

Expanding Community Approaches in Conflict Situations in Three Southernmost Provinces in Thailand (ECACS)

Resettlement Policy Framework (RPF)

1. Introduction

The conflict in the southernmost province of Thailand is one of the oldest and currently the largest and deadliest active conflict in Southeast Asia. Since flaring up again in 2004, the conflict has claimed more than 5,000 lives, with over 9,000 injured and many displaced. In recent months, the Government of Thailand has begun to acknowledge the need for a political resolution of the conflict and sought to initiate peace talks with insurgent leaders. While these moves are encouraging, the insurgency remains active, levels of violence are significant in some areas, and it is not clear how and when a definitive end to the conflict will be secured.

The Government of Thailand has historically restricted the role of foreign development partners in the conflict-affected areas. In recent years, space for engagement has gradually opened up. The World Bank has built a relationship in this area over some time, having started with a conflict analysis in 2007. The Piloting Community Approaches in Conflict Situations in the Southernmost Provinces in Thailand (CACS) project, which was implemented from 2009 – 2013, has demonstrated the value of community development as well as civil society capacity-building investments as a means to foster understanding of local level issues and needs, and to improving the capacity of civil society to effectively engage with the state. Through this work, the Local Development Institute (LDI) and the World Bank have established credibility with both Government and civil society in southern Thailand as constructive, technically sound and committed partners. The Bank's experience in similar sub-national conflict settings in Indonesia (Aceh) and the Philippines (Mindanao) has also been valued highly.

Based on the performance of the CACS to date, the Government and LDI have requested further assistance to introduce participatory processes in the approaches of key government agencies active in the southernmost provinces at scale, and to further consolidate the capacity gains of the civil society organizations and networks that have emerged in recent years.

The proposed Expanding Community Approaches in Conflict Situations in Three Southernmost Provinces in Thailand (ECACS) project would seek to respond to this demand by contributing to responsive service delivery in the conflict affected areas of Southern Thailand through participatory approaches and by further enhancing the capacity of local governments and selected civil society organizations.

2. Project Objectives

The project development objective is to contribute to confidence-building between communities and sub-district authorities in southern Thailand through participatory local development approaches in six sub-districts, and through capacity building of selected local government officials as well as selected civil society networks and organizations.

To this end, the Project will seek to:

- (i) expand participatory community development planning in six sub-districts to cover sub-district development planning in partnership with local government agencies;
- (ii) enhance the capacity of local authorities to undertake participatory local development activities; and
- (iii) strengthen civil society organizations and civil society networks to engage in dialogue on policy issues and in activities related to a peaceful resolution of the conflict.

3. Project Description

The proposed project will consist of four components.

Component 1: Community and Tambon Block Grants (US\$2,290,000, Recipient Executed)

The project will expand the coverage of Village Development Grants (VDGs) from 27 villages in six sub-districts (tambons) that received grant support in the pilot phase to cover all 43 villages in these sub-districts. Three cycles of block grants will be provided to 43 villages and six sub-districts (tambons) to finance priority needs identified by local communities at the communities and at the sub-district levels.

Village level grants

All villages in the six selected sub-districts will receive Village Development Grants (VDGs, approx. US\$8,000 -10,000 per year), the use of which will be determined by community-level participatory processes. The Village Development Planning (VDP) and sub-project prioritization processes will emphasize the inclusion of the poor and vulnerable (women and men). Trained village facilitators will work closely with villagers to help them develop proposals for consideration at a village meeting for sub-project selection. Planning, prioritization and execution of sub-projects would be undertaken by villagers. Proposals would be prioritized through a voting process, drawing on criteria that would encourage inclusion of conflict-affected households, youth and unemployed. Special capacity building will be provided for poor and vulnerable groups to effectively participate in planning, prioritization and implementation processes

Sub-district level grants

The Project would also provide three rounds of grants at the sub-district level (US\$30,000 per grant) that would help six target tambons to implement cross-village activities. These grants would be based on Tambon Development Plans (TDPs), which would be developed through inclusive processes in which village representatives would participate at the sub-district level. Plans would take into consideration village-level development plans developed under the Project, and would seek to encourage inter-village activities that would also foster local authorities' engagement with communities.

Component 2 – Peace-building Partnership Fund (US\$800,000, Recipient Executed)

Strengthening civil society organizations and networks for building trust and peace. Building directly on the accomplishments and lessons of the pilot phase, the Project would focus strategically and in a sustained manner on strengthening the capacity of (i) four networks (40,000 per year for the Civil Society Council of the Southernmost Thailand (CSCS), and The Women Network of the Three Southern Provinces, the Youth Network and the Natural Resource Management Network), and (ii) approximately ten civil society organizations (10,000 USD per grant), of which five would be organizations that have demonstrated potential during the pilot phase, all of whom are working on issues related to peace-building, addressing grievances and aspirations of the local population, and demand for good governance.

This component would also provide financing for the four networks to undertake “peace dialogue” events on key issues such as decentralization, education, role of women and peace, youth and peace, and justice. This support for peace dialogues would aim to strengthen the voice of civil society and social accountability in the conflict-affected areas.

Component 3: Project Management and Learning (US\$1,110,000, Recipient Executed)

This component would finance project management costs of LDI, including administration and logistical support for project implementation, consultants, monitoring, reporting and communications.

LDI will maintain a project office in Pattani, with a dedicated team working full time on Project activities. This will include a Project manager, coordinators for each of the components, provincial coordinators, village facilitators, M&E personnel and administrative staff.

In addition, this component will support learning exchange among communities and local government. An annual south-south learning visit on key issues to other conflict-affected areas in the region, such as Aceh, Mindanao and relevant areas of Myanmar, will also be organized.

Based on lessons from the pilot phase, LDI will strengthen its communication, publications and information dissemination efforts. In this regard, LDI will conduct a series of lessons learned workshops, and will produce a number of publications, as well as videos (in collaboration with the national Thai Public Broadcasting Service), with a view to increasing awareness in other parts of Thailand of the challenges confronting communities and development projects in the conflict-affected areas.

Component 4: Implementation Support, Technical Assistance, Evaluation and Knowledge Management (US\$490,000)

As during the pilot phase, the World Bank would continue to provide enhanced supervision, select technical assistance, and evaluation support to the Project. Activities would include:

- a) Provision of technical assistance to stakeholders, including with respect to conflict-sensitive participatory methods, conflict monitoring, fiduciary capacity, M&E, and communications;
- b) Conduct rigorous applied research and project evaluation efforts;

- c) Facilitate access to and linkages with relevant international experience;
- d) Financial management, procurement and safeguards supervision;
- e) Information dissemination among interested stakeholders and awareness raising of key policy issues and project lessons. This would include a series of semi-annual reflection workshops with policymakers and interested development partners arranged through the Institute of Security and International Studies of Chulalongkorn University in Bangkok.

4. Anticipated project impacts

In the previous phase of the project, there were public and private land donations for community identified basic infrastructure such as multi-purpose hall and community shops. Land of limited size was donated from 6 private owners who expressed concurrence to donating land in writing. The project confirmed that they were not forced to agree into donating land, and that no significant impact occurred to their livelihood. The Project Management Organization (PMO) kept records of the public consultation on issues as well as the entire public and private land donations as part of the screening and approval of the sub-projects.

Similar to the last phase, under the component 1, the sub-projects identified by local communities and the sub-district forum will include construction of basic infrastructure. Land acquisition of a significant scale is not anticipated, however, since the size of subproject will be very small, and most subprojects will be implemented within the existing premises of the Sub-district Administrative Organization (TAO) or on communally held land, as was the case under the pilot phase. Also, subprojects that involve physical relocation are in the negative list and will not be financed. Where the initial design of subprojects indicates that private land may need to be taken, the project will facilitate communities to explore alternative designs or locations to avoid or minimize land acquisition. Nonetheless, it is possible that some land may still need to be acquired temporarily (e.g. digging a trench for an underground water pipe) or permanently (realignment of an irrigation canal, school buildings, a water pump or stand post, etc.) to allow the most effective, efficient, and beneficial use of resources. Also, some assets (such as trees) may have to be damaged in the implementation of subprojects.

5. Objective of the Resettlement Policy framework

The project has prepared this simple Resettlement Policy Framework (RPF) because details and scope of the sub-project activities to be covered by the grant are not known in detail at this stage since the project follows a Community Driven Development (CDD) approach. The framework aims to guide beneficiary communities to avoid or minimize land acquisition or asset loss by providing step-by-step processes and procedures to be implemented during the planning and implementation of subprojects.

6. National Legislation

Sections 41 and 42 of Thailand's Constitution protect private property rights. The state can only expropriate land pursuant to a specific law providing for the public interest, including: national defense; exploitation of natural resources; town and country planning; promotion and preservation of the quality of the environment; agricultural or industrial development; land reform; and conservation of historic sites. The Constitution also allows for expropriation for other public interests that are not specifically identified (KOT Constitution 2007). In addition, expropriation of immovable assets in Thailand is governed by Expropriation of Immovable Property Act of 1987.

requires that affected people should be i) provided with information about options and rights pertaining to resettlement; ii) consulted upon, offered choices among, and provided with technically and economically feasible resettlement alternatives; and iii) compensated for losses of assets based on market price. Under the Act, other parties with interests in the land are also entitled to compensation based on the injury suffered as a result of the expropriation. The Act requires that, a committee comprising representatives of the Land Department, other relevant state agencies and the local assembly will appraise the estimate price of land to be expropriated and the amount of compensation to be paid, taking into consideration: 1) commercial price of the properties on the date when the Royal Decree comes into force; 2) price of the properties appraised for local tax; 3) price of the properties appraised for collection of tax on registration of right and juristic act; 4) conditions and location of the properties; and 5) objectives and purposes of such expropriation.

7. Principles of land acquisition under the project

The overarching objective of this RPF is that the acquisition of lands is avoided or minimized if unavoidable, and does not result in persons losing their home or suffering any decline in income, livelihood, or living standards as a result of the project. Detailed procedures will be spelled out in the project's Operations Manual and the terms of reference of sub-district facilitators, and the project will provide both internal and independent monitoring of their implementation.

The principles of the World Bank's Operational Policy 4.12 are integrated into this framework, and the following principles and objectives will govern Project implementation:

- Acquisition of land and other assets should be avoided or minimized.
- Project displaced persons residing in, gaining income from or having tenure rights over, land that will be affected by sub-projects financed under the project are entitled to compensation sufficient to assist them to improve or at least maintain their pre-Project living standards, income earning capacity and production levels.
- Replacement land will be as close as possible to the land that is lost and acceptable to the project displaced persons.

- Planning and implementation of land acquisition and compensation will be carried out as a joint effort between the entity that represents beneficiary communities at large and project displaced persons.
- If private land needs to be acquired permanently, it will be furnished through voluntary private land donations or in-kind compensation.
- Where lands acquired and/ or assets lost are to be compensated, the Village Implementing Committees and affected households will jointly assess the scale of impact and identify in-kind compensation that is at least sufficient to restore pre-project level livelihoods, under the support of CDI, In-kind compensation should be provided by beneficiary communities by themselves.
- Financial and physical resources for compensation will be made available by beneficiary communities themselves.
- Community infrastructure, if affected by subproject, must be restored or replaced.
- Institutional arrangements should be in place to ensure the effective and timely design, planning, consultation and implementation of land acquisition processes.
- Effective and timely implementation supervision, monitoring and evaluation of the resettlement action plans must be carried out.
- Subprojects involving land acquisition based on eminent domain are on the negative list and **are not** eligible for funding.

Subprojects requiring land acquisition or asset loss greater than 10% of total land or asset owned are on the negative list and **are not** eligible for funding.

Minimizing Acquisition

Beneficiary communities will be assisted to discuss alternative technical solutions and design options, and compare benefits and costs of each alternative option, including regarding the potential loss of land and other productive assets by some households, so that they will identify an option that will maximize community benefits and minimize negative impacts at the same time. Facilitators hired by LDI, the PMO, who are responsible for the implementation of the Grant, will provide beneficiary communities/sub-districts with technical guidance and facilitation. All sub-project proposals will be developed by beneficiary communities/sub-districts and reviewed by PMO against the checklist who will confirm that negative impacts are avoided through adjustments in designs or if unavoidable, will be adequately mitigated and compensated. In particular, subprojects that may result in significant impacts, namely, physical relocation of households or loss of land or other productive assets greater than 10% of total land/asset owned, are on the negative list and will not be supported by the project. The negative list is provided in the Environmental and Social Management Framework.

Land Acquisition Processes

Where communities/sub-districts, with the technical guidance of PMO, conclude that the acquisition of private land or loss of productive assets is unavoidable, such impacts will be addressed through either of the following two methods:

- *Voluntary Donations.* In accordance with local custom, community members have the right to donate their land or other assets or to move their homes temporarily or permanently without seeking or being given compensation. The process of land donation will be fully documented.
- *In-kind compensation.* Persons whose land or other assets may be affected by sub-project implementation have the right to seek for and receive compensation.

Voluntary contribution of land is quite common in community development programs in Thailand in case impacts are not significant. Losing a meter or two of land on the side of the road is quite attractive to households, who will then have an all-weather road directly abutting their homes. Paying compensation for land is beyond the financial capacity of the communities and is not as per local tradition.

Under the previous phase, land donations came from public land of local government and from private donations. In the case of private voluntary land donation, such land is typically a vacant land that donors do not use and are prepared to contribute to the project to realize community-wide benefits. Land donation was carried out as per established processes to minimize land acquisition and loss of assets, help beneficiary communities at large and affected households reach a consensus on voluntary land or asset donation, and ensure that such acts are truly voluntary without any exercise of coercion and that people have a chance to say no. Discussions on land donations were held between facilitators/PMO and land owners, and when consensus was reached, it was reported and confirmed at the village meeting. Such processes helped ensure that the donor was the legitimate owner of such lands, and that donor was fully informed of the nature of the sub-project, implications of donating properties and that s/he had the right to refuse donation and was entitled for in-kind compensation for loss of assets at replacement value. Should the donor decide to donate the property on a conditional basis, the terms and conditions for the temporary use (usufruct rights) of the property must be clearly stated in the Conditional Deed of Donation document. 10 year land donation documents, signed by affected households, local government officials and/ or religious leaders, were kept as a record with the sub-project proposal.

Where affected households agree to donating land or other productive assets without compensation, the following should be established in the subproject proposal.

- Affected persons including both the head of households and their spouses are clearly informed that they have the right to refuse donating land and are entitled for in kind compensation of affected assets;
- Impacts are not significant, in that no physical displacement is required or only 10% or less of productive assets is lost;

- Affected persons confirm their willingness to donate assets without compensation in a separate meeting with PMO facilitators in the absence of other community members; and
- Beneficiary communities at large and affected people in particular confirm that land acquisition or loss of assets are technically unavoidable to achieve the optimal benefits to the communities.

Where affected people refuse to donate assets voluntarily, in-kind compensation will be provided that is equal to the replacement value of lost assets so that all these persons will at least hold steady their quality of life, income, and production capacity compared to pre-project conditions. The Village Implementing Committees and affected households will jointly assess the scale of impact and identify in-kind compensation that is at least sufficient to restore pre-project level livelihoods. Community facilitators will assist beneficiary communities in particular the Village Implementing Committees and affected households so that impacts are assessed and mitigation measures developed that will ensure fully restoring project impacts. In-kind compensation should be provided by beneficiary communities by themselves. Subproject proposals should demonstrate that alternative designs have been assessed and that land acquisition was found to be unavoidable in order for communities to derive optimal benefits. Beneficiary communities must guarantee in the subproject proposals that one of the following methods would be used in timely fashion to compensate the persons affected by the subproject:

- Land will be replaced with other land of equal productivity, or with other productive assets of equal value
- Materials and labor will be given to replace permanent structures that were removed
- Plants to be destroyed or missing or damaged will be compensated in kind in accordance with their value; or
- Other acceptable in kind compensation

If in kind compensation has to be provided, an Abbreviated Resettlement Action Plan (RAP) will be developed and implemented based on the guidance under OP 4.12. Detailed procedures will be developed in the project Operations Manual. Sample table of contents of Abbreviated RAP is provided in the annex to the framework.

Project approval

As the process of determining compensation is the responsibility of the community, wherein the Facilitator or PMO has no decision-making power, the Facilitator is bound to do the following:

- He or she must delay final approval until all persons affected by the project are satisfied with the compensation they are to receive, even if this causes a stalemate, the changing of design, and interminable negotiations. Outsiders must not intervene to impose a solution. He or she must delay implementation until compensation is realized. Whenever a project

has reached the implementation stage, project staff, government officials, and donor should reconfirm that compensation has been successfully delivered.

No subproject will be approved if more than 200 persons are affected and require compensation, if the sub-project proposed requires any resettlement of households in the community or if no agreement can be reached on voluntary land donation or in kind compensation. (Both these types of sub-projects will not be funded under the Grant).

8. Consultations with Affected People and Documentation

The community must ensure that all the people affected by the project are consulted at a public meeting – as part of the community mobilization and facilitation process. During this meeting, information with regard to their right to refuse the donation of land and assets as well as the proposed in-kind compensation would be distributed/ informed. If communities cannot reach an agreement with affected households on voluntary donations or mitigation measures, the proposed sub-project activities will not be implemented.

The sub-project proposal should include, at minimum, the following:

- i. For voluntary contributions, the name of the donor and details of the donation;
- ii. For compensated assets, the names of the persons receiving compensation, and details of the type of compensation, such as seen in the table below.
- iii. If applicable the decision not to proceed with sub-project implementation.
- iv. In addition, the minutes will be attached to the proposal that will contain the signatures of the affected persons and the community leaders. There will be notes about complaints made by the affected persons. And there will be a map showing the location of the affected assets.

Subproject proposals will include relevant information for voluntary donations or in-kind compensation, as applicable, as well as minutes of consultation meetings and justification for land acquisition, which will be displayed at the public place for comments. The PMO facilitator will ensure all comments that beneficiary community members may have to subproject proposals will be collected and, where found necessary, take necessary measures to address such comments.

Summary of Impacts

	Affected Assets	Donation or In-kind Compensation	Additional Agreements
Land			
Houses/Building(units/m)			
Plants			
Other			

The project facilitator will deliver a copy of the above notes to all those people who are affected by the project, to determine directly their wishes in regards to compensation, their perception of whatever agreements had been reached, and their complaints (if any). The filled table will be entered into the subproject proposals.

9. Complaints and Grievance Process

While the Project aims to preclude grievances from occurring by withholding the approval of subproject proposals until it is confirmed that potential negative impacts of subprojects, if any, have been adequately compensated, there is a possibility that some people may be negatively affected or have grievances about designs or implementation of subprojects. Complaints and grievances relating to any aspect of the resettlement entitlements and/or activities, including the determined area and price of the lost assets, will be managed as follows:

- The PMO complaint handling unit shall hear the complaints and grievances of the project regarding the acquisition of land and other assets, compensation, resettlement, rehabilitation and other entitlements.
- The complaint, grievance and appeal shall have the following levels:
 - LEVEL 1: Project displaced person or villager addresses complaints and grievances to the PMO complaint handling unit in either Bangkok or Pattani Offices. The Unit will document its investigation of the facts presented and provide a written response to the person, within fifteen (15) calendar days of receiving the complaint.
 - LEVEL 2: If the project displaced person is not satisfied with the decision of the PMO; the person may appeal the case to the Project Technical Working Group within fifteen (15) calendar days of receiving the written decision. The decision of the Technical Working Group shall be rendered within thirty (30) calendar days of receipt of the project displaced person's appeal after validating the facts of the complaint.
 - LEVEL 3: If the project displaced person is not satisfied with the decision of the Technical Working Group; the person may appeal the case to the *Tambon* Administrative Office within fifteen (15) calendar days of receiving the written decisions from the Technical Working Group. The decision of the *tambon* shall be rendered within thirty (30) calendar days of receipt of the project displaced person's appeal after validating the facts of the complaint.

Besides, any people with complaints or grievances are encouraged to call directly to the PMO in both Bangkok and Pattani. Complaints can also be sent to the Complaints Handling Unit of PMO in Bangkok or Pattani where they will be recorded, analyzed and an investigation organized depending on the type of complaints.

Complaints Handling Unit: Local Development Institute, 693 Bamrungmuang Rd., Pomprab District, Bangkok, Thailand 10100. Phone: 662-621-5540, 662-621-6643 Fax: 662-621-5540

Local Development Institute, Pattani Office: 243/5-6 Nar Songkrok, Rusamilae Sib-district, Muang, Pattani Phone: 085-236-2571, office 073-350-473

10. Monitoring and Verification

At any time, all records regarding compensation, including minutes of the meeting and proof of receiving compensation must be available for inspection by the facilitators, auditors and persons assigned to monitor aspects of the project by the project management team. The Community Minutes and evidence of compensation having been made shall be provided to the facilitator assisting the community, to supervising engineers, auditors and monitors when they undertake reviews under the project.

Sample table of contents of Abbreviated Resettlement Action Plan

- (a) a census survey of displaced persons and valuation of assets;
- (b) description of compensation and other resettlement assistance to be provided;
- (c) consultations with displaced people about acceptable alternatives;
- (d) institutional responsibility for implementation and procedures for grievance redress;
- (e) arrangements for monitoring and implementation; and
- (f) a timetable and budget.