	Mr Bounliang	Head of DAFO	Member	PT	Tai Moey

This shows that most of the staff at the Nakai District office have their origin in the area and represent a number of Tai-Lao groups on the Plateau. There are, however, three members who are from ethnic minorities, two Brou and one Tai Bo represented in the Nakai DRWG. All three members of the Khamkeut represent the ethnic group in that area, the Tai Moey.

### **7.2.2 Implications of Village Leadership**

There are perhaps three possible implications for village leadership. Firstly, given the complex structures and the dominance of certain families in leadership positions, it will be necessary to make sure that decisions which affect the future of the village (location, improvements, etc.) are made in plenum where open discussion may be encouraged. This is to ensure that information concerning the NT2 Project is reaches everyone in the villages, including women, ethnic minorities and vulnerable groups, who previously knew little or nothing about the implications of the building of the dam and resettlement. Efforts have to be made so that vital information is disseminated to the general population and not just discussed among key, male members of the village. Many of the experiences from the early participation in the late 1990s have been incorporated in the recent 2004 consultations (see Chapter 4, Volume 1).

Secondly, women are not always included in decision-making and may not participate fully in discussions that will affect their future lives. This is evident in the observation of decision-making processes during the PRA sessions described above in some detail in 1997. The only organization that involves women is the Lao Women's Union, which has members in each village. The level of activity of the organization varies depending on the state of the village and the quality of the leadership. In Ban Sop On and Ban Nakai Neua, for example, the Union organized gardens and had an active leader while in Ban Sop Hia and in Ban Sop Phene, little had been done for years. Strengthening the LWU will be a key factor for improving the participation of women in project implementation and monitoring.

Thirdly, there is a danger that village elite and economically strong individuals and families obtain control of the distribution of goods and benefits of the Project. This is a problem with all such large-scale infrastructure development throughout the world. The only way to ensure an equitable distribution of goods and fair distribution of benefits is to monitor closely using both internal monitoring and external audits. Much can be done, and is in the process of being done, by establishing good institutional arrangements, training government staff and making the affected populations aware of their rights and proposed mitigation measures. In particular the recent selection of Village Facilitators representing a cross-section of interests and groups will be central in voicing the opinions of all groups in the village as part of the ongoing consultation process.

### **7.2.3 Patterns of Community Cooperation**

There are a number of ways in which villagers cooperate among households and at a community level, and these have the important role of constituting a village fellowship and identity that often involves all ethnic groups. There are three main types of village cooperation: labour exchange systems, community projects and ritual obligations.

Labour exchange systems are a key aspect that governs socio-economic interaction at the village level. Traditional systems are rooted in kinship organisations, the basic element being the extended family. Many ethnic groups reside in compounds, consisting of three generations. One of the key differences between the ethnic groups is the composition of such groups. Many Tai-Lao groups, including the Lao, Phuan, Nyo and other lowland groups, practice uxorial residence, that is residence determined by the wife, at least initially. Hence, such compounds usually consist of parents and daughters' family with the youngest daughter usually living under the same roof as her parents, and kinship is reckoned along female lines (matrilineal). Among the Phou Thay and the Upland Tai groups (Tai Men, Tai Moey, Tai Daeng, etc.) there is a preference for sons (patrilineal). However, in both systems there is considerable variation in preferences for sons and daughters. The Brou and Vietic groups are also patrilineal, but only the former have compound arrangements, the latter being organised in small kin group (bilateral for the most part). There is still a need to investigate the social structures of the various Vietic groups in the project area.

Labour exchange is an essential part of swidden and paddy rice production throughout the project area since these activities are labour-intense. Labour is available from a large kinship network and reciprocity

can be delayed for a considerable amount of time. This can be in the form of labour at another time or another service at a time of need. This system is, thus, flexible in terms of time and actual means of payment/service. This is still the predominant system of labour exchange in traditional villages and is preferred in villages that are less integrated into the market system based on cash transactions.

Community projects require the cooperation of the village as a whole, and in some ways this can be seen as an extension of labour exchange systems based on kin. Many villagers refer to themselves as *phi-nong*, meaning that they are all related, literally elder and younger kin/siblings. Projects that require many hands, such as the construction of a house, clearing of irrigation canals, building community buildings or maintaining a temple or road, demand village-level organisation. This is often the joint responsibility of the village headmen or assistants and the representatives of mass organisations, such as the LWU and the LNF. However, kinship ties and proximity in terms of neighbours also play a part in the mobilisation process, especially in the case of house construction. One of the most common ways of organising labour on the community level is that all households provide one person, often an able-bodied male for construction, as its contribution. Sometimes households may contribute a small amount of cash instead, while other households may be exempt due to a lack of able-bodied adults or illness. One of the most common types of community projects on the Plateau is the construction of the frame of a new house where the men of the village cooperate, usually under the supervision of an experienced villager or carpenter, to erect a frame within a 12-hour period in the evening or night time. The beneficiary household usually supplies food and alcohol to those involved.

Another important type of village cooperation manifests itself in the form of ritual obligations and community festivals. This includes all *rites de passage* (marriage, entering the monkhood, moving into a new house, death ceremonies and offerings for ancestors) and village-level rituals, such as offerings to the territorial spirits and ‘visiting spirits’, rain-making rituals and special occasions like relocating a village and rituals for averting unusual events, plagues and natural disasters. Participation is not only for the collective goal of the ritual but also a social obligation in terms of support in a material and socio-psychological manner. This relates to the sense of identity and belonging to a particular location and community where one has clear social obligations and responsibilities to other members and can in times of need rely on a community for support.

It is important to note that these three types of cooperation at the village level will be mobilised on several occasions in relation to the resettlement process and that village leaders and members of the VRC and the Village Facilitators are all embedded in these systems of cooperation, reciprocity and exchange. Hence, all actions carried out in the village are likely to be carried out within these important systems. Some important aspects relate to the village layout (kinship and residence patterns in the community), construction of houses and clearing of fields (labour exchange) and rituals for relocation and establishment of villages (ritual obligations).

#### **7.2.4 Traditional Conflict Resolution**

At the village level there are traditional means of resolving conflict. Most villagers prefer to resolve issues at a village level involving people and organisations that they are familiar with than to involve outsiders and District government. The following summarises the various level of traditional conflict resolution:

- Within household or extended families, the eldest males and in some cases the eldest females discuss the issue with those kin involved and find a solution or compromise – not adhering to a decision or consensus may risk exclusion, temporary or permanent, from the household
- Among households, the eldest males, ritual leaders or clan leaders, will meet among themselves to resolve disputes. The *thao khun* (Council of Village Elders) is especially important regarding disputes about marriage and spirits while the *sang kai kia* (Advisory Council for Disputes, est. in 1996) has taken over the role of the Council of Village Elders regarding non-cultural matters such as disputes about land or crime and function as a sort of village court for local disputes. However, the roles and responsibilities of these two groups are often overlapping with some members included in both organisations.
- Disputes between villagers are usually handled by village leaders with support from assistants and other village authorities and mass organisations. Disputes usually concern land or access to resources, in particular NTFPs. There have been a number of disputes of this nature on the Plateau

and fees are often imposed on offenders who have gone into other village territories without first seeking permission. Traditional clan leaders and ritual leaders often have the role of ‘advisors’ in these disputes since they represent large kinship networks.

In all traditional conflict resolution, the hierarchy of age (elders over younger members) and status (leadership in terms of political positions or traditional clan leadership) play important organisational roles. However, the main approach to solving problems is through dialogue and consensus within the group where the problem or dispute has arisen. There is an attempt to limit the extent of the conflict. Most disputes are resolved locally through a combination of social pressure and obligation on the one hand and the need for community solidarity and belonging on the other.

### **7.3 AVAILABILITY OF FUNDS**

Adequate funds have been allotted for institutional capacity building due to the importance of capacity building and establishing viable institutions to implement and monitor the Project. The SDP budget indicates that the staffing costs, capital costs and running costs are included in the overall resettlement costs. In addition, there is a budget item specifically for training the RMU staff and a Technical Assistance programme provided by the ADB for assessing and improving the capacity and performance of GOL.

Moreover, GOL is providing personnel, recruiting from within the government system at the national, provincial and district levels. Much of the work at the village level will be undertaken by local village authorities as part of their overall responsibilities to the communities, including resettlement planning, co-ordination and reporting.

### **7.4 ASSESSMENT OF PROFESSIONAL STAFF**

The development of the RMU is ongoing at present with only some of the key positions filled. The RMU consists of government employees recruited from various organizations within the government system. A full assessment of the staff is not possible at the present time since only a limited number of initiatives and actions have been carried out on the ground, the most important of which is the ongoing Pilot Village relocation.

The size of the RMU and the DRWGs will increase significantly when the Project moves into the resettlement implementation phase at the beginning of 2005. However, it is clear from the type of experience and background of the staff that there will be a need for technical assistance from a variety of professionals in order to ensure a successful resettlement. The district level staff in particular will require assistance and training if they are going to be able to carry out their tasks and fulfil their responsibilities according to the SDP.

Furthermore, there will be roles for international professionals to assist, guide and help co-ordinate efforts in order to ensure international (WB) standards are met. There will be roles for local consultants and NGOs in areas that the district and RMU do not have the sufficient technical expertise, such as health awareness programs, ethnic minority issues and adult literacy.

Of particular concern is the weak agricultural extension services at the district levels. Given the central role of the livelihood model, considerable assistance will be needed for government staff to cope with all the implications of the model and its range of options. The SDP (Chapter 7 in Volume 1 and Chapters 12 and 15 in Volume 2) has identified a broad-based program of extension services that will be further identified in detail in the process of establishing the Pilot Village.

The handling of the Pilot Village relocation by the RMU and government staff with limited input from other professionals has been a test case and involved a complete assessment of abilities. A short field visit and assessment in April 2002, concluded that the RMU staff and technical assistants from the district and demonstration farms were participating in the establishment of the Pilot Village.

## **7.5 ETHNIC MINORITIES AND LOCAL ORGANIZATIONS**

Ethnic minorities are represented at the different levels of government at the local level and at district level to some extent. At the village level, local leaders are selected by the communities after being approved by the government and for the most part represent the different ethnic minorities on the Plateau. However, there is a tendency for lowland Lao and other more educated groups from outside the Plateau to acquire some positions within village organizations due to their literacy, experience and skills. These are usually individuals married with local women and integrated into village life. Hence, they represent the interests of villagers, being part of extended families and kinship relationships.

At the district level, many representatives are from areas outside Nakai District or not from the villages on the Plateau. This is because Nakai acquired the status as a district only in 1992, having previously been part of Gnommalath District. Many of the positions are, therefore, from Gnommalat District following the reorganization of government staff. The former District Chairman was Brou and the present chairman is Kaleung, both originally from Gnommalath District, reflecting the general tendency for representation of groups in local government. The composition of the RMU and DRWG for Nakai District consist of number of a number of ethnic groups: Brou, Phou Thay, Tai and lowland Lao. There are no representatives from ethnic minorities from the Plateau villages. However, the formation of Village Resettlement Committees in Ban Sop Hia, Ban Thalang, Ban Nakai Neua, Ban Sop Phene and Ban Nong Boua/Ban Sailom/Ban Pamanton consist of representatives from local ethnic groups.

Given the lack of education, skills and experience in dealing such a large infrastructure project, much of the government leadership will need to be recruited at a national level and will be dominated by lowland groups. However, implementation of the Project will involve the co-operation and, through consultation, understanding of the various ethnic groups. International and national experts will monitor the involvement of ethnic minorities in the planning, implementation and monitoring process. There is also a recommendation for ethnic minority experts from the Institute of Cultural Research to act as advisors to the RMU and inclusion of ethnic minorities in the DRWG for Nakai.

## **7.6 MOBILIZATION PROCESS AND FIELD PRESENCE**

Since only a limited amount of activities have been carried out by the RMU and the District in the field, it is difficult to comment on this theme in the planning phase. One should note that there is a provision to gradually increase the number of staff before the implementation phase. Once the implementation has started there will be ample staff to oversee activities and carry out consultation with PAPs as adequate training and skills development programs will have been started by that time.

In 2002-03, the RMU consisted of one full time manager and two part time assistants from the LWU and manager of the Learning through Innovation Loan (LIL) for the catchment programs (cf. SEMFOP). In addition, staff from the demonstration farms at Theun Duane Demonstration Farm and Nakai Neua Demonstration Farm and Nursery were assisting in the establishment of plot layouts 3 days per week.

At the level of the DRWG in Nakai District, there were two full time government members from the district with responsibilities for co-ordination of district support and technical cum agricultural support for the Pilot Village. Another 9 members of the DRWG for Nakai District have been selected and are now active as of the end of 2004. VRCs have been established in all 17 villages/hamlets on the Plateau. Village Facilitators now man the village information centres and participate in conducting local consultations.

In addition, there are activities aimed at improving livelihood and health in the villages that is being coordinated by the RMU and GOL and with the assistance of NGOs.

- Distribution of farm equipment, tools and seeds (mid-2001);
- Support for construction of schools and supply of school equipment in Ban Sop Hia;
- Ban Sop Phene (District provided teachers) from mid 2001 to the present;
- Co-operation with CARE Int. rice-for-work program and the construction of fish ponds in Ban Nakai Neua and Ban Done with the RMU supplying the farm equipment;

- Co-operation with EU Malaria program by supplying per diems for District staff responsible for the distribution of nets, medicine and information for training;
- Co-operation with NGO Amitié-Coopération Franco-Laotienne for health upgrading, training and health monitoring on the Nakai Plateau.

## **7.7 RECOMMENDATIONS FOR IMPROVEMENT OF ETHNIC MINORITY REPRESENTATION**

There are two main initiatives that are necessary for improving ethnic minority representation and participation in decision-making. As is noted in the sections above, there is a lack of representation of ethnic minorities on most levels except for the village level. It is necessary, therefore, to make modifications to ensure that ethnic minorities are able to voice their opinions at least at the district level and that international and national experts have a role of advisors to monitor this process.

### **7.7.1 International and National Ethnic Minority Advisors**

Given the complex situation of the Plateau in terms of ethnic composition and the challenges of carrying out a resettlement programme in a culturally sensitive manner, advice and guidance will be necessary from international anthropologists and community development experts throughout the resettlement, especially in the initial stages when familiarity with international standards and WB/ADB safeguard policies may be limited. Training of GoL and capacity building will be an important role. It is also necessary to involve national organisation in the monitoring of ethnic minority issues. The following positions are required:

- NTPC representative for consultations and ethnic affairs was hired in mid-2004 and has been carrying out work on the ongoing consultations, site selection details and Physical Cultural Resource issues
- Member of Institute of Cultural Research to act as a part-time advisor to the RMU and the NTPC Social Unit– details on input and ToR will be finalised before resettlement commences (ca. April 2005)
- International expert as part of NTPC's Resettlement Office Organisation – these are indicated as a Consultation and Ethnic Development Manager and Lao Advisors (see Figure 6-4 in Volume 1 and budget for Community Consultation and Ethnic Development)
- Independent Monitoring Unit and POE to monitor ethnic issues

### **7.7.2 Ethnic Minority Representation on the Nakai DRWG**

At present there are four members of the DRWG that are ethnic minorities from the Nakai Plateau or surrounding region (three Brou and one Tai Bo). It is agreed that there will be no less than four ethnic minority members. Efforts will be made to recruit new members that are indigenous to the Plateau and from Ethnic Minority groups if they are qualified for such positions. The fact that literacy and education levels are low for most Plateau dwellers makes recruitment to DRWG for Nakai difficult. Ethnic awareness training will be carried out for all GoL organisations involved in implementation.

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