Security Risk Assessment:
Assessing and Managing Potential Risks and Impacts of Security Personnel in implementing the Lao Landscapes and Livelihoods project (P 170559)

Final report

December 15, 2020
## Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>CEF</td>
<td>Community Engagement Framework</td>
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<tr>
<td>DoD</td>
<td>Department of Defense</td>
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<td>DoF</td>
<td>Department of Forestry</td>
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<tr>
<td>ESF</td>
<td>Environment and Social Framework</td>
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<tr>
<td>EDL</td>
<td>Electricite du Laos</td>
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<td>ESMF</td>
<td>Environment and Social Management Framework</td>
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<tr>
<td>ESS</td>
<td>Environment and Social Standard</td>
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<tr>
<td>GDP</td>
<td>Gross Domestic Product</td>
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<tr>
<td>IUCN</td>
<td>International Union for the Conservation of Nature</td>
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<td>LLL</td>
<td>Lao Landscapes and Livelihoods</td>
</tr>
<tr>
<td>MAF</td>
<td>Ministry of Agriculture and Forestry</td>
</tr>
<tr>
<td>METT</td>
<td>Management Effectiveness Tracking Tool</td>
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<tr>
<td>MoD</td>
<td>Ministry of Defense</td>
</tr>
<tr>
<td>MW</td>
<td>Megawatt</td>
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<tr>
<td>NBCA</td>
<td>National Biodiversity Conservation Area</td>
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<tr>
<td>NPA</td>
<td>National Protected Area</td>
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<tr>
<td>PAFO</td>
<td>Provincial Agriculture and Forestry Office</td>
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<td>PAMD</td>
<td>Protected Area Management Division</td>
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<td>PKK</td>
<td>Phou Khao Khouay</td>
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<tr>
<td>PM</td>
<td>Prime Minister</td>
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<tr>
<td>NP</td>
<td>National Park</td>
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<tr>
<td>NTFPs</td>
<td>Non-Timber Forest Products</td>
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<td>SRA</td>
<td>Security Risk Assessment</td>
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<tr>
<td>ToT</td>
<td>Training of Trainers</td>
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<td>WB</td>
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I. Background

1.1 Objectives and scope of the assessment

The aim of this work is to conduct the security risk assessment to identify potential risks that may be associated with the involvement of the Army of Lao PDR in implementing, or being a stakeholder in implementing Lao Landscape and Livelihood (LLL) project activities, especially in Phou Khao Khouay (PKK) National Protected Area, and provide a management framework for mitigating potential risks and impacts to ensure that the safeguarding of personnel and property including land and natural resources is carried out in a manner that avoids or minimizes risks and adverse impacts on the project-affected communities and reputational risk to the Bank, the Government of Lao PDR and the project itself. The main outcomes of the assessment will be included in the ESMF and CEF being prepared for submission to the World Bank for review and clearance.

1.2 Specific tasks

- Carry out a desk review to analyze relevant national legislation, policy, and documents on military role and involvement in the protected areas;
- Interview, obtain and learn from concerned stakeholders about their past experiences and opinions on the Army’s involvement in the Protected Areas (PAs) to identify potential risks and impacts that the military involvement may have on project-affected villages, and risk mitigation measures;
- Discuss and propose appropriate measures to mitigate and manage risks and impacts identified with the concerned stakeholders;
- Prepare a report covering the security assessment outcomes and template of Memorandum of Understanding (MOU) to be shared with the World Bank for review and inclusion in the ESMF and CEF being prepared for submission to the World Bank for review and clearance.

1.3 Methodology

This assessment is primarily based on a desk study of the relevant literature available on protected areas in Lao PDR including (1) regulatory framework, decrees, laws, agreements, etc.; (2) specific reports, fact sheets, management plans for PKK NPA; (3) material from the previous consultations conducted; (4) the World Bank Environmental and Social Standards ESS1 and ESS4 guidance notes. To complement the desk study, consultations were also conducted in eight villages in three districts in Vientiane Prefecture, Vientiane Province and Xaysomboun Province which include part of PKK-NPA territory.

1.4 Limitations

The impacts of the Covid 19 pandemic remained a severe constraint for conducting in-depth and wide consultations in the field and made it necessary to reduce the scope and the number of people involved in each district and communities. The time limitation did not allow to visit all of the 8 districts in the three target provinces.
II. Country profile

The Lao People’s Democratic Republic (PDR) achieved rapid growth and significant poverty reduction between 2005 and 2015, though inequality widened. The country is still among the least developed countries (LCDs) in the world, but the economy is one of the fastest growing in Southeast Asia. Since 2000, gross domestic product (GDP) growth has averaged around 8 percent per annum. The poverty rate declined from 34 percent in 2003 to 23 percent in 2013, with preliminary estimates showing further decline to about 18 percent in 2019. Yet the Gini coefficient increased from 32.5 to 36.2, reflecting lower gains for the bottom 40 percent. Poverty is concentrated in rural areas, most of which are forestlands. With a population of 6.8 million, Laos is the most ethnically diverse country in mainland Southeast Asia.

2.1 Governance and the rule of law

The Government of the Lao People’s Democratic Republic (Lao PDR), under the Lao People’s Revolutionary Party (LPRP), has initiated various reforms in recent years that aim for the country to be ruled by the rule of law and democratic principles. Lao PDR has promulgated a substantial body of legislation, has become a party to six core human rights conventions and two optional protocols, and is working to align its domestic law with these international obligations.

Lao PDR has a multitiered system of courts. Judicial independence and equality before the law, both of which are guaranteed by the Lao Constitution, are being strengthened and the capacity of judges, prosecutors, and the legal profession enhanced. However, the entire legal sector remains in a nascent stage of development and legal literacy, awareness, and empowerment of the population is still relatively low.

In order to further strengthen law implementation, the Lao PDR has given importance to dissemination and campaigns on laws, legislations and human rights treaties to which the Lao PDR is party, through many forms including trainings and seminars for State officials from central to local level, law enforcement officers and judicial officials, in order to raise their awareness and capacities specifically on human rights. In addition, the Lao PDR has created a legal database in a form of the “Lao Law Application” for both IOS and Android platforms, allowing the people to access to legal information and encourage their participation in providing their comments to the draft laws. The Lao PDR has frequently disseminated law in some ethnic languages through the national and community radio and television stations.

On improving good governance and public administration, the Lao PDR has focused its attention to increasing the effectiveness of its governance and public administration through improving the organizational structure of all public administration levels, to become more lean, robust and consistent with the actual conditions, with an aim to carrying out their roles in macro public administration in a more effective and productive manner.

At the same time, the Lao PDR has also improved the local authorities and mechanisms as deemed appropriate, to ensure that the local public administration adheres to the “3 Builds Directive”. Additionally, the management of State employees has been improved.

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1 Human Rights Council (2020) Lao People’s Democratic Republic. Working Group on the Universal Periodic Review
2 Human Rights Council (2020)
2.2 Security and Crime

While the history of Lao PDR includes serious armed conflicts the latest one being the civil war from 1959 until 1975, the security situation has stabilized over the last decades and the probability that the country would experience serious unrest is low. For instance, the GardaWorld Report\(^3\) (updated in June 2020) sees that the risks of interstate conflicts are very low because the Lao government has good relations with its neighbors, Cambodia, China, Myanmar, Thailand, and Vietnam.

The GardaWorld report further notes that Laos has a low recorded crime rate. Petty crime and violent muggings – often fueled by growing drug abuse – have been rising, albeit from very low bases. Criminal activity does not generally pose a major threat to foreign business interests or individuals. Banditry remains common in some rural areas. Laos's rugged terrain and its often-porous borders, combined with weak law-enforcement, mean the country is regularly used as a conduit for drug trafficking and smuggling.

To the extent poverty is a driver of crime, the situation has improved in recent years. The country achieved rapid growth and significant poverty reduction between 2005 and 2015, though inequality widened. Since 2000, Gross Domestic Product (GDP) growth has averaged around 8 percent per annum. The poverty rate declined from 34 percent in 2003 to 23 percent in 2013, with preliminary estimates showing further decline to about 18 percent in 2019.\(^4\) Yet the Gini coefficient increased from 32.5 to 36.2, reflecting lower gains for the bottom 40 percent. Poverty is concentrated in rural areas, most of which are forestlands. The Bank’s 2020 poverty assessment determined that the poverty hotspot in the country has shifted to the central region, which is also where the some of the highest values for productive forestry, nature-based tourism and biodiversity are. However, COVID-19 is placing an added economic burden on the country, with 2020 GDP growth expected to decline to 1 to -1.8 percent compared to the pre-COVID estimate of 6 percent growth. Poverty is estimated to increase by 1.4 to 3.1 percent in 2020 compared to a 0.6 percent decline in a no-pandemic scenario.\(^5\)

2.3 Security Forces

The essential apparatus of security task players in Laos includes the Lao People’s Army (LPA) and the public security (police) force. The LPA comprises of regular, recruited, local and militiamen forces. According to the Lao National Constitution, all the armed forces are directly under the leadership of the Lao People’s Revolutionary Party. The forces in the army are the main forces, which undertake the task of defensive military operation and assist to maintain peace and safeguard the nation’s sovereignty and territorial integrity from outside aggression in the case of war. While the public security forces have the duty to maintain internal peace, stability and social order, the militia forces are responsible for combat readiness support, defensive operation and helping to maintain internal social order.\(^6\)

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\(^3\) [https://www.garda.com/crisis24/country-reports/laos](https://www.garda.com/crisis24/country-reports/laos)


\(^6\) Thieng Boupha, *Laos’ Perspectives on National Security.*
III. The development of protected areas in Lao PDR.

3.1 The protected area system of Lao P.D.R.

The biogeographic design of the Lao protected area system is reportedly one of the best in the world, with sites chosen through a rapid scientific process to ensure representation of the biogeographic units. The National Biodiversity Conservation Area (NBCCA) is the legal term but does not relate clearly to the international protected area categorization (IUCN PA categories) so the term National Protected Area (NPA) is popularly used. The system of NPAs is new, with 18 NPAs legally decreed in 1993, and a further six NPAs designated in the two decades since. The NPAs cover about 15.1 per cent of the total land area of Lao P.D.R. (3.8 million hectares). There are 65 Provincial Protected Areas which cover 646,000 ha and 87 district protected areas covering 362,780 ha, which collectively cover up to 21 per cent of the country. Around 50 per cent of the PAs are situated in immediate proximity to an international border, making trans-boundary interventions a necessity. The protected areas are multiple-use reserves, most have communities living within and along their boundaries, and government promotes participatory management.

The 49 National Protection Forests cover 7,479,236 ha; the five Provincial Protection Forests encompass 141,633 ha of forest and the 85 District Protection Forests protect 366,836 ha. Some National Protection Forests are as large as a half million ha. e.g. Nam Mouang Nam Ngouang NPF in Bolikhamxay Province. Currently, the DoF/DFRM set target plans to increase the Protection Forest area to 8.2 million ha by 2020. These protection forests are identified as high, mountainous areas, particularly for watershed protection. The protected area category is a multiple use forest reserve. However, management in the field has hardly been initiated; boundary demarcation has not yet been completed.

In part due to the infancy of the PA system, the institutional organization, capacity, and resources are still being established for planning and management of the protected area system. Currently, DOF has 12 divisions. About 30 new government volunteers were recruited for DOF over the last two years. About 400 staff work on forest conservation at the provincial and district levels. The main divisions which work and support for forest conservation in DOF comprise the (i) Protected Area Management Division; (ii) the Protection Forest Management Division; (iii) the Wildlife Management Division; (iv) the Planning and Cooperation Division; (v) the Administration and Personnel Division; and (vi) the Afforestation Promotion and Forest Rehabilitation Division.

The current institutional set-up for protected area management in Laos is complex, especially for the management of the three national parks and 20 NPAs. Each NPA is managed by a small number of officers from the provinces and districts in which the NPA is located. Most National Protected Areas have a Management Office, headed by an official from the Provincial Agriculture and Forest Office. As such, the planning and management for each NPA is entrusted to the province(s) and districts. The Department of Forestry (DoF) is the national focal agency for the co-ordination of NPA management. With this diffuse management structure, augmented by insufficient staff, equipment and training, the NPAs that do not receive external assistance are not actively managed.

Further challenges to the management of the NPA system include a perception across Laos that environmental considerations are a hindrance to fulfilling the country’s economic aspirations, a lack of capacity within DoF and the National Protected Area Management...
Offices to track and monitor investment plans that affect the NPAs, and ineffective collaboration between conservation government agencies within Lao P.D.R.

### 3.2 History of development of the national protected area system

The national protected area system of Lao P.D.R. is just about two and a half decades old, having been legally decreed in 1993. Table 1 below outlines the landmark achievements in its history and development over this 25-year period.

**Table 1: Overview of the history of the Lao national protected area system**

<table>
<thead>
<tr>
<th>Year</th>
<th>Key events</th>
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<tbody>
<tr>
<td>1986</td>
<td>Some priority sites for protection in Laos are suggested by MacKinnon and MacKinnon (1986)</td>
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<tr>
<td>1988-1991</td>
<td>Department of Forestry, the Lao Swedish Forest Programme (LSFP) and IUCN conduct reconnaissance surveys of potential protected areas; by 1991 eight suitable areas are identified and recommended for management planning; additional areas are identified as priorities for assessment.</td>
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<tr>
<td>1989</td>
<td>First National Forestry Conference, chaired by the Prime Minister, affirms need for biodiversity conservation. The report, &quot;Needs and Priorities for a Protected Area System in Lao PDR&quot;, is issued by LSFP and IUCN.</td>
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<tr>
<td>1990</td>
<td>Tropical Forestry Action Plan prepared; it reiterates emphasis on forest conservation.</td>
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<tr>
<td>1992</td>
<td>Assessment and identification of suitable sites for PAs continues. LSFP/DoF and Cambridge student expedition begin wildlife and habitat surveys in proposed PAs.</td>
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<td>1993</td>
<td>Prime Minister’s Decree 164 establishes the first 18 NPAs; LSFP begins management planning in four NPAs.</td>
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<td>1994-1999</td>
<td>Wildlife Conservation Society begins to assist DoF with wildlife and habitat surveys in each NPA.</td>
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<td>1995</td>
<td>Dong Phou Vieng NPA added to the system (for a total of 20 NPAs).</td>
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<td>1996</td>
<td>Xe Xap designated as a National Protected Area. Forestry Law passed by the National Assembly. IUCN Biodiversity Conservation Project (BCP) begins management assistance to two southern NPAs (later to be joined by German Agro Action and Population and Development International). GEF/World Bank FOMACOP project begin working in four NPAs through to 2000</td>
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<tr>
<td>1999</td>
<td>Major, donor-advised phases of LSFP, FOMACOP, IUCN, and WCS projects in 11 NPAs come to an end. Some funds and adviser assistance extended for some areas.</td>
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<tr>
<td></td>
<td>• WWF begins assistance to Hin Nam No NPA.</td>
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<td></td>
<td>• IUCN/DANIDA begins assistance to Nam Et/Phou Louey NPAs.</td>
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<td></td>
<td>• Large extensions approved to Nam Ha NPA, making it contiguous with an adjoining reserve in Yunnan, China.</td>
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<td></td>
<td>World Commission on Protected Areas (WCPA) 2nd Southeast Asia Regional Forum hosted by Lao PDR in Pakse.</td>
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<tr>
<td>Year</td>
<td>Event</td>
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<td>2000</td>
<td>Prime Minister Decree 01 issued on decentralization on 11&lt;sup&gt;th&lt;/sup&gt; March, 2000, giving strong authority to the provinces to supervise National Protected Area management (decentralized management)</td>
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<td>2003</td>
<td>Regulation on the management of National Protected (NPAs), Wildlife and Aquatic Resources No. 0360/AF.2003</td>
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<td>2005-2006</td>
<td>Watershed Management Protection Authority established in Nakai Nam Theun NPA and funding received from Nam Theun 2 Power Company to protect the watershed.</td>
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<td>2007</td>
<td>New Forestry Law No.6/NA as well as Wildlife and Aquatic Resources Law, 2007 No.7 NA promulgated.</td>
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<td>2008</td>
<td>Nam Kan designated as a NPA on 19&lt;sup&gt;th&lt;/sup&gt; September 2008.</td>
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<td>2011</td>
<td>Phousabot Pounchong and Phou Hippi designated as National Protected Areas.</td>
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<td>2012</td>
<td>Laving Laverne designated as a National Protected Area.</td>
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<td>2012</td>
<td>A new Ministry – the Ministry of Natural Resources And Environment (MONRE) was established through Prime Minister Decree No. 435/PM under which protected areas are to be managed.</td>
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<td>2012</td>
<td>Department of Forest Resource Management established through Decision No. 3121/MONRE</td>
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<td>2012</td>
<td>Prime Ministerial Order No.16/PM on piloting provinces to be strategic units, building districts to be overall strengthening units and building villages to be development units (“Sam Sang” philosophy) which provides a framework for collaborative management of national protected areas</td>
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<tr>
<td>2015</td>
<td>Decree on Protected Areas No. 134/G promulgated.</td>
</tr>
<tr>
<td>2016</td>
<td>Hin Nam No NPA proposed as a World Heritage Site.</td>
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<tr>
<td>2016</td>
<td>A pilot Advisory Technical Working Group on Protected Areas established, comprising representatives from DFRM, NGOs and technical consultants related to projects.</td>
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<td>2016</td>
<td>DFRM and 24 National Protected Areas transferred back to the Ministry of Agriculture and Forestry.</td>
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<tr>
<td>2016</td>
<td>Prime Minister Order No. 15/PM dated 13&lt;sup&gt;th&lt;/sup&gt; May 2016 on Strengthening Strictness of Timber Harvest Management and Inspection, Timber Transport and Business</td>
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<tr>
<td>2017</td>
<td>The national protected areas are placed under centralized management by the Department of Forestry through Ministerial Decision 3822/MAF dated 18&lt;sup&gt;th&lt;/sup&gt; August 2017.</td>
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<td>2018</td>
<td>Prime Minister Order No.05/PM dated 8&lt;sup&gt;th&lt;/sup&gt; May 2018 on Strengthening Strictness of the Management and Inspection of Prohibited Wild Fauna and Flora</td>
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<tr>
<td>2019</td>
<td>Nakai Nam Theun National Park and Nam Et-Phou Louey National Park established as the nation’s first national parks on 15&lt;sup&gt;th&lt;/sup&gt; February 2019.</td>
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3.3 International conventions

Lao PDR has ratified four international conventions concerned with biodiversity conservation.
- Convention on Biological Diversity
- Convention Concerning the Protection of World Cultural and Natural Heritage
- Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar Convention)
- UN Convention to Combat Desertification

Lao PDR has not yet signed the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) though it may do so when the government has introduced relevant statutory laws some for controlling trade and export and import of wildlife and wildlife by-products, and is confident of being able to police them.
3.4 Review relevant national laws, decrees, regulatory framework to Phou Khao Khouay

The following regulations and laws constitute the framework related to the protected areas in Laos and introduce the military involvement in the NPAs including areas designated as military strategic zones.

- Ministry of Foreign Affairs, Agreement on the mandate of Phou Khao Khouay No#541, Dated 10/04/2009
- PM Decision on the transition from Army to MAF No.#906, Dated 21/08/2020
- Decree on the Endorsement and Declaration of the Forestry Strategy to the Year 2020 of the Lao P.D.R. No. 229/PM, dated 9/08/2005
- Prime Minister’s Decree No. 111/PM on National Defense Strategic Zone, Vientiane Capital, Date 24/03/2011. Some of the target province and districts are labeled as Military Strategic Zones (MSZ)

3.5 Institutional arrangements

The management of protected areas involves three tiers of government: central or national, provincial and district; and below that the villages. Central government is represented by the MAF, through its Department of Forestry (DoF), within which is the Protected Area Management Division (PAMD). The Department of Forestry is mandated through MAF Decision No. 3822 to be responsible for national protected area overlapping two or more provinces. The Protected Area Management Division is the national focal point for protected areas.

3.5.1 Organizational arrangements and activities of the Department of Forestry

The Department of Forestry (DoF) belongs to the institutional structure of the Ministry of Agriculture and Forestry, playing the role and functions of the Ministry’s secretariat body for sustainable forest resource management countrywide.

According to Ministerial Decision 3822/MAF, the Department of Forestry comprises 13 Divisions as follows:

1. Administration and Organization Division.
2. Planning and Cooperation Division.
3. Forestry Legislation and Technical Standards Division.
4. Protection Forest Management Division.
5. Protected Area Management Division.
6. Production Forests Management Division.
7. Tree Planting Promotion and Forests Rehabilitation Division.
8. Wildlife and Aquatic Resources Management Division.
9. Reducing Emissions from Deforestation and Forest Degradation Division
10. Village Forests and NTFPs Management Division
11. Forest Inventory and Planning Division.
12. Forestry and Forest Resources Development Fund Office.
13. Forestry Training Centre.
This MAF Decision authorizes the Department of Forestry to provide direct supervision to the national protected areas which overlap two or more provinces, as well as regionally and internationally significant national protected areas.

3.5.2 Advisory Technical Working Group on Protected Areas

Ministerial Decision No.1702/MAF dated 18th July 2018 was issued on the appointment of the Advisory Technical Working Group for Protected Area Management. This working group comprises government staff from the conservation agency together with nine national experts in different fields of protected area management.

The technical working group has the following duties:

- Determine the policies, legislative framework, strategy and technical guidelines for the management of protected areas and National Parks;
- Research and propose the reclassification of protected areas to become national parks;
- Review and provide recommendations on the conversion, rental or concession of areas of protected areas and National Parks for tourism;
- Consider for the endorsement of management plans for protected areas and national parks;
- Convene consultation meetings on policy, legislative, strategy and overall work plan, annual work plan relating to the management of protected areas and National Parks;
- Conduct monitoring and evaluation on the implementation of activities within the protected area and national park focusing on management;
- Report on the results of the implementation of the works on protected areas and national park management, on a regular basis.

To date, the Advisory Technical Working Group has been requested to provide inputs into the formulation of the Decrees establishing Nakai Nam Theun National Park and Nam Et-Phou Louey National Park as well as review the seven guidelines on protected area management. However, their utilization should be reviewed in relation to the rapidly expanding number of technical issues arising, as the country strengthens its protected area agenda over the coming years.

Inter-Ministerial National Protected Area Committee

To date, no Inter-Ministerial Protected Area Committee has been established to assist management of the protected area system of Lao PDR.

The Ministry of Agriculture and Forestry issued Decision No. 1854/MAF dated 09 August 2018 on the appointment of a Committee responsible for the Establishment of National Parks. This involves representation from agencies from several Ministries.

3.6 Discussion on central management (including capacity building)

Ministerial Decision No.3822/MAF dated 18th August 2017 regarding the establishment of the Department of Forestry mandates the agency to provide direct management supervision to the national protected areas which overlap two or more provinces as well as World Heritage Sites and ASEAN Heritage Sites. However it does not mandate the Department of Forestry to
provide direct supervision to the national protected areas found in single provinces, namely Phou Hiphi NPA (Oudomxay Province), Nam Xam NPA (Houaphan Province), Phousabot Phouchong NPA (Xieng Khouang Province), Nam Poui NPA (Xayaboury Province), Nam Kading NPA (Bolikhamxay Province), Phou Hin Poun NPA (Khammouane Province), Dong Phou Vieng NPA, Laving Laverne NPA and Phou Xang He NPA, (Savannakhet Province), and Dong Hua Sao NPA (Champasak Province). These sites currently remain under supervision of the Provincial Agriculture and Forestry Office. In essence, the protected area management system is being run by two parallel management systems, which is both technical and economically inefficient.

Ministerial Decision No.3822/MAF dated 18th August 2017 also established the Protected Area Management Division. This Division currently has 13 full-time government staff and 10 volunteers. This Division currently has no organizational structure, as the issuance of Prime Minister Decision No.03 requests government agencies to be composed of an Administration Section and a Technical Section only.

Further to this, the limited government staff, together with the limited number of volunteers, manage a sizable portfolio of projects (BCC, GIZ, ICBF, LENS2 and SAFE), which mean the limited number of staffs play management and administrative supporting roles to these projects. Hence the Division is largely project based, as opposed to programme based. As of March 2019, the Division does not have any dedicated law enforcement, outreach or tourism expertise within the conservation agency, and is thence stretched to deliver on its legal mandate to provide technical support to the emerging national parks in many fields of protected area management.

3.7 Constraints to effective management of the Protected Area System

**Low management capacity** Numbers of personnel are low in comparison with the enormous size of the existing National Protected Area system. So are professional and management skills. Capacity is particularly low in the ability to produce maps, monitoring, fact finding and developing participatory programs. The addition of more areas would place even greater demands for heightened management capacity.

**Uncertain financial resources** While the protected area system is extensive, and the strategies for watershed management appear sound, financial resources are slim. Protected area management is almost wholly dependent on donor support. At present the government cannot justify taking loans to finance conservation projects, nor is its infrastructure sufficiently developed to support an ecotourism industry that might provide income. The principle of a Trust Fund forms part of EAP’s strategy. If donors can develop a Trust Fund, similar to those already established in Bhutan this could guarantee a long-term flow of conservation income.

**Size of the protected area system** The NBCAs have been declared with biodiversity conservation and representativeness firmly in mind but this has resulted in an admirably designed protected area system that covers over 12 per cent of total land area; and in the wings are further proposed areas that would increase cover to over 16 per cent. Few countries in the world have so high a proportion of land under IUCN management categories I to IV. It must seriously be questioned whether even the extant system can be brought under effective control in the foreseeable future, while rising rural populations continue to exert increasing demands upon unoccupied land.
3.8 Threats to the protected areas

**Deforestation** is a continuing problem although under better control than at the start of the decade. In southern and central regions land cleared by logging tends to be taken over for agriculture by lowland farmers and shifting cultivation. In northern areas the spread of shifting cultivation is more pronounced although little intact forest remains there. Before 1996 exploitation was largely uncontrolled. The Forest Law of 1996 introduced a much-needed basis for establishing categories of forest, the uses to which they could be put and provide for granting tenure to traditional land users. But the prospects for retaining viable populations of key wild flora and fauna are less certain.

**Uncontrolled trade in wildlife.** The cross border trade described above adds to Lao PDR's natural resource impoverishment.

**Hydropower development** projects Current proposals or plans for dams and reservoirs, if implemented, will erode biodiversity by submerging habitat and animal migration routes, and, through road development, will open up further tracts of land to exploitation.

IV. Phou Khao Khouay NPA

4.1 Geographical and natural landscape

The PKK-NPA was officially established on 29th October 1993 under PM Decree 164.

4.1.1 Location

It is located about 40 km northeast of Vientiane Capital spanning across three provinces, namely, Vientiane Capital, Bolikhamsai and Vientiane and 8 districts. It covers about 2,000 km² stretching about 80 km from west to east, and up to 40 km from north to south.

4.1.2 Districts

The PKK-NPA covers 7 districts in three provinces. 63% of the whole PKK-NPA is located within Thaphabath district in Bolikhamsay Province while only 1% is located in Keo Udom district in Vientiane Province.

<table>
<thead>
<tr>
<th>Province</th>
<th>District</th>
<th>Land surface</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vientiane province</td>
<td>Keo Udom</td>
<td>903 ha covering 1 %</td>
</tr>
<tr>
<td>Vientiane province</td>
<td>Thulakhom</td>
<td>40,589 ha covering 22 %</td>
</tr>
<tr>
<td>Vientiane Prefecture</td>
<td>Xaythany</td>
<td>5,293 ha covering 3 %</td>
</tr>
<tr>
<td>Vientiane Prefecture</td>
<td>Pak Ngum</td>
<td>7,846 ha covering 4 %</td>
</tr>
<tr>
<td>Bolikhamsay Province</td>
<td>Thaphabath</td>
<td>112,832 ha covering 63 %</td>
</tr>
<tr>
<td>Xaysomboun Province</td>
<td>Long Xan</td>
<td>4,796 ha covering 3 %</td>
</tr>
<tr>
<td>Xaysomboun Province</td>
<td>Hom</td>
<td>7,111 ha covering 4 %</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>120,830 ha</strong></td>
</tr>
</tbody>
</table>

Source: PKK-NPA Fact sheet
4.1.3 Boundaries
Immediately to the west, the Nam Ngum reservoir is situated which delimits the park boundary. The watercourses, the Nam Xan, Nam Koui and the Nam Pa, broadly define the northern boundary of the park; however, where homesteads and agricultural land are situated between these waterways and the adjacent uplands, the foot of the hills is used instead. The Nam Thouay, from its headwaters to its mouth near Ban Pak Thouay, defines the eastern edge of the reserve. Along the south eastern edge, the 200 metre contour is used to define the protected area. In the vicinity of the lower Nam Leuk basin, this contour is again followed as closely as possible, after which the 200 metre contour is followed around the southern periphery of the reserve back to the Nam Ngum reservoir.

4.1.4 Access
The western portion of the protected area is located 65 km from Vientiane by road. Driving from Vientiane, travel northwards up Route 10 until Ban Napheng at KM 54. At this village turn right along a dirt road, and travel four kilometres until the turn off to the Nam Mang 3 reservoir. The road climbs 15 kilometres up to the plateau. Continue through the pine forests to reach the Hmong community of Ban Vang Hua. Pha Gnoy and Tad Tan are located close to Ban Vang Hua.

To get to the eastern portion of the protected area, travel along Route 13 southwards until KM 92, at Ban Palai. Turn left and drive 11 km until the reserve checkpoint. This road, commonly known as the Thabok - Muang Hom road, bisects the protected area in two and continues over the top of the plateau and into Long Xan District of Khet Phiset Xaisomboon (meaning the Special Zone). This route provides access to Tad Leuk, Tad Xay and the Nam Leuk reservoir.

Administrative map of the PKK-NPA showing 7 of the villages visited during the field visit
4.1.5 Main Forest Types

Upper dry evergreen forest is found throughout the central portion of the park, in the lower basins of the Nam Leuk and Nam Mang. This forest has plant families and genera typical for other parts of Southeast Asia. Commonly found species are members of the genera *Dipterocarpus* and *Shorea*. Mixed deciduous forest predominates on lighter, shallow soils. Large stands of coniferous forest, usually monospecific stands of *Pinus merkusii*, grow on shallow, nutrient deficient, sandy soils, particularly in the western portion of the park, where it occurs in association with extensive, fire-climax grasslands.

The PKK-NPA contains a diversity of forest types including evergreen, mixed deciduous, dry dipterocarp and pine, all of which support habitats for several wildlife species of national and international conservation concern. Recorded key large mammals that inhabit the PKK-NPA include the Asian Elephants, Asiatic Black Bear, Sun Bear, Wild Dog (Jackal and Dhole), Southern Serow, Clouded Leopard, Sambar, Mouse Deer, Phayre’s Langur, White-cheeked Gibbon, Rhesus and Pig-tailed Macaque, Civets and Otters. The endangered Green Peafowl (*Pavo Muticus*) is the most remarkable bird among the many bird species recorded within the PKK-NPA. The Green Peafowl was once common in the lowland of Lao PDR, but is now confined to only a few locations, and has become one of the rarest birds in the country (Vongkhamheng et al., 2012).

### 4.2 Human landscape

#### 4.2.1 Village typology

Three types of villages are identified as priority village partners with respect to their location and natural resource use patterns:

I. Villages situated inside Phou Khouay National Protected Area  
II. Villages situated outside Phou Khao Khouay National Protected Area with use of agricultural land and other resources inside the protected area  
III. Villages situated outside Phou Khao Khouay National Protected Area with the village boundary touching the protected area boundary and with resource use other than land use inside the National Protected Area.

The population data were collected by the State Planning Committee of the National Statistical Centre for the National Population Census 2015.

*Table 3: Population in the PKK-NPA*

<table>
<thead>
<tr>
<th>District</th>
<th>No. of Villages</th>
<th>No. of Villages by type</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>I</td>
<td>II</td>
</tr>
<tr>
<td>Keo Udom</td>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Thulakhom</td>
<td>10</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Xaythany</td>
<td>7</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Pak Ngum</td>
<td>5</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Thaphabath</td>
<td>19</td>
<td>0</td>
<td>19</td>
</tr>
<tr>
<td>Long Xan</td>
<td>10</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Hom</td>
<td>3</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>56</strong></td>
<td><strong>1</strong></td>
<td><strong>26</strong></td>
</tr>
</tbody>
</table>
4.2.2 Ethnic Composition

The two villages in Keo Udom District are mixed Khmu/Lao/Lu Mien. In Thulakhom District six villages are Lao; two villages are mixed Hmong/Lao; one village is Hmong and one village is Lu Mien. All seven villages in Xaythany District are Lao although Ban Nakhay has some Hmong. The five villages in Pak Ngum District are mixed; with two Lao villages, and three Hmong/Lao/Lu Mien/Tai Deng villages. Sixteen of the 189 villages in Thaphabath district are Lao, while the reaming three villages are mixed Khmu/Lao villages Long Xan District comprises Hmong (two villages); Khmu (two villages), Lao and Lu Mien (one village each) and four villages of mixed ethnicity. Within the interior, the large village of Ban Vang Hua is Hmong.

4.3 Key challenges

- Human Settlement
- Illegal shifting cultivation
- Land grab
- Hunting
- Forest fire
- Free roaming cattle’s and buffalos
- Illegal logging
- Illegal NTFP collection
- Infrastructure and investments including mining and dams

4.4 Timeline of main events that occurred in the PKK-NPA area since 1987

Table 4: Timeline of main events that occurred in PKK-NPA since 1987

<table>
<thead>
<tr>
<th>Year</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1987-1992</td>
<td>State Forestry Enterprise 3 has concession in eastern portion</td>
</tr>
<tr>
<td>1990</td>
<td>Simple management plan produced.</td>
</tr>
<tr>
<td>1992</td>
<td>Government decree to approve conservation activities in Phou Khao Khouay</td>
</tr>
<tr>
<td></td>
<td>Two staff from DoF and five staff from SFE 3 appointed to manage area.</td>
</tr>
<tr>
<td>1993</td>
<td>NBCA declared.</td>
</tr>
<tr>
<td></td>
<td>Field station at Thaphabath district constructed.</td>
</tr>
<tr>
<td>1994</td>
<td>Ministry of Defense takes over the administration of PKK-NPA</td>
</tr>
<tr>
<td></td>
<td>Field stations at Long Xan, Thulakhom and Xaythany districts constructed.</td>
</tr>
<tr>
<td>1996</td>
<td>Nam Leuk Hydropower Project proceeds.</td>
</tr>
<tr>
<td>1997</td>
<td>Green peafowl conservation project initiated.</td>
</tr>
<tr>
<td>1998</td>
<td>Field station at Pak Ngum district established.</td>
</tr>
<tr>
<td>1999</td>
<td>Phou Kha Khouay NBCA Management Plan prepared by staff.</td>
</tr>
<tr>
<td></td>
<td>Field station at Ban Phou Khouay and Nam Leuk dam site established.</td>
</tr>
<tr>
<td></td>
<td>Two visitor centers and associated infrastructure completed.</td>
</tr>
<tr>
<td></td>
<td>Land allocation exercise in key enclave villages.</td>
</tr>
<tr>
<td>2000</td>
<td>Report concerning handing out the responsibilities to manage the PKK-NPA from MAF MOD</td>
</tr>
<tr>
<td>2001</td>
<td>Construction of the Nam Mang 3 Hydropower Dam initiated</td>
</tr>
</tbody>
</table>

7 Based on the PowerPoint presentation prepared by Mr. Southikon Phimphan, the Deputy Director (and Head of Technical Section) of the Army management body at Phou Kha Khouay NPA for the provincial consultations on national park designation, September 2020.
PKK-NPA start to get 1% of the benefit from selling electricity abroad from Namlik Hydropower dam to be used for environment protection

2002
Opening of ecotourism with participation of communities in Banna and BanKhay in Thapabat district in Bolkkhamxay Province

2004-2005
Beginning of boundary demarcation of the PKK-NPA

2005
Nam Mang 3 Hydropower Project (40 MW) commenced operation in January 2005. The investor is Electricité du Laos (EdL). CWE is the contractor. The reservoir area is 10.2 km². Two villages were resettled.

2009
Ministry of Foreign Affairs, Agreement on the mandate of Phou Khao Khouay

2010
Phou Khao Khouay National Protected Area Management Plan (2010-2015) prepared with support from IUCN. Plan approved by Department of Forestry.

2012
Participatory Research on relationship between local residents’ perceptions, attitudes and participation towards national protected areas conducted among 405 households living in four villages in the southern periphery of Phou Khao Khouay.

2015
Decree 4663 about upgrading the status of the Regiment 941

2017
Biodiversity monitoring assessment conducted in PKK and Phou Sabot-Phoungchong through a collaboration with Institute of Natural Resources of South Korea.

2020
PM Document on the transition from Army to MAF No.#906

2020
Public consultation on transition from NPA to National Park conducted in three Provinces

V. World Bank ESF triggered

Two Environment and Social Standards (ESS) among the 10 ESS comprising the World Bank Environmental and Social Framework (ESF) are relevant for this Security Risks Assessment. The ESS1: Assessment and Management of Environmental and Social Risks and Impacts and the ESS4: Community Health and Safety.

5.1 ESS1: Assessment and Management of Environmental and Social Risks and Impacts

The ESS1 sets out the Borrower’s responsibilities for assessing, managing, and monitoring environmental and social risks and impacts associated with a project supported by the Bank. It has the following objectives: (1) to identify, evaluate and manage the ES risks and impacts of the project in a manner consistent with the ESSs; (2) to adopt a mitigation hierarchy approach to (a) anticipate and avoid risks, (b) minimize or reduce risks and impacts to acceptable levels where avoidance is not possible, (c) once risks and impacts have been minimized or reduced, mitigated, as well as (d) where significant residual impacts remain, compensate or offset them where technically and financially feasible; (3) to adopt differentiated measures so that adverse impacts do not fall disproportionally on the disadvantaged or vulnerable, and they are not disadvantaged in sharing development benefits and opportunities from the project; (4) utilize national institutions, systems, laws, regulations, and procedures in the assessment and implementation of projects whenever appropriate; and (5) promote improved ES performance in ways in which recognize and enhance the Borrower’s capacities.

All requirements of this standard have been manifested in the full ESMF. DOF will identify potential environmental and social risks and impacts, develop and implement risk management plans, and monitor throughout the project life cycle so as to meet the requirements of the relevant ESSs in a sound manner within a timeframe acceptable to the Bank.
5.2 ESS4: Community Health and Safety

Security issues, while intersecting with environmental and social aspects in other Performance standards, are primarily covered in Performance Standard 4: Community Health, Safety, and Security. The objectives of Performance Standard 4 are:

1) to anticipate and avoid adverse impacts on the health and safety of affected communities during the project life from both routine and nonroutine circumstances and
2) to ensure that the safeguarding of personnel and property is carried out in accordance with relevant human rights principles and in a manner that avoids or minimizes risks to the affected communities.

Briefly, Performance Standard 4 requires project to do the following:
- Assess the security risk their operations may have or could create for communities;
- Develop ways to manage and mitigate these risks;
- Manage private security responsibly;
- Engage with public security; and
- Review and report on allegations of unlawful acts by security personnel.

5.3 Project control and responsibility

The project's Degree of Control and corresponding leverage is directly associated to the type of security (public or private). In the case of the military involvement in PKK-NPA, the national army forces are typically outside of the direct control of the project and the degree of leverage or influence can vary significantly and it is suggested to:

1) Understand potential deployments and, to the extent possible, to promote appropriate and proportional use of force.
2) Assess and document risks arising from the use of public security forces with focus on those under ESS4
3) Project engagement with military authorities and efforts to influence outcomes where feasible, encouraging appropriate behavior and seek to influence to conform with good practices.
4) Best efforts to agree on rules of engagement and conduct—documented, if possible, in a Memorandum of Understanding or similar agreement

Interaction with public security forces can be the most challenging aspect of security for the project as it does not control the decisions or behavior of public security personnel and may have limited influence in this regard.

The LLL Project responsibilities under ESS 4 include (1) to conduct an Assessment of risk from public forces deployed to provide security services and (2) Communication of principles of conduct and encouragement of public security forces to implement good practices and to disclose security arrangements.

The performance standard 4 suggests the project to answer 5 questions in assessing security risks:

1. What are the types of public security forces involved?
2. What is the number and role of public security forces involved?
3. What type of public security response is likely to be used?
4. What is the background and track record of these public security forces (history of abuses)?
5. How should risks be documented?
6. Engagement

VI. National Security and Development: the army involvement in forest management

6.1 Role of the military

The Ministry of Defense has the responsibilities in defending and safeguarding the security of the country from both internal and external threats by preparing military forces for combat warfare, protecting, attaining national development and safeguarding the national interests, as well as performing other missions described by the designated laws.8

According to the Lao National Constitution, all the armed forces are directly under the leadership of the Lao People's Revolutionary Party. The forces in the army are the main forces, which undertake the task of defensive military operation and assist to maintain peace and safeguard the nation's sovereignty and territorial integrity from outside aggression in the case of war.

On regional defense and security affairs, Lao PDR has independently maintained external and diplomatic ties to strengthen military relationships and strategic links aimed at creating a favorable environment for renovation tasks. It has proceeded to engage in exchanges among military delegations to strengthen cooperation with Cambodia, China, Indonesia, Myanmar, Russia, Thailand, USA and Vietnam. These countries have established Defense Attaché Offices in Laos, and Laos has also opened offices of Defense Attachés in these countries. Laos also maintains military relations with Australia, France, Japan, North Korea, South Korea, Cuba, the Philippines and India. Laos will continue to strengthen military relations and cooperation with other countries on the basis of the five principles of peaceful coexistence.

6.2 The security exception9

To grasp the full dimensions of Laos's current forest management struggles, it is essential to understand the role that forests, and particularly borderland forests inside protected areas, have played in the armed conflicts in which Laos was implicated between the early 1960s and the 1990s. While most of these conflicts are now long since passed, their legacies remain relevant because they shape local conflicts in particular ways, inflecting contemporary economic security issues with sensitivity above and beyond the fact that military actors are involved.

Some authors examined the intersection of protected area management and economic extraction in Laos through the lens of the security exception, a militarized tactic of territorial administration that has been in existence in Laos for decades but has become increasingly apparent as transnational, transparency-oriented forest management efforts have tried to rebalance forest governance in recent years (Dwyers and all, 2016).

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The “security exception” is invoked at various key moments when conflicts emerge between military, economic interests and internationally supported conservation efforts. The security exception is invoked by the Lao military, and involves activities that, while actively detrimental to the environmental and economic security of large portions of the population, can nonetheless continue to be framed as development – must be understood in a national context where histories of underdevelopment and national insecurity were closely entwined and long-lasting.

Laos’s particular mix of territorial insecurity during the Cold War and, more recently, the expansion of the military’s economic mandate as part of its “dual mission” of defense and development, help to explain why the security exception has continued to flourish.

The Indochina Wars took place in forested areas and after the Lao People’s Democratic Republic (Lao PDR) was officially established in December 1975, the country continued to face wartime like challenges to both state and human security as resistance to the new government and ongoing regional conflict hamstrung postwar recovery efforts. In the immediate postwar years, pockets of domestic armed insurgents and cross-border intrusions diverted state energy away from recovery, hampered what nascent development efforts existed, and led postwar reconstruction to be consistently framed in terms of “two strategic tasks”: not simply building socialism, but also defending the country. In such a context, development efforts and associated human security remained compromised as Laos’s geostategic position as the “keystone” separating Thailand, Vietnam, Cambodia and China kept it in the crosshairs of cross-border intervention. There are no incidents of conflict between insurgent groups and the army since the insurgents came out of the forest and surrendered in 2007.

Following the tumultuous decade of the 1980s, in 1989 cross-border relations between Laos and its neighbors increasingly took the form of economic cooperation by “turning battlefields into marketplaces”. Thailand’s 1989 logging ban created new demand for Lao timber and, in the years that followed, cooperation in the timber sector expanded significantly, in a context of declining Eastern Bloc aid. It was in part to control this emerging post-conflict extraction boom that Laos’s system of protected areas was created. The geography of the Lao NPA system is such that even though it was designed on putatively ecological grounds, its overlap with security issues was significant. This was initially due largely to the selection for sparsely-populated, remote areas, many of which occur along or near international borders.

The invocation of the security exception thus resonated within a long-standing and ongoing domestic debate about what forest governance actually means in the context of diverse and overlapping mandates within state administration. Some authors argue that memories of territorial insecurity provided an all too easy justification for prioritizing extractive uses and although laws prohibit such activities, government policy and regulations are difficult to enforce. The decentralization of power to provincial governments and the semi-autonomous operations of regional military development companies make it difficult for the central authorities to communicate policy and enforce regulations.
6.3 Army involvement and law enforcement in Protected Areas

The Department of Forest Inspection (DOFI) staff are virtually absent and not involved in law enforcement activities Protected Areas and this undermines the law enforcement agenda in the emerging national parks and the national protected areas. The reason for this absence is a lack of DOFI personnel at the district level. While DOFI might have had a clearer role prior to PM Decree No. 15, managing checkpoints along timber trading routes, it is clear that their mandate within protected areas is economically unviable. That is why the army plays a crucial role in Law enforcement in Nakai Nam Theun National Park, Nam Et-Phou Louey national park and Hin Nam No NPA. Army units are present at strategic locations in relation to Nakai Nam Theun National Park, Nam Et-Phou Louey National Park National Park, and Hin Nam No NPA.

The Prime Minister Decree No. 122/PM dated 21/04/2017 on the Nam Theun 2 Watershed Management and Protection Authority describes the organizational structure of the Nam Theun 2 Watershed Management and Protection Authority which includes the Head of the Border Army Divisions from Khammouane and Bolikhamxay Provinces. Nakai Nam Theun National Park is successfully piloting engagement with the provincial army authorities in Khammouane Province, including piloting border patrol teams through a Memorandum of Understanding. It is unclear to what degree the presence of the National Park Steering Committee (Board of Directors) as well as the high-level funding streams have played in catalyzing this working relationship.

The Nam Et Phou Leuy National Park is the largest national park in the country and has a large number of stakeholders and potential partners for assisting the law enforcement program including the army. The national park has five permanent army stations located within the protected area. These comprise three provincial camps in Houaphan province, namely Camp 585 Keo King, Hiem District, Camp 15 San Ong in Xone District and Camp 17 Keo Men, in Xam Neua District, as well as a single provincial military Camp 13 Houay Kamoon, in Phonxay District, Luang Prabang Province. There is also a Customs Unit, at Sop Tiew Border Post, in Xone District, Huaphan province. These four provincial army units and the customs posts have yet to be engaged, through the existing law enforcement partnerships. No border patrolling regime has been introduced to tackle transboundary issues, particularly relating to wildlife trade routes, utilizing Decree No 111 on the National Strategic Defense Zone and the two PM Orders. The army presence has not been engaged to support park management objectives, and encouraged to form border patrol teams to patrol the National Defense Strategic Zone in the border areas - inside a National Protected Area.
In Hin Nam No NPA: The Law Enforcement Unit is currently combined with the Biodiversity Monitoring Unit, as a Biodiversity and Law Enforcement Unit. Mixed patrols have been undertaken twice a year, involving both police and army personnel, since 2015, involving 5-10 patrolling members. The army has two bases located at strategic locations in relation to the international border, for management of the National Defense Strategic Zone.

In both Nam Et-Phou Louey National Park and Hin Nam No NPA, there was no engagement with the army as enforcement partners. In Nam Et-Phou Louey National Park, there was a lack of awareness of Decree No.111 on the National Defense Strategic Zone as well as Prime Minister Decree No. 15 and Prime Minister No. 5. All three pieces of legislation provide a mandate for the army in enforcement, particularly in the international border areas. The protected area also has an Inter-provincial Steering Committee, which provides an institutional mechanism for army engagement within the border areas. In Hin Nam No NPA, the absent of formalized provincial arrangements has also prevented formalized provincial engagement with the army.

In Nam Poui NPA and Nam Et-Phou Louey National Park Clipad and World Conservation Society (WCS) also financially and technically supported the creation of multi-agency cooperation among relevant stakeholders: NPA MU's, PAFO/DAFO, POFI/DFIU, PONRE/DONRE, communities and also including army.

VII. PKK-NPA management

Phou Khao Khouay has an history of occupation or frequenting by insurgent groups. This has given rise to explicit military management of the PKK-NPAs labelled as a strategic forest area close to Laos's national capital.

7.1 Review of the regulatory framework concerning the PKK-NPA management 1994-2020

On June 30, 1994, the management of the PKK-NPA was officially transferred from the ministry of Agriculture and Forestry to the Ministry of Defense. The MAF role was relegated to forestry technical support, financial support and vehicle. The Ministry of National Defense (MOD) is originally from the Lao Army Force which was established on January 20th, 1949 at Mae Cave in the region of Baan Phong Sa, Ta Seang Lao Hoong, Chiang Kham District in Hua Phan. The Ministry of National Defense is mandated to maintain national security, territorial integrity and national defense.

7.1.1 2009: Agreement No. #541 appointing the Regiment 941 in charge of the Phou Khao Khouay

The Agreement No. #541 signed 10/04/2009 appoint the Regiment 941 in charge of the Phou Khao Khouay and Phou Pha Nang NPA. The regiment 941 is as an independent unit of the ministry, it has the equivalent status of a large battalion. This agreement is the cornerstone which prescribes the military role and responsibility in management of the National Protected Areas in 2 NPAs around the national capital. The article 2 more specifically describe the Army role in researching, planning and managing the forest. The regiment 941 is also in charge of specific strategic areas in the PKK-NPA, in engaging with local communities and conducting awareness raising and in conflict resolution. In case of encroachment, exploitation or destruction of the protected area without permission, it has the right to confiscate all kinds of items to investigate the form of adjustment and detention of the perpetrators to investigate and file a case and report to higher authorities in accordance with the rules. The agreement also describes the staffing structure: 839 military personnel including 15 foresters (9 women).
The Agreement #541 duly reminded State forest administrators and other government actors that the military’s entwined mandates of economic and political-administrative security ultimately trump their own management responsibilities.

7.1.2 2010: Notes regarding the Handover of the PKK-NPA management from MAF to MOD

In 2010, MAF prepared an official note intended to clarify the location of the PKK-NPA, the current budget status and the expected role and responsibility relate to forest management transferred to MED. The notes explains the technical mandate MoD should be implementing which includes: (1) an integrated approach to conservation and livelihood development, (2) technical steps that should be implemented starting from forest inventory, participatory sustainable management plan involving communities inside and around the PKK-NPA, (3) natural forest regeneration and reforestation of species valuable from a social and economic perspective and including NTFPs and traditional medicine, (4) village land use planning, (5) training and demonstration of conservation schemes with the collaboration of local administration, education and office in charge of dissemination, (6) staff must go to work at field level; (7) set up tree nursery inside the PKK-NPA to distribute seedlings for villages to contribute to reforestation; (8) set up model conservation village ; (9) report activities related to forestry to MAF on monthly, quarterly, 6 months and yearly basis; (10) the management and conservation of forest and wild and aquatic animals must strictly follow the decrees, regulations and the forestry law.

7.1.3 2015: Agreement 4663 about upgrading the status of 941 regiment

The agreement is in line with the strategy of modernization of the Ministry of Defense and (1) enforce the position of the 941 regiment in charge of managing the Strategic areas around Vientiane capital; (2) the “Kongphan yay tahan 941” should pursue the management of the PKK-NPA until the transition to MAF; (3) refine logistical and mandate of the 941 and increase staffing up to 1,800 people (about almost 1,000 people more compared to 2009, mostly due to the incorporation of regiment 901, 902 and 903 comprising of 469 soldiers each).

7.1.4 2020: PM Announcement # 906 on clarification of role MAF-DoD

The Prime Minster Announcement No.#906 dated 21 August 2020 also ask for clarification on the role and responsibilities between MAF and the Ministry of Defense concerning the management of PKK and Phou Pha Nang NPA according to the relevant regulation and to maximize effectiveness of forest management and conservation.

7.2 Phou Khao Khouay National Park Management Plan

As explained above, the management of the PKK NPA as a whole is the responsibility of the Phou Khao Khouay-Phou Phanang NPA management division of the Ministry of Defense.

A 5-year management plan was initially prepared for the Phou Khao Khouay National Protected Area in 1999 by the protected area staff. An updated version of this five-year management plan was prepared in 2010 with support from IUCN. This Plan received formal approval from the Department of Forestry. Land use planning was conducted in all 74 villages in 1998-1999, and the controlled use zones agreed upon, through village meetings. This forms the basis of the overall zoning scheme for protected area. It was updated in 2015.

General patrolling is carried out on a weekly basis focusing primarily on forest fires, timber cutting and partly on hunting inside the PKK NPA. The PKK NPA Management Plan covers the management of the whole reserve. The first management plan was prepared in 1999 with
the support of an external advisor. Major management activities undertaken included wildlife surveys, NPA boundary demarcation with the erection of boundaries posts and regular patrolling. For management purposes, the PKK NPA is divided into 35 sub-zones.

As we will discuss below, according to the recent METT assessment (2020) there is currently no management plan for the PKK-NPA.

7.3 Management actions

Organization of the Management Offices in the Army-managed sites: Phou Khao Khouay National Protected Area has 93 full time staff and no volunteers, while Phou Phanang National Protected Area has full time 65 staff. Both sites are managed by the Ministry of Defence

According to PKK NPA Management officials, current management action, especially patrolling, is carried out weekly as general routine management activities, focusing on timber extraction. The reason for not being able to conduct more monitoring/protection is a lack of budget, field equipment (including GPS devices) and technical staff, many of whom have been re-assigned elsewhere over the years.

7.4 Lack of budget

Initially, given the presence of the Nam Leuk hydropower plant’s operation, there was an agreed commitment of the developer/power generator, Electricité du Laos (EdL), to contribute 1% annually from its power export revenue to the management of the PKK NPA. The first payment was received in 2001, however subsequent payments had been much reduced in amount and with reduced financial resources, management was limited to patrolling. Later, a new arrangement was reached with EdL to provide LAK 100 million (USD12,500) per year from both Nam Leuk and Nam Mang 3 hydropower schemes for the management of PKK NPA through the EdL-Generation shareholding channel.

Apparently, the lack of financial resources resulted in the incapacity to implement these Five-Years Plans and this situation may also favor the reliance on resource extraction modalities to generate incomes. As observed by some authors, protected areas in Laos continue to generate much of their actually commoditized value through extractive rather than in situ uses.
While these uses are often technically illegal, many are sanctioned locally, whether by state authorities seeking to finance infrastructural needs through timber sales or by local communities struggling to secure their livelihoods in the face of limited options and declining control over the land they occupy.¹⁰

VIII. Potential risks, impacts and potential benefits on project-affected villages

8.1 Specific Army’s Involvements under the Project

The Army units will be involved in certain Project activities as “security personnel”, Project stakeholders and/or beneficiaries. The Army units will not implement any Project activities. The civil works related to development/maintenance of park infrastructure and facilities will be implemented and managed by the Department of Forestry. The Army’s involvement in the Project are as follows:

(i) Army personnel may participate in joint park patrols and manage checkpoints and receive per diems for their work from the proceeds of Bank financing;

(ii) Army representatives may be invited as Project stakeholders to meetings and workshops aimed to enhance collaborative management of the protected areas.

8.2 Perceptions, attitudes and participation towards national protected areas in PKK NPA

In 2012 a team led by Khamfeua Sirivong and Toshiyuki Tsuchiya conducted a participatory research on relationship between local residents’ perceptions, attitudes and participation towards national protected areas conducted among 405 households living in four villages in the southern periphery of Phou Khao Khouay.

- Residents in villages that were a former army area, with ecotourism projects running, with higher income and near and on the main road, strongly supported the NPA development compared to those in villages close to forests, with lower incomes and without ecotourism projects.

- Respondents in villages close to forests and with longer residency perceived that they were satisfied with current management of the national protected area carried out by the park office compared to those in villages far from forests and those who have lived there for shorter period of time, e.g., less than 20 years.

- Residents in villages that were a former army area and close to the park office perceived they, 1) have a responsibility to protect their local natural environment, 2) have a right to participate in decision-making about the development of the NPA, and 3) would like to participate in jobs related to the NPA compared to those in other villages. In addition, respondents with higher incomes stated they had a responsibility to protect their local natural environment and would like to participate in volunteer work in the NPA compared to those with lower incomes.

¹⁰ Baird, 2010b; Dwyer, 2011; Dwyer and Ingalls, 2015
• More than 50% of respondents in the research villages were very positive about the Phou Khao Khouay NPA. An increase in public security and income generation were among the most important benefits from the NPA perceived by local residents, with about 90% and 75% in agreement respectively.

• A majority of residents supported the development of the Phou Khao Khouay NPA and were satisfied with current management of the NPA. In particular, respondents in villages close to forests and those with a higher household income stated that they are satisfied with current management of the NPA compared to others.

• The researchers concluded that the provision of public security and income generation that the Phou Khao Khouay NPA offered is the most important factor that influences residents' positive perceptions. These perceptions strongly affect their positive attitudes and participation.

According to their findings, the PKK-NPA management under the Ministry of Defense brought about the trust of local residents of local and national security. Most people were very keen to participate in NPA management by stating that they were responsible for protecting their forests and were willing to be involved in any jobs or volunteer works. To increase levels of participation, relevant income generating activities should be promoted. Ecotourism was a preferred option as local residents could gain tourist dollars based on their protection of natural resources and through services such as guiding, traditional performances, local product sales and homestays. Further, park authorities benefit from park entry fees (Sirivong and Toshiyuki Tsuchiya, 2012).

8.3 Results from the Management Effectiveness Tracking Tool for Protected Areas (METT)

In September 2020, almost a decade after Sirivong & Tsuchiya research, an assessment was conducted using the Management Effectiveness Tracking Tool for Protected Areas (METT) in PKK-NPA. The METT is based on assessment of the current situation in September 2020 and provide mid-term completion scores and end of project scores estimated by experts from development partners agencies including GIZ, WCS, IUCN, etc. as per required by GEF funding for all LLL Project sites. The table below displays the actual initial situation with the scenario predicted by the team of experts at the end of the project for (1) expected risks (10 indicators), (2) impacts (3 indicators) and (3) benefits or opportunities (2 indicators)\(^\text{11}\).

<table>
<thead>
<tr>
<th>Categories</th>
<th>Issues assessed</th>
<th>Initial situation Assessed</th>
<th>Estimated scores by team expert (predicted ranking) at end of project</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Risks</td>
<td>1.1 Management plan</td>
<td>There is no management plan for the protected area</td>
<td>A management plan exists and is being implemented</td>
</tr>
<tr>
<td></td>
<td>1.2 Staffing</td>
<td>Staff numbers are adequate for the management needs of the protected area</td>
<td>Staff numbers are below optimum level for critical management activities</td>
</tr>
<tr>
<td></td>
<td>1.3 Staffing skills</td>
<td>Staff training and skills are low relative to the needs of the protected area</td>
<td>Staff training and skills are adequate, but could be further improved to fully achieve the objectives of management</td>
</tr>
</tbody>
</table>

\(^{11}\text{The METT assessment form comprises of 30 questions and the actual assessment provided for the current situation and estimated scored for mid-term and project completion. The table above displays key indicators related to risks, impacts and potential benefits extracted from the METT assessment.}\)
| 1.4 Budgeting | The available budget is inadequate for basic management needs and presents a serious constraint to the capacity to manage | The available budget is acceptable but could be further improved to fully achieve effective management |
| 1.5 Budget secure | There is no secure budget for the protected area and management is wholly reliant on outside or highly variable funding | There is a reasonably secure core budget for regular operation of the protected area but many innovations and initiatives are reliant on outside funding |
| 1.6 Equipment | There are some equipment and facilities but these are inadequate for most management needs | There are adequate equipment and facilities |
| 1.7 Law enforcement | There are major deficiencies in staff capacity/resources to enforce protected area legislation and regulations (e.g. lack of skills, no patrol budget, lack of institutional support) | The staff have acceptable capacity/resources to enforce protected area legislation and regulations but some deficiencies remain |
| 1.8 Indigenous and traditional peoples, resident or regularly using the protected area input to management decisions? | Indigenous and traditional peoples have no input into decisions relating to the management of the protected area | Indigenous and traditional peoples directly participate in all relevant decisions relating to management, e.g. co-management |
| 1.9 Local communities, resident or near the protected area input to management decisions | Local communities have some input into discussions relating to management but no direct role in management | Local communities directly contribute to some relevant decisions relating to management but their involvement could be improved |
| 1.10 Monitoring and evaluation: Are management activities monitored against performance? | There is no monitoring and evaluation in the protected area | There is an agreed and implemented monitoring and evaluation system but results do not feed back into management |
| 2. Impacts on communities | 2.1 There is open communication and trust between local and/or indigenous people, stakeholders and protected area manager | No | Yes |
| 2.2 Programs to enhance community welfare, while conserving protected area resources, are being implemented | No | Yes |
| 2.3 Local and/or indigenous people actively support the protected area | No | Yes |
| 3. Economic benefits/opportunities | 3.1 The protected area providing economic benefits to local communities, e.g. income, employment, payment for environmental services? | The protected area does not deliver any economic benefits to local communities | There is some flow of economic benefits to local communities |
| 3.2 Commercial tourism operators: Do commercial tourism operators contribute to protected area management? | There is little or no contact between managers and tourism operators using the protected area | There is good co-operation between managers and tourism operators to enhance visitor experiences, and maintain protected area values |

Source: Adapted from “Management Effectiveness Tracking Tool for Protected Areas. Tracking Tool for GEF-7 Protected Area Projects in the Biodiversity Focal Area,” September 2020.

8.3.1 Current situation in regards to risks, impacts and potential benefits in the PKK-NPA.
The optimistic views and high level of villagers’ satisfaction in regards to the management of the PKK-NPA reported in 2012 are far from reflecting the dramatic situation recently assessed and reported by the METT.

**Risks:** The current situation revealed the absence of management plan for the PKK-NPA. Army staffs are underqualified and there is a lack of financial resources. The assessment pointed out to deficiencies in staff capacity/resources to enforce protected area legislation and regulations and lack of community participation in decisions related to the management of the PKK-NPA.

**Impacts:** The assessment reported a lack of communication and trust between local and/or indigenous people, stakeholders and protected area managers; there is a lack of program, investments or development opportunities to enhance community welfare, while conserving protected area resources and lack of Local and/or indigenous people actively supporting the protected area.

**Benefits/opportunities:** Currently the PKK-NPA does not deliver any economic benefits to local communities (income, employment, payment for environmental services) and there is little or no contact between managers and tourism operators using the protected area.

### 8.4 Consultation regarding the transition from NPA to National Park in 3 provinces

In September 2020, consultations were conducted in Xaysomboun, Vientiane and Bolikhamsay Provinces regarding the upgrading of the PKK National Protected Areas (NPA) to the status of National Park (NP). In all three provinces, bottom up approach empowered participants to provide inputs and comments (on the strategy to adopt, budget issues, modalities of coordination, priority activities, etc) that were send to the forestry division of the PAFO for revision as basis for discussion with technical staffs art central level and feed in the process of consultation at MAF for consideration in preparing the national decree in setting up the National Park including also estimated budget for 2021-2030 for the management, conservation and the development of ecotourism with participation of local communities.

### 8.5 Identification of risks and impacts from field visit in three districts

In October 2020, the Department of Forestry (DoF) conducted a Security Risk Assessment (SRA) in the PKK-NPA. Three teams were sent to the field: one in Thulakhom district in Vientiane Province, one in Pak Ngum district in Vientiane Prefecture and one in Hom district in Xaysomboun Province. Each team is composed of DOF staff, PA staff at central level; one PAFO and one DAFO representative to ensure ownership and transparency. Each team is led by one National Consultant (VLD-NC).

They interviewed DAFO representatives (forestry section), army representatives and also visited 7 villages (one village per each of the three village typologies in each location. (Type 1: inside PKK-NPA; Type 2: outside/land and resources inside the PKK-NPA; Type 3: outside, boundaries touch, no land but other resources inside (overlapping)).

- 3 villages in Thulakhom district in Vientiane Province (type 1, type 2 and type 3)
- 2 villages in Pak Ngum district in Vientiane Prefecture (type 2 and type 3)
- 2 villages in Hom district in Xaysomboun province (type 2 and type 3)

Criterions for village selection include: (1) villages that has benefited from external support, (2) village who are resource rich (forest, mining, hydropower), (3) village close to forests, (4)
village with ecotourism activities, and (5) villages located near army area. Five ethnic groups live in the 8 villages visited and 3 ethnic group that meet the WB Indigenous People definition (Hmong, Khmu and Iu-Hmien) are found in 4 of the villages visited. In total, 52 people (including 5 women) were interviewed or participated in the Focus Group Discussions including 36 villages representatives, 10 DAFO staffs and 7 military personnel.

In addition to the interview guidelines, each team will use a matrix for community representatives to rank the risks and impacts (from very low to very high) and inventory all relevant mitigation measures related to each category. The table below display the details about the village visited.

*Table 6: Areas visited during the Security Risk Assessment in the PKK-NPA*

<table>
<thead>
<tr>
<th>Province</th>
<th>District</th>
<th>No.</th>
<th>Name of Village</th>
<th>Village cluster</th>
<th>Ethnic group</th>
<th>No of HHs</th>
<th>No of persons</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vientiane Province</td>
<td>Thoulakhom</td>
<td>1</td>
<td>NaGnang</td>
<td>Na Pheang</td>
<td>Lao</td>
<td>96</td>
<td>474</td>
<td>Outside</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2</td>
<td>Vang Hua</td>
<td>Na Pheang</td>
<td>Hmong, Lao</td>
<td>438</td>
<td>3,323</td>
<td>Inside</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3</td>
<td>NaWa</td>
<td>Na Pheang</td>
<td>Lao</td>
<td>499</td>
<td>2,337</td>
<td>Overlap</td>
</tr>
<tr>
<td>Vientiane Prefecture</td>
<td>Pak Ngum</td>
<td>4</td>
<td>Thaxienelae</td>
<td>Sin Xay</td>
<td>Lao</td>
<td>95</td>
<td>933</td>
<td>Outside</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5</td>
<td>Nonh</td>
<td>Sin Xay</td>
<td>Lao</td>
<td>135</td>
<td>678</td>
<td>Overlap</td>
</tr>
<tr>
<td>Xaysomboun Province</td>
<td>Hom</td>
<td>6</td>
<td>Pha-Anh</td>
<td>Phou Katha</td>
<td>Iu Mien, Hmong, Lao, Khmu, TaiDeng</td>
<td>110</td>
<td>740</td>
<td>Outside</td>
</tr>
<tr>
<td></td>
<td></td>
<td>7</td>
<td>Phou Katha</td>
<td>Phou Katha</td>
<td>Iu Mien, Hmong, Lao, Khmu</td>
<td>133</td>
<td>1,075</td>
<td>Overlap</td>
</tr>
<tr>
<td></td>
<td></td>
<td>8</td>
<td>Namtouy</td>
<td>Phou Katha</td>
<td>Hmong</td>
<td>93</td>
<td>661</td>
<td>Overlap</td>
</tr>
<tr>
<td>3 provinces</td>
<td>3 districts</td>
<td>8</td>
<td>3 villages</td>
<td>3 village clusters</td>
<td>5 ethnic groups</td>
<td>1,599</td>
<td>10,221</td>
<td>3</td>
</tr>
</tbody>
</table>

Interview army representative in Thoulakhom district
8.5.1 Social risks and impacts of the Army involvement in forest management in the PKK-NPA

The interviews with representatives from DAFO and the army and Focus Group Discussions with communities’ representatives, consistently indicated that the risks and impacts of the army involvement in forest management in the PKK-NPA in regards to human rights, infrastructure and equipment design and safety, traffic and road safety, community Exposure to Health Issues and management and safety of hazardous materials remains **very low**.

The assessment provided an opportunity to make reasonable inquiries to ensure that those providing security were not implicated in past abuse. The risks and impacts of the military presence on human rights: Gender-based Violence (GBV), rape, Violence against Children (VAC), or toward vulnerable households have been ranked **very low** and no cases have ever been reported in the areas visited. In Nagnang and Vanghua, risks and impacts of military personnel abuse was ranked low.

In regards to health, risks and impacts related to communicable diseases and sexually transmitted diseases were also ranked as **very low**.

Nagnang village ranked the impact of military infrastructure design and safety, road traffic and hazardous material as **low** (compared to **very low** for all other communities).

The very low ranking of social risks can be explained by strict effective legal reinforcement of military regulations and code of conduct in force as discussed in the below section of Opportunities based on the national regulatory framework. The lack of permanent physical presence in many of the areas visited due to budget limitations and also in line with the strategy to focus on setting up check points on the access roads instead of patrolling in the forest also diminish the interactions with the local communities and related social risks.

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12 This refer to the risks associated to any military installations, equipment or infrastructure in the area.
8.5.2 Environmental risks and impacts of the Army involvement in forest management in the PKK-NPA

In Hom and Thoulakhom district, the informants’ assessments tended to minimize the extent of the involvement of the military in deforestation, forest degradation, illegal logging or general impact on biodiversity and wildlife. This is obviously due to the sensitivity of the issues but other elements need to be taken into account including the location of the military within the PKK-NPA or the distance from the village visited during the field visit. Out of 7 villages visited, only Vanghua (located inside the PKK-NPA) as a military camp right beside the village.

Indirectly, the lack of budget and insufficiency of military personnel, the lack of regular patrolling of forested and biodiversity rich hotspots and low capacity to enforce the law all contribute to explain deforestation, degradation and the loss of rich biodiversity value.

In Vientiane Prefecture, villagers reported that under military management of the PKK-NPA, deforestation related to livestock husbandry is widespread and is associated to forest fire, and illegal logging and the trails used to access the grazing pastured are also used to extract and transport timber and according to villages this could not happen without the military personnel approval. If timber could not be moved then this would surely reduce the risks of illegal logging. The sound of a chainsaw is loud enough for all to hear but still illegal logging of trees occurs inside the PKK-NPA. In the past, the one villager who reported illegal activities to the authorities suffered retaliation; his rice harvest was burned to ashes. This resulted in a climate of fear and nobody dares to report any illegal activities to the authorities.

Some people are still involved in illegal logging and some people are still able to bypass the checkpoints; settlements are increasing and farmers can still deforest and release their animals and implement other production activities inside the PKK-NPA. The forest cover is reducing, trees are illegally harvested and flat pasture areas are burned resulting in huge biodiversity loss.

The military have opted for a strategy emphasizing setting up check point on every single road access to the PKK-NPA at the expense of patrolling and village representative estimate that this gap on one hand enables illegal logging as there is less control inside the forest and on the other hand, timber still finds its way out the PKK-NPA through those guarded roads. Despite patrolling, the forest is still being cut down and the use of fire to burn grass so herds of cattle can eat tender grass is still widespread.

Basically, the deforestation these days is far worse that in the past and with the current trend there will be no trees left standing. Village representatives reported that 20 years ago the district empowered the communities to manage their forest and the forest was still abundant as all would be empowered and felt collectively responsible in conserving the forest and also elaborated regulations to ensure sustainable forest management. After that the PKK-NPA felt under military management, villagers lost ownership and this led to illegal logging, forest degradation and deforestation as we see today.

Village leaders unanimously stated that livelihood development support for poor households or the development of ecotourism would be a game changer in reducing illegal activities inside the PKK-NPA as the current situation is characterized by the unavailability of livelihood alternatives, where villagers - especially the poorest ones – have no other options than relying on the surrounding natural resources to make a living.

The participatory ranking exercise conducted at community level of the level on the risks and impacts of the army involvement in PKK-NPA allowed to capture the both risks and impacts
associated with military involvement or lack of involvement in environmental degradation including deforestation, loss of biodiversity and wildlife.

Very high, high impact and high risks

- **Very high impacts** on forest, biodiversity and wildlife took place in Paheng, Phoukata and Namthoy villages in Hom district in Xaysomboun province.
- **High impact** on forest, biodiversity and wildlife also took place in None village in PakNgum district in Vientiane Prefecture.
- Forest, biodiversity and wildlife are perceived to be at **high risks** in the same communities.
- Forest, biodiversity and wildlife are ranked at **medium risks and impacts** in Nava village in Thoulaknom district in Vientiane province.
- Vanghua and Nagnang villages display **very low risks and impacts** on forest and wildlife and **low** risks and impacts on biodiversity.

8.5.3 Summary of Risks and Impacts

The involvement of the military in the management of the PKK-NPA appears not to entail significant risks or impacts with respect to human rights, health issues, infrastructure design, road safety, or the handling of hazardous materials, and they are not expected to be serious management issues for the LLL project. Diversion of resources (e.g. financial assistance provided by the government or donors) did not come up in the interviews as there had not been any potential cases.

There are significant impacts on the natural resources in the PKK-NPA, but they are not necessarily related to military presence in the area. Rather, they may be indications of more general governance issues; the same problems could emerge under non-military management as well. Lack of resources to implement proper management or limited consultations and engagements with the local people are widespread problems affecting areas managed by military and non-military entities alike. Similarly, corruption can occur anywhere in the administration.

However, when DoF was managing PKK-NPA before the military, it appears that the local population felt more empowered, and had a stronger sense of ownership over the forest resources. This could be a reflection of the traditional command-style management in the military units. On the other hand, with proper training and resources the units involved in non-military activities such as protected area management, could gradually adopt a more participatory approach involving both representatives of the forestry administration and villagers. Increased involvement of the military in law enforcement could significantly increase its effectiveness.

The most significant difference between military and non-military management is the widespread perception that regular monitoring and law enforcement structures are less effective in handling incidents involving the military. This is potentially a significant risk in areas managed by the military such as PKK-NPA. However, the legal framework provides several tools to mitigate these risks and by implementing them effectively many of the negative impacts can be avoided.

The potential mitigation measures discussed in more detail in the following chapter.
Table 7: Risks and Impacts matrix

<table>
<thead>
<tr>
<th>Category</th>
<th>Details</th>
<th>Vientiane province</th>
<th>Vientiane PRA</th>
<th>Xaysomboun province</th>
</tr>
</thead>
<tbody>
<tr>
<td>Human rights</td>
<td>VAC</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>VAW</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Vulnerable</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rape</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Infrastructure and equipment design and hazardous materials</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traffic and road safety</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health issues</td>
<td>communicable diseases</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>sexually-transmitted diseases</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natural</td>
<td>Timber</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Biodiversity</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wild animals</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Remark: Significance of the colours used to rank the intensity of risks and impacts

**Very low** | **Low** | **Medium** | **High** | **Very high**

**IX. Appropriate mitigations measures to mitigate and manage risks and impacts**

9.1 Involvement of the army in PAs: a strategic recommendation of the Master Plan for the National Protected Areas of the Lao PDR 2020-2025

The Master Plan for the National Protected Areas of the Lao PDR 2020-2025\(^{13}\) propose a series of recommendations including the involvement of the army in the Protected Areas. In regards to law enforcement issues, the Management Offices should proactively work with the enforcement agencies, including the army, to strengthen protection of the reserves; district technical teams of law enforcement partners should be established. Memorandums of Understandings should be made with the provincial army authorities on enforcement engagement in all transboundary sites.

Regarding transboundary co-operation, the Master Plan also recommends that the Protected Area Management Division should focus dedicated attention on the role of the army in transboundary protection, and work to strengthen their involvement in protection of the reserves.

It also recommends to promote formal collaboration with the border army units on law enforcement activities in protected areas, as the foundation for a Memorandum of Understanding between the Department of Forestry/MAF and the Ministry of Defense on law enforcement in the National Strategic Zone. It is important that the role of the army in implementing the Decree on the National Defense Strategic Zone is considered, particularly

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\(^{13}\) The Master Plan for the National Protected Areas of the Lao PDR 2020-2025, Department of Forestry, Ministry of Agriculture and Forestry, 2020.
as transboundary snaring is recognized as the most significant threat to the integrity of the biodiversity in the Annamites.

9.2 Opportunities based on the national regulatory framework

The regulatory framework including laws, decrees and orders provide guidance on disciplinary issues and conduct that soldiers and military leaders should comply with including national laws. LLL project can rely on these laws and regulations as this framework ensures that military personnel involved or based in the PPP-NPA must behave with high ethical standard, avoid abuse, corruption and display irreprovable behaviour. Three of the main legal instruments that are relevant to minimize risks and impacts of military involvement in forest management in PKK-NPA include the article 31 and 32 of the amended Constitution, the Law on the prevention and suppression of the corruption (2015) and the code of conduct for military leaders inscribe in the article 29 and 31 of the Law on the National Defense Obligation No.02/90 (1995).

Chapter 3 of the Lao Constitution on National Defense and Security

Article 31. (New) National defense and security are duties of the national defense and security forces. They are the obligations of all organizations and Lao citizens who must protect the independence, sovereignty and territorial integrity of the nation, protecting lives and people's property, and ensuring a stable and sustainable people's democracy. National defense and security are carried out in parallel with socioeconomic development.

Article 32. (New) The national defense and security forces must improve and strengthen themselves, enhance their loyalty to the nation, serve as the people's military force with real revolutionary spirit, observe strict rules and modern plans having high military competence, and be the main forces to ensure national stability, peace and social order.

9.2.1 The law on the prevention and suppression of the corruption

The law on anti-corruption No.03 Vientiane, dated 20th May 2015 defines principles, rules, and measures for the prevention and countering of corruption in order to ensure that the property of the State and society and the rights and interests of citizens are not damaged, embezzled, or swindled; to subject offenders to legal proceedings and to protect those who are innocent, with the aims of strengthening State organizations increasing transparency, strengthening the ability to inspect at all times, and achieving political stability, a stable and progressive economy, public security, public order, and justice.

Corruption is the act of an official who opportunistically uses his position, powers, and duties to embezzle, swindle or receive bribes or any other act provided for in Article 10 of this law, which act is committed to benefit himself or his family, relatives, friends, clan or group and causes damage to the interests of the State and society or to the rights and interests of citizens. The official stipulated in this law means leaders at all levels, administrative staff, technical staff, the staff of State enterprises, civil servants, soldiers, police officers, including chiefs of villages and persons who are officially authorized and assigned to exercise any right or duty.

The measures for prevention of corruption refer to the role model of leaders and duties of the state. The government staff at all levels, especially the leaders, shall act as role models in the strict implementation of the laws and regulations and shall lead in having transparent lifestyles and shall engage in no corruption. In the prevention of corruption, the State has the following duties: 1. To educate the public to respect and strictly comply with the laws and
regulations. 2. To improve governance mechanisms to ensure [that they are] good, effective and transparent. 3. To define and implement policies towards government staff at each level clearly and to ensure proper living conditions. 4. To strictly and immediately impose discipline and punishment on offenders charged with corruption. 5. To promote the public, mass media, and social organizations to participate in the prevention and countering of corruption according to regulations.

In addition, the party organizations, the state organizations, the Lao Front for National Construction, mass organizations, and social organizations, at all levels from central to local level, including State-owned enterprises, shall implement their assigned roles, rights, and duties completely, strictly, and immediately, shall provide evaluation and feedback to each other on the performance of functions by their government staff, shall conduct regular education campaigns, and shall coordinate with concerned sectors to prevent, counter and deal with corruption within the scope of their responsibilities.

9.2.2 The law on the National Defense Obligation No.02/90

The law on the National Defense Obligation No.02/90 Vientiane, dated 8th March 1995, defines principles, regulations, policies and measures concerning national defense obligations, aiming to mobilize the people of all ethnic groups to contribute to the maintenance of national defense and security, to strengthen and develop the armed forces in all aspects to be capable of safeguarding the nation, and to create conditions favorable for national development and construction (according to the article 36 in the Lao PDR constitution).

Code of conduct for military leaders

Article 29. Prohibitions on Military Leaders

Prohibitions on military leaders are as follows: 1. It is prohibited [for military leaders] to violate the laws and regulations of the State, the regulations of the armed forces and the fine customs and traditions of the multi-ethnic people; 2. It is prohibited [for military leaders] to issue orders, regulations, and policies that are in conflict with the laws, or orders or regulations issued by higher authorities; 3. It is prohibited [for military leaders] to desert, or to fail to implement resolutions or orders of higher authorities; 4. It is prohibited [for military leaders] to abuse their power, duty or authority; 5. It is prohibited [for military leaders] to abuse their power, duty, or authority for personal interests; 6. It is prohibited [for military leaders] to take away weapons, ammunition, military uniforms and official military documents for other people to lease or use without authorization from the concerned organizations. In addition, military leaders shall implement other prohibitions as defined by the Party and the State.

Article 31. Discipline Towards Military Leaders

Military leaders who violate the regulations or code of conduct of the Lao People’s Defense Force shall be subject to administrative discipline depending on the severity of the case, such as: to be criticized, warned, suspended from promotion, transferred, or demoted, and to be retrenched and receive policies according to the last rank or to be dismissed from the armed forces without receiving any policies. Military leaders who commit offences under the Penal Law causing damage to other persons will be subject to legal proceedings in accordance with the laws. Military leaders who intentionally commit an offence and who are sentenced by a final decision of a court to deprivation of liberty of eighteen months or more will lose the right to be military leaders. In the case where the

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offence is committed negligently, the rank of such military leaders will be reconsidered, as appropriate.

9.2.3 The law on Handling of Petitions

The law on Handling of Petitions No.07/SCNA Vientiane, dated 9th November 2005 defines principles, regulations and measures relating to petitions and to dealing with the petitions of citizens or organizations in accordance with the laws and regulations, with the aims of strengthening the people’s democracy and justice in the Lao People’s Democratic Republic, of protecting the interests of the State [and] collectives, and the rights and legitimate benefits of citizens in order to ensure public order, justice and prosperity.

There are three types of petitions: 1. A petition that is presented to a State administrative authority is called a request. 2. A petition that is presented to an investigation organization. 4. A petition to the Office of the Public Prosecutor 5 or the People’s Courts is called a claim. 3. A petition that is presented to the National Assembly is called a petition for justice.

There are three authorities dealing with petitions including 1. administrative organizations (editing the present) 2. court, the office of attorney general, investigative organization (admit and consider the edition of accusation) 3. The national assembly (admits and considers the accusation for judgment).

Party organizations, State organizations, the Lao Front for National Construction, mass organizations, the Union of Former Army Officers, and other social organizations shall make arrangements to receive any petitioner who brings a petition, makes a statement or reports on issues affecting the interests of the State and collectives, or his own rights and legitimate benefits. The concerned sectors shall organize their personnel to receive petitioners. The heads of concerned sectors also have to allocate time to meet petitioners in person as appropriate.

9.3 Preventive measures

9.3.1 Screening process
Investigate and screening process to confirm that military personnel have not engaged in past unlawful or abusive behavior, including sexual exploitation and abuse (SEA), sexual harassment (SH) or excessive use of force;

9.3.2 Communicate regularly with different levels within the armed forces

- Establish a working relationship with military forces representatives at different levels and hold regular meetings to discuss security and human rights.
- Develop institutional relationships with the ministry of defense.
- Build trust with the armed forces. An effective way of doing this is by recognizing good performance and professional conduct among personnel assigned to company operations (e.g. forward special commendations and letters of recognition through the chain of command to those deserving recognition).
- Use language carefully. Talk of “professionalization” and emphasize the objective of helping security institutions deliver a better service. “Improved effectiveness is often a key argument for winning local support”. Appeal to values such as “operational excellence” or “best practice”.
- Establish formal and consistent reporting and communications mechanisms with the armed forces.
• The LLL project will document all engagement efforts and events with military personnel, whether or not they are successful (e.g., in a basic meeting log with dates, attendees, and key topics).

• Commitment to proportionate use of force. If possible, the project will promote principles regarding the use of force, so that the force is used only when it is clearly for preventive and defensive purposes, in proportion to the nature and extent of the threat. In carrying out their duty, the security personnel will apply non-violent means before resorting to the use of force and firearms as far as possible.

9.4 Mitigations measures to address potentials risks

Potentially negative environmental risks and impacts identified for the LLL Project can be avoided, minimized and mitigated in various ways. The ESMF proposes potential mitigations measures and instruments for all anticipated environmental and social risks and impacts for all project sites. The section below list potential measures to specifically address the risks and impacts associated to the involvement of the army in the PKK-NPA.

9.4.1 Training/capacity building

• Support training programs for trainers of public security forces. Conduct Training of Trainers (ToT) for military personnel since they are better placed to communicate the content of training in a way that trainees can relate to. Furthermore, public security forces are much more likely to take the training seriously if it is a colleague or someone on their chain of command delivering the training.

• Carry out start-up training and annual refresher courses to the military personnel, on a regular basis, on the use of force and appropriate behavior and conduct as set out in the CEF, SEP and ESMF (with greater emphasis on ESS4 requirements) including protocol for community engagement and reporting procedures and channels including grievance redress, code of conduct, GBV, VAC, etc. NCAWMC has in the past disseminated CEDAW and Law on Combating and Preventing Violence against Women and Children among military officers should be involved as the LFND and the DoEA on ethic issues.

• Ensure host communities are well informed on the conduct expected from the security personnel and are educated on the GRM to ensure any form of misconduct by the security personnel is reported.

• Restrict residence time for the security personnel in the community to the time of the activity only, and ensure they drive in and out immediately before and after.

9.4.2 Code of Conduct

• Code of Conduct is a standard risk management measure for the use of security forces. All stakeholders involved in the LLL Project are personally and collectively responsible for upholding and promoting the highest standards of ethical and professional conduct and be required to read, understand, sign and commit to the Project Code of Conduct (See Annex 14 of the ESMF).
9.4.3 Law Enforcement

- Resources should be deployed to support law enforcement especially in terms of logistical means for patrolling, strategic check points to control timber transport and prosecution of perpetrator.
- The project should set up reporting system that would ensure that that the anonymity of the informant is strictly preserve to avoid any form of retaliation.
- Village level stakeholders should be empowered in the process of law enforcement in terms of prerogative to arrest, seize illegal timber, high value NTFPs or endangered species and report to the relevant authorities.

9.5 Mitigations measures to mitigate and manage impacts

9.5.1 Grievance mechanisms

- Any conflicts should be reported to the Grievance Redress Mechanism set up by the project. Stakeholders at all level from central to community level should be made aware of the GRM in place.
- The project will reach out and engage responsible fiduciary agencies to investigate all allegations of unlawful or abusive acts of army personnel, take action (or urge appropriate parties to take action) to prevent recurrence, and report unlawful and abusive acts to public authorities.

9.6 Recommendations to improve the quality of military involvement in forest conservation

Military personnel interviewed listed the main challenges they face in implementing their duty of forest management and conservation in the PKK-NPA. This include lack of participation of poorest households, drug addict and ethnic communities, retaliation against informants who reported illegal activities, and lack of participation of men involved in illegal activities during awareness raising campaigns at community level, etc.

9.6.1 Capacity building

During the Security Impact Assessment, consultation with army representatives allowed to prioritize capacity building needs. In PakNgum district, military personnel wish to be trained in GPS use and mapping. District and provincial army staff involved in the PKK-NPA and located in the target areas should be invited to participate in trainings about Community Engagement, ESF, etc. to ensure that they are aware of and comply with the various ESF requirements.

9.6.2 Coordination issues

The article 28 of the Guideline on Collaborative Management in National Protected Areas titled “Types of District “technical teams” for supporting collaborative management within a National Protected Area” advise that the army should be involved in the district technical team for law enforcement.

9.6.3 Entry point for supporting army involvement in sustainable management of protection forest

The Guideline on NPA management Office (2018) mentions that the army should be also involved in the interagency Law Enforcement technical teams (working groups) in each district,
which should comprise of the Heads of the patrolling teams, other law enforcement agencies (police, army) and heads of village patrol groups, as appropriate.15

9.6.4 The Collaborative management of a National Protected Area at the district level

Under the Decree on Protected Areas (No.134/G) dated 13th May 2015, a National Protected Area Management Office is requested to collaborate with concerned district partners on a number of protected area activities. These activities comprise management planning including zoning land use planning (article 17), boundary demarcation (article 18), inspection and patrolling (article 19), forest regeneration (article 20), prevention of forest fires (article 21), on outreach (article 23) and on ecotourism (article 24).

The article 28 defines the composition of the Law enforcement team which should comprise the Deputy Director of the National Protected Area, his senior enforcement staff and heads of patrol teams, as well as district enforcement agency partners including the Department of Forest Inspection, Police, Army, and Justice.16

Villagers in PakNgum district firmly believe that collaborative management of the forest and natural resources by setting up committee comprised of military personnel, district stakeholders and village Forest Committee could effectively solve the problem of illegal logging, deforestation and other activities detrimental to the environment in the PKK-NPA.

9.6.5 Monitoring and reporting

Monitoring and reporting: Security performance will be monitored on an ongoing basis. This will include a section on "incident review and analysis", which will detail the procedures and responsibilities on how security incidents are reported will be reviewed.

Monitoring will be conducted to avoid diversion of materials, aid and assistance. Diversion can take the form of confiscations and re-use, misappropriation and theft.

Incident reporting. The LLL Project will prepare an incident report documenting any incident involving military personnel that involves the use of any weapon, which includes the firing of weapons under any circumstance (except authorized training), any escalation of force, damage to equipment or injury to persons, attacks, criminal acts, traffic accidents, and will conduct an inquiry in order to determine the following:

a) time and location of the incident;
b) identity and nationality of any persons involved including their addresses and other contact details;
c) injuries/damage sustained;
d) circumstances leading up to the incident; and
e) any measures taken by the project in response to it.

Conclusion

Military in command

15 Guideline on the Organizational Arrangements and Responsibilities of the National Protected Area Management Office, DoF, MAF, 2018
16 Guideline 3 on Collaborative Management in National Protected Areas, DoF, MAF, 2018
On June 30, 1994, the management of the PKK-NPA was officially transferred from the ministry of Agriculture and Forestry to the Ministry of Defense. The MAF role was relegated to forestry technical support, financial support and vehicle. The Agreement No. #541 signed 10/04/2009 appoint the Regiment 941 in charge of the Phou Khao Khoay and Phou Pha Nang NPA. This agreement is the cornerstone which prescribes the military role and responsibility in management of the National Protected Areas in 2 NPAs around the national capital and it duly reminded State forest administrators and other government actors that the military’s entwined mandates of economic and political-administrative security ultimately trump their own management responsibilities.

In response, MAF prepared an official note explaining the 10 technical tasks that MoD should be implementing. In 2015 the Agreement 4663 line with the strategy of modernization of the Ministry of Defense and enforce the position of the 941 Regiment and increase staffing up to 1,800 people (about almost 1,000 people more compared to 2009).

Finally, the PM announcement No.#906 dated 21 August 2020 asks for clarification on the role and responsibilities between MAF and the Ministry of Defense concerning the management of PKK according to the relevant regulation and to maximize effectiveness of forest management and conservation.

Risk and impacts assessments in 2012 and 2020

In 2012 a team lead by Khamfeua Sirivongs and Toshiyuki Tsuchiya conducted a participatory research on relationship between local residents’ perceptions, attitudes and participation towards national protected areas conducted among 405 households living in four villages in the southern periphery of Phou Khao Khouay. Residents in villages that were a former army area, with ecotourism projects running, with higher income and near and on the main road, strongly supported the NPA development and overall, more than 50% of respondents in the research villages were very positive about the Phou Khao Khouay NPA.

In September 2020, almost a decade after Sirivong & Tsuchiya research, an assessment was conducted using the Management Effectiveness Tracking Tool for Protected Areas (METT) in PKK-NPA. The optimistic views and high level of villagers’ satisfaction in regards to the management of the PKK-NPA reported in 2012 are far from reflecting the dramatic situation recently assessed and reported by the METT.

Risks: The current situation revealed the absence of management plan for the PKK-NPA. Army staffs are underqualified and there is a lack of financial resources. The assessment pointed out to deficiencies in staff capacity/resources to enforce protected area legislation and regulations and lack of community participation in decisions related to the management of the PKK-NPA. Impacts: The assessment reported a lack of communication and trust between local and/or indigenous people, stakeholders and protected area managers; there is a lack of program, investments or development opportunities to enhance community welfare, while conserving protected area resources and lack of Local and/or indigenous people actively supporting the protected area. Benefits/opportunities: Currently the PKK-NPA does not deliver any economic benefits to local communities (income, employment, payment for environmental services) and there is little or no contact between managers and tourism operators using the protected area.

In October 2020, the Department of Forestry (DoF) conducted a Security Risk Assessment (SRA) in the PKK-NPA. The interviews with representatives from DAFO and the army and Focus Group Discussions with communities’ representatives, unanimously revealed that the risks and impacts of the army involvement in forest management in the PKK-NPA in regards to human rights, Infrastructure and equipment design and safety, traffic and road safety,
community Exposure to Health Issues and management and safety of hazardous materials remains very low.

On the other hand, the participatory ranking exercise conducted at community level on the environmental risks and impacts of the army involvement in PKK-NPA revealed very high impacts on forest, biodiversity and wildlife in Paheng, Phoukata and Namthoy villages in Hom district in Xaysomboun province and high impact on forest, biodiversity and wildlife also took place in Non village in PakNgum district in Vientiane Prefecture. Forest, biodiversity and wildlife are ranked at medium risks and impacts in Nava village in Thoulaknom district in Vientiane province.

The lack of budget and insufficiency of military personnel, the lack of regular patrolling of forested and biodiversity rich hotspots and low capacity to enforce the law all contribute to explain deforestation, degradation and the loss of rich biodiversity value. Informants reported that under military management of the PKK-NPA, deforestation related to livestock husbandry is widespread and is associated to forest fire, and illegal logging and the trails used to access the grazing pastured are also used to extract and transport timber and according to villages this could not happen without the military personnel approval.

Some people are still involved in illegal logging and some people are still able to bypass the checkpoints; settlements are increasing and farmers can still deforest and release their animal and implement other production activities inside the PKK-NPA. The forest cover is reducing, trees are illegally harvesting and flat pastures area are burned resulting in huge biodiversity loss.

The military have opted for a strategy emphasizing setting up check point on every single road access to the PKK-NPA at the expense of patrolling and village representative estimate that this gap allow illegal logging on one hand as there is less control inside the forest and on the other hand, timber still find its way out the PKK-NPA through those guarded roads. Despite patrolling, the forest is still being cut down and the use of fire to burn grass so herds of cattle can eat tender grass is still widespread.

Preventive measures

In terms of preventive measures, the regulatory framework including laws, decrees and orders provide guidance on disciplinary issues and conduct that soldiers and military leaders should comply with including national laws. LLL project can rely on those laws and regulations as this framework ensures that military personnel involved or based in the PPP-NPA must behave with high ethical standard, avoid abuse, corruption and display irreprovable behaviour.

The project should develop institutional relationships with the Ministry of Defense, communicate regularly with different levels within the armed forces and establish a working relationship with military forces representatives at different levels and hold regular meetings to discuss security and human rights and set up screening process to confirm that military personnel have not engaged in past unlawful or abusive behaviour, including sexual exploitation and abuse (SEA), sexual harassment (SH) or excessive use of force.

Mitigations measures to address potentials risks and impacts

Training/capacity building. The LLL project should support Training of Trainers (ToT) for trainers from public security forces as trainees are much more likely to take the training seriously if it is a colleague or someone on their chain of command delivering the training and carry out start-up training and annual refresher courses on the use of force and appropriate behaviour and conduct as set out in the CEF, SEP and ESMF. LLL should ensure that host
communities are well informed on the conduct expected from the security personnel and are educated on the GRM to ensure any form of misconduct by the security personnel is reported.

Law Enforcement remain a crucial issue and resources should be deployed to support law enforcement especially in terms of logistical means for patrolling, strategic check points to control timber transport and prosecution of perpetrator. The project should set up reporting system that would ensure that that the anonymity of the informant is strictly preserve to avoid any form of retaliation.

Mitigations measures to mitigate and manage impacts include that the project will reach out and engage responsible fiduciary agencies to investigate all allegations of unlawful or abusive acts of army personnel, and take action (or urge appropriate parties to take action) to prevent recurrence, and report on the unlawful and abusive acts to the local authorities. Any conflicts should be reported to the Grievance Redress Mechanism set up by the project. Stakeholders at all level from central to community level should be made aware of the GRM in place.

In terms of recommendations to improve the quality of military involvement in forest conservation, capacity building (both technical training and ESF related training), improved coordination and collaborative management of the forest and natural resources by engaging representative of the army in the project committee altogether with district stakeholders and village Forest Committee could effectively solve the problem of illegal logging, deforestation and other activities detrimental to the environment in the PKK-NPA.

Following the World Bank’s review and suggestion, a conflict risk assessment commensurate with the level of risk should be undertaken by a suitable NGO or other civil society organization. The chosen partner organization should examine the aforementioned conflict risks and review the potential impacts of security operations (forest patrols and checkpoints) on local communities. They should be directed towards community-based security solutions designed to promote local level collaboration and trust between security providers and local stakeholders, and encourage transparency and accountability in governance, thereby strengthening efforts to curb wildlife and forest crime. Any Project capacity building or logistical support to enhance service delivery of security providers in tackling crime should also be considered. The Voluntary Principles on Security and Human Rights (VPSHR) provides a strong framework of Good International Industrial Practice (GIIP) to assess the risks of engaging with security providers and provides guidance on such ‘equipment transfers’.

The CRA will also identify potential risks of land, social and ethnic related conflict that may be therefore increased due to restrictions of access to forest land, protected areas and forest products as a result of landscape management, conservation activities that will result in negative impacts on ‘natural-resource based livelihoods and customary land use and tenure of the local community and ethnic minority groups. Other risks that may contribute to increased conflict risks to be covered through the CRA include those emanating from ‘elite capture’ in land use planning, project benefit sharing and distribution of Village Livelihood Block Grant (VLBG) and the grant for the Most Vulnerable Households (MVH) and project personnel related incidents of Sexual Exploitation and Abuse (SEA); Gender-Based Violence (GBV); Sexually Transmitted Diseases (STD); and COVID-19 transmission.

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The CRA will prepare a local-level security Memorandum of Understanding (MOU) using a template provided in Appendix 8. The MOU comprises of: (1) the results of the conflict risk assessment and proposed locally-based mitigations, (2) efforts to promote multi-stakeholder cooperation around security and governance, (3) grievance reporting and investigation, (4) discuss and formalize additional measures to protect staff and employees in areas of high-banditry risk, (5) include mechanisms for security incident/crime reporting into the established multi-stakeholder group, and for promoting sensitive interventions (within the rule of law) by the relevant security apparatus, and (6) address clear prohibitions against any form of retaliation for raising grievances.

The CRA will also review the implementation guidelines for land use planning, VLBG and the grant for the MVHs, to be developed before the LLL project effectiveness and the existing community health and safety plan (CHSP) including COVID-19 preventative measures and GRM provided in the ESMF. This is to assess the adequacy and effectiveness of the process and procedures provided in the guidelines and CHSP and identify area to be improved and or measures to manage potential risks of increased conflicts over forest land and resources, distribution of VLBG and grant for MVHS.

A Terms of Reference (TOR) for Conflict Risk Assessment is provided in Annex 21 to ESMF.
Appendices

Appendix 1: Population statistic in the PKK-NPA

Population statistics and ethnicity for the two guardian villages in Keo Udom district, Vientiane province in Phou Khao Khouay National Protected Area.

<table>
<thead>
<tr>
<th>No.</th>
<th>Name of Village</th>
<th>Village cluster</th>
<th>Ethnic group</th>
<th>No of HHs</th>
<th>No of persons</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Huaypone.</td>
<td>Na Nam</td>
<td>Lao, Khmu, Lu Mien</td>
<td>31</td>
<td>161</td>
<td>Overlap</td>
</tr>
<tr>
<td>2</td>
<td>Mai Nagnaeng</td>
<td>Na Nam</td>
<td>Lao, Khmu, Lu Mien</td>
<td>79</td>
<td>659</td>
<td>Overlap</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>110</strong></td>
<td><strong>820</strong></td>
<td></td>
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Population statistics and ethnicity for the 10 guardian villages in Thulakhom district, Vientiane province in Phou Khao Khouay National Protected Area.

<table>
<thead>
<tr>
<th>No.</th>
<th>Name of Village</th>
<th>Village cluster</th>
<th>Ethnic group</th>
<th>No of HHs</th>
<th>No of persons</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Na-Ngeun</td>
<td>Na Pheang</td>
<td>Lao</td>
<td>257</td>
<td>1,126</td>
<td>Outside</td>
</tr>
<tr>
<td>2</td>
<td>NaGnang</td>
<td>Na Pheang</td>
<td>Lao</td>
<td>96</td>
<td>474</td>
<td>Outside</td>
</tr>
<tr>
<td>3</td>
<td>Phou Khao Khouay</td>
<td>Na Pheang</td>
<td>Hmong</td>
<td>154</td>
<td>1,046</td>
<td>Overlap</td>
</tr>
<tr>
<td>4</td>
<td>NamGnam</td>
<td>Na Pheang</td>
<td>Hmong, Lao</td>
<td>277</td>
<td>1,402</td>
<td>Overlap</td>
</tr>
<tr>
<td>5</td>
<td>Vang Hua</td>
<td>Na Pheang</td>
<td>Hmong, Lao</td>
<td>438</td>
<td>3,323</td>
<td>Inside</td>
</tr>
<tr>
<td>6</td>
<td>NaWa</td>
<td>Na Pheang</td>
<td>Lao</td>
<td>499</td>
<td>2,337</td>
<td>Overlap</td>
</tr>
<tr>
<td>7</td>
<td>PhonGnam</td>
<td>Na Fai</td>
<td>Lao</td>
<td>362</td>
<td>1,872</td>
<td>Overlap</td>
</tr>
<tr>
<td>8</td>
<td>Phonghong - Nafay</td>
<td>Na Fai</td>
<td>Lao</td>
<td>246</td>
<td>1,168</td>
<td>Overlap</td>
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<tr>
<td>9</td>
<td>NamAng</td>
<td>Na Fai</td>
<td>Lao</td>
<td>148</td>
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<td>10</td>
<td>Phou Khao Nang</td>
<td>Na Fai</td>
<td>Lu Mien</td>
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<td></td>
<td><strong>Total</strong></td>
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<td><strong>2,542</strong></td>
<td><strong>13,812</strong></td>
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</table>


Population statistics and ethnicity for the seven guardian villages in Xaythany district, Vientiane Prefecture in Phou Khao Khouay National Protected Area.

<table>
<thead>
<tr>
<th>No.</th>
<th>Name of Village</th>
<th>Village cluster</th>
<th>Ethnic group</th>
<th>No of HHs</th>
<th>No of persons</th>
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<td>Lao</td>
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Population statistics and ethnicity for the five guardian villages in Pak Ngum district, Vientiane Prefecture in Phou Khao Khouay National Protected Area.

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<th>No.</th>
<th>Name of Village</th>
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<th>No of HHs</th>
<th>No of persons</th>
<th>Location</th>
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<tbody>
<tr>
<td>1</td>
<td>Thaxienelae.</td>
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<td>Lao; Lu Mien; Hmong</td>
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<td>Outside</td>
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<td>Veunkabou</td>
<td>Sin Xay</td>
<td>Lao; Lu Mien; Tai Deng</td>
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<td>Nonh</td>
<td>Sin Xay</td>
<td>Lao</td>
<td>135</td>
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</tr>
<tr>
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Population statistics and ethnicity for the 19 guardian villages in Thaphabath district, Bolikhamxay Province in Phou Khao Khouay National Protected Area.

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<th>No.</th>
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<th>No of persons</th>
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<td>Lao</td>
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Population statistics and ethnicity for the 10 guardian villages in Long Xan district, Xaisomboon Province in Phou Khao Khouay National Protected Area.
<table>
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<th>No.</th>
<th>Name of Village</th>
<th>Village cluster</th>
<th>Ethnic group</th>
<th>No of HHs</th>
<th>No of persons</th>
<th>Location</th>
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<tbody>
<tr>
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<td>Thaheau</td>
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<td>Thamdin</td>
<td>Thedsaban</td>
<td>Hmong</td>
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<td>646</td>
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<td>Phoupaman</td>
<td>Thedsaban</td>
<td>Hmong</td>
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<td><strong>Total</strong></td>
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Population statistics and ethnicity for the three guardian villages in Hom district, Xaisomboon Province in Phou Khao Khouay National Protected Area.

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<th>No.</th>
<th>Name of Village</th>
<th>Village cluster</th>
<th>Ethnic group</th>
<th>No of HHs</th>
<th>No of persons</th>
<th>Location</th>
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<tbody>
<tr>
<td>1</td>
<td>Pha-Anh</td>
<td>Phou Katha</td>
<td>Lu Mien, Hmong, Lao, Khmu, TaiDeng</td>
<td>110</td>
<td>740</td>
<td>Outside</td>
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<tr>
<td>2</td>
<td>Phou Katha</td>
<td>Phou Katha</td>
<td>Lu Mien, Hmong, Lao, Khmu</td>
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<td>Overlap</td>
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<tr>
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<td>Phou Katha</td>
<td>Hmong</td>
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<td>Overlap</td>
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<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>Total</strong></td>
<td></td>
<td><strong>336</strong></td>
<td><strong>2,476</strong></td>
<td></td>
</tr>
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</table>

### Appendix 2: Villages visited during the field visit in three districts

#### List of target villages in the three selected districts

1. **Thulakhom (select 3 villages)**

<table>
<thead>
<tr>
<th>No.</th>
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<th>Village cluster</th>
<th>Ethnic group</th>
<th>No of HHs</th>
<th>No of persons</th>
<th>Location</th>
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<td>Na Pheang</td>
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<td>Na Fai</td>
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<td>Na Fai</td>
<td>Lu Mien</td>
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2. **Pak Ngum (select 2 villages)**

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<th>No of HHs</th>
<th>No of persons</th>
<th>Location</th>
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<tbody>
<tr>
<td>1</td>
<td>Thaxienelae.</td>
<td>Sin Xay</td>
<td>Lao</td>
<td>95</td>
<td>933</td>
<td>Outside</td>
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<td>2</td>
<td>Naxienelae</td>
<td>Sin Xay</td>
<td>Lao; Lu Mien; Hmong</td>
<td>175</td>
<td>923</td>
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<tr>
<td>3</td>
<td>Veunkabou</td>
<td>Sin Xay</td>
<td>Lao; Lu Mien; Tai Deng</td>
<td>286</td>
<td>1,448</td>
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<tr>
<td>4</td>
<td>Nonh</td>
<td>Sin Xay</td>
<td>Lao</td>
<td>135</td>
<td>678</td>
<td>Overlap</td>
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<tr>
<td>5</td>
<td>Thakok Hai</td>
<td>Sin Xay</td>
<td>Hmong; Lao</td>
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<tr>
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<td></td>
<td><strong>1,295</strong></td>
<td><strong>7,142</strong></td>
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3. **Hom district (select 2 villages)**

<table>
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<th>Village cluster</th>
<th>Ethnic group</th>
<th>No of HHs</th>
<th>No of persons</th>
<th>Location</th>
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<tbody>
<tr>
<td>1</td>
<td>Pha-Anh</td>
<td>Phou Katha</td>
<td>Lu Mien, Hmong, Lao, Khmu, Tai Deng</td>
<td>110</td>
<td>740</td>
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<tr>
<td>2</td>
<td>Phou Katha</td>
<td>Phou Katha</td>
<td>Lu Mien, Hmong, Lao, Khmu</td>
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<td>1,075</td>
<td>Overlap</td>
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<tr>
<td>3</td>
<td>Namtouy</td>
<td>Phou Katha</td>
<td>Hmong</td>
<td>93</td>
<td>661</td>
<td>Overlap</td>
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<tr>
<td></td>
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<td></td>
<td></td>
<td><strong>336</strong></td>
<td><strong>2,476</strong></td>
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Appendix 3: Interview guidelines for DAFO

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<td>Gender:</td>
</tr>
<tr>
<td>Position:</td>
<td>Ethnicity:</td>
</tr>
</tbody>
</table>

1. **Describe Army involvement in forest management in PKK-NPA**

- How is the military involved in the management of the PKK-NPA?
- What is the army role and responsibility in forest management in the PKK-NPA?
- How do you coordinate with the army in the PKK-NPA?
- Is the army involved in law enforcement?
- Is the army involved in ecotourism?
- Is the army member of the Advisory Technical Working Group on Protected Areas?
- Is the army member of the Livelihood Development for Conservation “Technical Team”?
- Is the army member of the Tourism Stakeholders Working Group?
- Is the army involved in biodiversity Research and Monitoring?
- Does the army participate to meeting with the National Protected Area Committee?
- How do you see the transition from the MoD to MAF?
- What are the benefits of the army involvement in forest conservation?
- What are the impacts of the army involvement in forest conservation?
- What are the risks of the army involvement in forest management in the PKK-NPA?
- What would you recommend to support the army involvement in sustainable management of living natural resources?

2. **Identify risks and impacts that the military involvement may have**

**Human rights**

- Did any conflicts involving security personnel occurred in your district and around the PKK-NPA?
- Did any issues related to Violence Against Children (VAC) involving security personnel occurred in your district and around the PKK-NPA?
- Did any issues related to Gender Based Violence (GBV) involving security personnel occurred in your district and around the PKK-NPA?
- Are there any risks triggered by the conduct of some army personal in the PKK-NPA?
- Are the army activities causing any impact on the forest, land or natural resources in the PKK-NPA?
- Are there risks for vulnerable households, single headed women, etc.?
- Are security personnel implicated in any past abuses?
- Have the army ever restricted communities access to land or involves in illegal logging and mining?

**Infrastructure and equipment design and safety**

- Are there any military constructed infrastructures that are unsafe in and around the PKK-NPA?
• Are there weapons stored that could lead to increase community risks?

Traffic and road safety
• Are there issues related to road safety involving military in and around the PKK-NPA?
• Are the army activities in and around the PKK-NPA a risk for road safety?

Community Exposure to Health Issues
• Are the army activities causing a risk or increase community exposure to health issues?
• Have there been any accidents caused by army operations in forest management in and around the PKK-NPA?
• Are the army activities and presence resulted in increased risks of communicable diseases and sexually-transmitted diseases (STDs), such as HIV/AIDS?

Management and safety of hazardous materials
• Is the army storage, transportation, and disposal of hazardous materials and wastes putting community at risks?

Forest and biodiversity
• What is the impact of the military in deforestation?
• What is the impact of the military in forest degradation?
• What is the impact of the military presence/involvement on timber?
• What is the impact of the military presence/involvement on biodiversity?
• What is the impact of the military presence/involvement on wild life?

Grievance redress
• Has someone ever reported unlawful or abusive acts involving militaries to appropriate authorities?
• Are there procedures for handling security-related allegations or incidents involving militaries in the PKK-NPA?

3. Recommendations
Mitigations measures
• What mitigations measures would you suggest to address the risks listed above?
• What mitigations measures would you suggest to address the impacts listed above?
• What recommendations would you formulate to improve the quality of Army involvement in conservation in the PKK-NPA?

4. Comments
• Do you have any concerns or comments you wish to share?
Appendix 4: Interview guidelines with community representatives

<table>
<thead>
<tr>
<th>Province:</th>
<th>District:</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Date:</td>
</tr>
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</table>

<table>
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<tr>
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<th>Ethnicity</th>
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<td></td>
</tr>
<tr>
<td>2</td>
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1. Can you describe the community past experiences and opinions on the Army’s involvement in the PAs?

2. What are the main benefits of potential contributions of the army to forest management and conservation in the PKK-NPA?

3. Identify risks and impacts that the military involvement may have.

Human rights
- Did any conflicts involving security personnel occurred in your community in and around the PKK-NPA?
- Did any issues related to VAC involving security personnel occurred in your community in and around the PKK-NPA?
- and around Are there any risks triggered by the conduct of some army personal in the PKK-NPA?
- Are the army activities causing any impact on the forest, land or natural resources in and around the PKK-NPA?
- Are there risks for vulnerable households, single headed women, etc.?
- Are security personnel implicated in any past abuses?
- Have the army ever restricted communities’ access to land or involves in illegal logging and mining?

Infrastructure and equipment design and safety
- Are there any military constructed infrastructures that are unsafe in and around the PKK-NPA?
- Are there weapons stored that could lead to increase community risks?
Traffic and road safety

- Are there issues related to road safety involving military in and around the PKK-NPA?
- Are the army activities in and around the PKK-NPA a risk for road safety?

Community Exposure to Health Issues

- Are the army activities causing a risk or increase community exposure to health issues?
- Have there been any accidents caused by army operations in forest management in and around the PKK-NPA?
- Are the army activities and presence resulted in increased risks of communicable diseases and sexually-transmitted diseases (STDs), such as HIV/AIDS?

Management and safety of hazardous materials

- Is there an army storage, transportation, or disposal of hazardous materials, wastes or weapons putting community at risks?

Forest and biodiversity

- What is the impact of the military in deforestation?
- What is the impact of the military in forest degradation?
- What is the impact of the military presence/involvement on timber?
- What is the impact of the military presence/involvement on biodiversity?
- What is the impact of the military presence/involvement on wild life?

Grievance redress

- Has someone ever reported unlawful or abusive acts involving militaries to appropriate authorities?
- Are there procedures for handling security-related allegations or incidents involving militaries in and around the PKK-NPA?

4. Mitigations measures

- What mitigations measures would you suggest to address the risks listed above?
- What mitigations measures would you suggest to address the impacts listed above?
- What recommendations would you formulate to improve the quality of Army involvement in conservation in the PKK-NPA?

5. Comments

- Do you have any concerns or comments you wish to share?
Appendix 5: Interview guidelines with representatives of the military

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<th>Province:</th>
<th>District:</th>
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<tr>
<td>Name:</td>
<td>Gender:</td>
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<tr>
<td>Position:</td>
<td>Ethnicity:</td>
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</table>

**Human resources**

- What is the role of the army in forest management in PKK-NPA?
- How many army personnel are involved and in which positions?
- Where are the personnel based?
- Is there any Code of Conduct for military personnel to follow?
- What are the sanctions for non-respect of this code?
- Is there any monitoring of the behavior of security Personnel in the PKK-NPA?
- Are the military personnel committed to avoid GBV, VAC, rights abuse?

**Role of the military in forest management in PKK-NPA?**

- How is the army involve in forest management/conservation?
- Is the army involved in forest restoration?
- Is the army involved in patrolling?
- What are the main challenges in the army involvement in forest management?
- What are the main benefits from the army involvement in forest management?
- How do you coordinate with the DAFO/PAFO/MAF?
- Is the army involved in law enforcement?
- Is the army involved in ecotourism?
- Is the army member of the Advisory Technical Working Group on Protected Areas?
- Is the army member of the Livelihood Development for Conservation “Technical Team”?
- Is the army member of the Tourism Stakeholders Working Group?
- Is the army involved in biodiversity Research and Monitoring?
- Does the army participate to meeting with the National Protected Area Committee?
- How do you see the transition from the MoD to MAF?

**Community engagement**

- How does the army engage with communities located inside or around the PKK-NPA?
- What is the relation with the village militia inside or around the PKK-NPA?
- Is the army involved in Outreach and Conservation Awareness raising?

**Conflict resolution/grievance mechanism**

- Have there been any conflicts involving military personnel and local communities?
- Have you received any complaints from communities?
- How do you usually deal with complaints?
- Is there an official grievance redress mechanism available to handle grievance?

**Support needed**

- Do you get financial support from donors?
- Do you get technical support from donors?
- What would be the priority needs for support in terms of capacity building?
- What would be the priority in terms of logistical support?
- How to improve the coordination with DAFO/PAFO/MAF?
## Appendix 6: Matrix: Risks and impact Assessments used at community level during the field visit

<table>
<thead>
<tr>
<th>Category</th>
<th>Details</th>
<th>Risks</th>
<th>Details</th>
<th>Impact</th>
<th>Details</th>
<th>Mitigation measures</th>
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<td>sexually-transmitted diseases</td>
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<td>Timber</td>
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<td>Wild animals</td>
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Province: ____________________ District: ____________________ Village: ____________________

Date: ____________________
Appendix 7: Terms of Reference 10/9/2020

Security Risk Assessment: Assessing and Managing Potential Risks and Impacts of Security Forces under the Lao Landscapes and Livelihoods project

Background

The Lao Landscapes and Livelihoods project (LLL) is under preparation by the Government of Lao PDR (GoL) and led by the Department of Forestry (DOF) under the Ministry of Agriculture and Forestry (MAF).

One of the investments being planned under LLL is support to the national protected area system, with specific support provided to up to 8 target protected areas. One of these protected areas is Phou Khao Khouay National Protected Area (PKK). PKK is currently managed by the Army of Lao PDR, although there is a directive from the Prime Minister Office dated 21st August 2020 to request the Ministry of Defence and the Ministry of Agriculture and Forestry to strengthen the management of the natural resources by implementing their respective mandates. In addition, the Army is present, but not responsible for managing, other protected areas with international borders.

Specific Army’s Involvements under the Project

The Army units will be involved in certain Project activities as “security personnel”, Project stakeholders and/or beneficiaries. The Army units will not implement any Project activities. The civil works related to development/maintenance of park infrastructure and facilities will be implemented and managed by the Department of Forestry. The Army’s involvement in the Project are as follows:

(iii) Army personnel may participate in joint park patrols and manage checkpoints and receive per diems for their work from the proceeds of Bank financing;

(iv) Army representatives may be invited as Project stakeholders to meetings and workshops aimed to enhance collaborative management of the protected areas.

Application of the World Bank’s Environmental and Social Framework (ESF)

LLL is subject to the fiduciary requirements of the Bank, including the ESF. In August 2016, the World Bank’s Board of Executive Directors approved the ESF, which went into effect in October 2018 and progressively replace the Bank’s Safeguards. The ESF protects people and the environment from potential risks and adverse impacts that could arise from Bank-financed projects, and promotes sustainable development.

Within the ESF, ESS1 addresses the need to assess environmental and social assessment risks and impacts, including those related to human security. ESS4 addresses the health, safety, and security risks and impacts on project-affected communities and the corresponding responsibility of Borrowers to avoid or minimize such risks and impacts, with particular attention to people who, because of their particular circumstances, may be vulnerable.
ESS4 also includes requirements for the Borrower to address when using security personnel under a Bank-financed project.

The World Bank’s Good Practice Notes (GPN) on the Use of Security Forces accompany the ESF to support its implementation. The Note focuses on assessing and managing the risks of the use of security personnel and provides support to project teams and environmental and social specialists as they work with Borrowers in assessing and managing risks to the human security of project-affected communities and project workers that could arise from the use or presence of security personnel that have been engaged to protect the project or related aspects.

Scope of work

The TOR defines the work needed to deliver an assessment that focuses on the security risks and potential impacts from the Army’s involvement in the Project as described above. The assessment outcomes to be included the ESF instruments being prepared will be reviewed and approved by the World Bank before appraisal of the project in November 2020.

Objectives of the work:

As required by ESS4, the aim of this work is to conduct the security risk assessment to identify potential risks that may be associated with the involvement of the Army of Lao PDR as mentioned above, especially in PKK, and provide a management framework for mitigating potential risks and impacts to ensure that “the safeguarding of personnel and property including land and natural resources is carried out in a manner that avoids or minimizes risks and adverse impacts on the project-affected communities” and reputational risk to the Bank, the Government of Lao PDR and the project itself (ESS4).

The assessment will include, but should not be limited to the following tasks:

- Describe the country context (e.g., conflict, criminality, governance/rule of law, physical environment, socio-economic situation);
- Identify national/local security issues (e.g., availability of security personnel, track record, including allegations with any link to abuse, and professional reputation of private security and public security personnel);
- Describe the PKK park area and arrangements for park management
- Desk-review and analyze the relevant national legislations and documents on military role and involvement in the protected areas;
- Desk review of procedures or codes of conduct that the Army personnel should follow in determining the use of force, confinement, search and seizure. Interview, obtain and learn from concerned stakeholders about their past experiences and opinions on the army involvement in PKK to identify potential risks and impacts that the military involvement may have on the project affected communities, and risk mitigation measures; expand the analysis to include a desk study on the situation in other protected areas in the country.
- In the context of PKK, conduct an analysis of contextual factors that could cause or exacerbate human security risks (for example, interactions between communities and security personnel can lead to tensions if the security personnel are involved in enforcing land acquisition and resettlement, protecting extractive industry sites, preventing access to cultural heritage sites, or transporting or disposing of solid or hazardous waste).
• Assess
  o risks from other external threats (e.g., to workforce/contractors at or in transit to remote construction sites) if relevant;
  o risks to human safety and security of assets perceived by community members, due to the presence of the project (including any private or public security);
  o risks to other workers from security personnel, including non-compliance with the Code of Conduct;
• Discuss and prioritize appropriate measures proposed to mitigate and manage risks and impacts identified with the concerned stakeholders;
• Identify potential opportunities to employ women in the security personnel for the project;
• Conduct an institutional and legal analysis that identifies potentially affected persons and groups, assesses potential impacts, in particular on those that are disadvantaged or vulnerable
• Prepare a report covering the security assessment outcomes and risk management framework to be shared with the World Bank for review. Main outcomes of the assessment will be included in the ESMF and CEF being prepared for submission to the World Bank for review and clearance.

**Deliverables:**

Week 1: Annotated outline of report addressing the objectives above
Week 2: Assessment including literature review and interviews with key stakeholders
Week 3: Draft report submitted to and discussed the World Bank with initial findings and risk mitigation measures to be included in relevant ESF documents (ESCP, SEP, ESMF and CEF) being prepared
Week 4: World Bank provides feedback on report
Week 5: Resubmission of report and inclusion of its final outcomes into relevant ESF documentation for LLL.

**Key materials** needed to prepare the annotated outline of the report and the report itself:
• World Bank 2020: TECHNICAL NOTE: USE OF MILITARY FORCES TO ASSIST IN COVID-19 OPERATIONS -- SUGGESTIONS ON HOW TO MITIGATE RISKS (please see this for specific terminology, questions and concepts to include in the assessment)
• ESS1 Guidance Note
• ESS4 Guidance Note
• Good Practice Notes (GPN) on the Use of Security Forces
• DOF 2019: PKK Fact Sheet
Appendix 8: Template: Memorandum of Understanding (MOU) on Security Risk Management

(provided in an Annex to ESMF as well as in the SRA report)

Lao People’s Democratic Republic
Peace Independence Democracy Unity Prosperity

Province: 
PFA: 
District: 
Village: 

Memorandum of Understanding (MOU) on Security Risk Management

1. IN ACCORDANCE WITH

- Amended Law on Forestry, No. 08/ NA, 13/06/2019
- Decree on Protected Areas, No. 134/ GoL, currently amended Law on Wildlife and Aquatic, No. 07/ NA, currently amended 24/12/2007
- Order on Strengthening Strictness of the Management and Inspection of Prohibited Wild Fauna and Flora, No. 05/ GoL, 08/05/2018
- Guideline on Collaborative Management in National Protected Areas
- The Master Plan for the National Protected Areas of the Lao PDR 2020-2025, Department of Forestry, Ministry of Agriculture and Forestry, 2020
- The Law on the prevention and suppression of the corruption (2015)
- The code of conduct for military leaders inscribe in the article 29 and 31 of the Law on the National Defense Obligation No.02/90 (1995).

2. OBJECTIVE
This MoU aims to provide locally-based mitigations measures and promote multi-stakeholder cooperation around security and governance between guardian villages, security personnel, District Agriculture and Forestry Office (DAFO) and the project. The MoU also prescribes modalities of grievance reporting and investigation as well as additional measures to protect staff and employees in areas of high-banditry risks.

3. MULTI STAKEHOLDERS COOPERATION AROUND SECURITY AND GOVERNANCE
Guardian villages
• All villagers will comply with the laws and regulations governing forest and land management and wildlife conservation and protection in accordance with laws, existing district by-laws, and provincial regulations (on which this agreement is based).

• The Village Forest and Livelihood Committee (VFLC) will engage in co-management of the NPA, implementation of plans and monitoring, enforcement of (Village Police) regulations and management of fines from violations that come under their jurisdiction.

• The Village Forest and Livelihood Committee (VFLC) will implement, monitor and enforce the regulations in the approved VLUP Agreement. The approved VLUP Agreement applies to all forests and lands in the Guardian Village’s Territory and includes the collection of fines from people for violating the regulations in the VLUP Agreement. The types and amounts of fines are shown in the VLUP Agreement.

• Village authorities are empowered in the process of law enforcement and can arrest, seize illegal timber, high value Non-Timber Forest Products (NTFPs) or endangered species and report to the relevant authorities.

The project

• Deploy resources to support law enforcement especially in terms of logistical means for patrolling, strategic check points to control timber transport and prosecution of perpetrator.

• The project should set up reporting system that would ensure that the anonymity of the informant is strictly preserved to avoid any form of retaliation.

• Empower village authorities in law enforcement activities to arrest, seize illegal timber, high value NTFPs or endangered species and report to the relevant authorities.

• Restrict residence time for the security personnel in the community to the time of the activity only, and ensure they drive in and out immediately before and after.

• Carry out start-up training and annual refresher courses to the military personnel, on a regular basis, on the use of force and appropriate behavior and conduct as set out in the Community Engagement Framework (CEF), Stakeholder Engagement Framework (SEP) and Environmental and Social Management Framework (ESMF) (with greater emphasis on Environmental and Social Standard 4 (ESS4) requirements) including protocol for community engagement and reporting procedures and channels including grievance redress, code of conduct to address and prevent potential risks of Gender Based Violence (GBV), Violence Against Children (VAC), etc.

• Informed the community on the conduct expected from the security personnel and are educated on the GRM to ensure any form of misconduct by the security personnel is reported.

Security personnel

• The Army units will be involved in certain Project activities as “security personnel”, Project stakeholders and/or beneficiaries.

• The Army units will not involve in management of any Project activities and the Project Resources. The civil works related to development/maintenance of park infrastructure and facilities will be implemented and managed by the Department of Forestry. The Army’s involvement in the Project are as follows:
  a) Army personnel may participate in joint park patrols and manage checkpoints
b) Participate in the interagency Law Enforcement technical teams which should comprise of the Heads of the patrolling teams, other law enforcement agencies (police, army) and heads of village patrol groups, as appropriate.

c) Military personnel involved or based in the PPP-NPA must behave with high ethical standard, avoid abuse, corruption and display irreprovable behaviour in compliance with the existing Code of Conduct applied by the Lao Army.

- Participate in training and annual refresher courses on the use of force and appropriate behaviour and conduct as set out in the CEF, SEP and ESMF including protocol for community engagement and reporting procedures and channels including grievance redress, code of conduct, GBV, VAC, etc.

4. GRIEVANCE REPORTING AND INVESTIGATIONS

- In the event that contract related grievances occur that cannot be resolved between the signatories of this agreement they will be addressed through the agreed to grievance mechanism starting with the Village Mediation Unit. If not satisfied with the outcomes, Complainants can take their grievance to the District Project Management Unit established in DoF or Provincial Project Management Unit under the Provincial Department of Agriculture and Forestry (PAFO). If still not satisfied Complainants can use existing government grievance channels or hotline direct call to the PAFO and the provincial assembly.

- The project will set up reporting system that would ensure that the anonymity of the informant is strictly preserve to avoid any form of retaliation.

- The project will ensure that host communities are well informed on the conduct expected from the security personnel and are educated on the GRM to ensure any form of misconduct by the security personnel is reported.

5. MEASURES TO PROTECT STAFF AND EMPLOYES IN AREAS OF HIGH-BANDITRY RISKS

In areas of high-banditry risks, the staff and employees may request military escorts for work-related travel. The areas and occasions where this may be implemented will be agreed on a case-by-case basis between the project and the military representatives. Community Health and Safety Measures and Code of Conduct must be observed by the security personnel during their escorts and joint visit to the areas of high-banditry risks.

6. MECHANISMS FOR SECURITY INCIDENT/CRIME REPORTING AND PROMOTING SENSITIVE INTERVENTIONS

- The project will reach out and engage responsible fiduciary agencies to investigate all allegations of unlawful or abusive acts of army personnel, and take action (or urge appropriate parties to take action) to prevent recurrence, and report the unlawful and abusive acts to the relevant authorities. Any conflicts should be reported to the Grievance Redress Mechanism set up by the project. Stakeholders at all level from central to community level should be made aware of the GRM in place. Any form of retaliation for
raising grievances is prohibited, and if it occurs it should be immediately reported to the established multi-stakeholder group?

- The project will prepare an incident report documenting any incident involving military personnel that involves the use of any weapon, which includes the firing of weapons under any circumstance (except authorized training), any escalation of force, damage to equipment or injury to persons, attacks, criminal acts, traffic accidents, and will conduct an inquiry in order to determine the following:
  a) time and location of the incident;
  b) identity and nationality of any persons involved including their addresses and other contact details;
  c) injuries/damage sustained;
  d) circumstances leading up to the incident; and
  e) any measures taken by the project in response to it.

This Agreement is hereby signed in 5 original documents, one each for the VDC, District Agriculture and Forestry Office, Military personnel, District Governor’s Office and the Department of Forestry (Vientiane).

Village authorities (on the behalf of the community)  
Representative of military personnel  
District Agriculture and Forestry Office (DAFO) on behalf of the DOoF/MAF

Name:  
Position:  
Signature:  

Name:  
Position:  
Signature:  

Name:  
Position:  
Signature:  

Certified by:

District Governor:

__________________________________________________________________________, Date: ___________________
References

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There is considerable risk from crime in Vientiane. The most common type of unattended property and residential crime.


