

Resettlement Planning Document

Resettlement Framework
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Lao PDR: GMS Northern Power Transmission Project

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Resettlement Framework

A. INTRODUCTION

1. The Government of the Lao People's Democratic Republic (GoL) through its executing agency Electricity du Laos (EdL) has identified a project that will extend EdL's on-grid electricity transmission and distribution (T&D) network and strengthen power interconnections with Thailand, in the northern and western parts of the country.
2. The proposed project will support GoL's goal of electrifying up to 90% of the country's households by 2020, mainly through grid extensions. Electrification of selected villages will contribute to raising rural standards of living and facilitate the establishment of physical and social infrastructure and income generating opportunities to support sustainable economic growth in those areas, and thereby reduce disparities between rural and urban standards of living.
3. A separate Resettlement Plan has been prepared under this project to address resettlement issues associated with the high voltage transmission lines which involves clearing a series of 36 m² squares of land for tower footprints, restrictions on land use under the transmission line, and temporary access roads to angle/straining tower points during construction.
4. This Resettlement Framework provides policies and entitlements for substations and transmission lines plus construction of medium (22 kV) and low voltage (400 V) power distribution facilities. Physically, this latter entails small conductors (wires) from the nearest substation or transformer, supported by wooden or concrete poles of small (about 30 cm) diameter, along roads and to houses requiring electrification. It also involves attaching a tariff meter board to either the house structure or a nearby pole to allow EdL to determine electricity use and invoice householders accordingly.
5. This resettlement framework has been prepared for the Project because the final location of each distribution network is not yet agreed and there is no technical design available.
6. The resettlement framework sets out the resettlement policy, screening and planning procedures that the-Project office will follow when preparing a resettlement plan, if required, following detailed design.

B. LEGAL AND POLICY FRAMEWORK

7. The Resettlement Framework's policy and legal framework, and entitlement matrix are based on the ADB Policy on Involuntary Resettlement (1995) and Operations Manual Section F2 (2006), the Constitution of Lao PDR (1991), the Decree 192/PM on Compensation and Resettlement of People Affected by Development Projects, (Government of the Lao PDR, 2005), plus the associated Lao policies, practices and technical guidelines in the Regulation

on Resettlement and Compensation (2005). Also relevant are the Lao PDR Land Law, (1997), the Forestry Law (1996), the Electricity Act 2049 (1992) and the Electricity Law (1997). Where a gap exists, the ADB policy has been used. The over-riding principle of the Resettlement Plan is that where a person or group is affected by land acquisition, damage to income generating assets/activities or resettlement as a result of the project, compensation will be allocated in order that livelihoods are the same or better than before the project. The entitlement matrix, resettlement policies and procedures set out in this Resettlement Framework reflect this principle.

8. Provisions and principles adopted in this resettlement framework will supplement the provisions of relevant decrees currently in force in Lao PDR wherever a gap exists. Key strategies to reconcile the differences will be included in the resettlement plans.

C. PROJECT PRINCIPLES

9. The main objectives and principles of the policy on involuntary resettlement are as follows:
 - a. Involuntary resettlement should be avoided where feasible.
 - b. Where population displacement is unavoidable, it should be minimised by exploring all viable project options.
 - c. All compensation is based on the principle of replacement cost.
 - d. Each involuntary resettlement is conceived and executed as part of a development project or programme
 - e. Affected people should be fully informed and consulted on compensation and/or resettlement options.
 - f. Institutions of the affected people, and, where relevant, of their hosts, are to be protected and supported. Affected people are to be assisted to integrate economically and socially into host communities so that adverse impacts on the host communities are minimised and social harmony is promoted.
 - g. The absence of a formal legal title to land is not a bar to ADB policy entitlements.
 - h. Affected people are to be identified and recorded as early as possible in order to establish their eligibility through a population record or census that serves as an eligibility cut-off date, preferably at the project identification stage, to prevent a subsequent influx of encroachers of others who wish to take advance of such benefits.
 - i. Particular attention must be paid to the needs of the poorest affected households and other vulnerable groups that may be at high risk of impoverishment. This may include affected households without legal title to land or other assets, households headed by women, the elderly or disabled, and ethnic minority peoples. Appropriate assistance must be provided to help them improve their socio-economic status.

- j. The full costs of resettlement and compensation should be included in the presentation of project costs and benefits.
- k. Relocation and rehabilitation may be considered for inclusion in ADB financing for the project, if requested, to assure timely availability of the required resources and ensure compliance with involuntary resettlement procedures during implementation.

D. PROCESS FOR RESETTLEMENT PLAN PREPARATION

10. Based on detailed design, the Project will determine the requirements for preparation of a resettlement plan. The detailed design will, to the extent feasible, explore all viable options to reduce the requirements for land acquisition and resettlement.
11. As a priority, construction of power infrastructure will be located on vacant and idle public or communal reserve land. For public land or communal land identified, the Project office and resettlement committees (RCs) will confirm that the identified land is free of any encumbrances, habitation, dispute or controversy. The certification of the Project office and RC will be verified by a third party such as the Lao Women's Union. In the event that no vacant public land is available and that private land is identified, the following criteria will be used: (a) land acquisition and resettlement must fall under Category B or not significant impacts¹; (b) the land is free from any legal disputes or controversies, c) the land does not belong to any vulnerable households, d) there will be no built houses on land to avoid relocation of people; and e) voluntary contributions will be incorporated in the RP and will be undertaken in accordance with agreed principles.
12. Contractors will be required through provisions in the construction contracts to utilise practices which minimise damage to assets. Distribution poles can be easily placed to avoid structures or other items of significance. In general distribution poles are placed along the road reserve and have minimal impact on the surrounding land use. Where lines are carried from the road to a house and require pole support, home owners can generally specify whether the contractor's desired location is acceptable to them or suggest an alternative (for example to avoid a fruit tree). To avoid topping of trees nearby houses, insulated cable may be used to pass through a tree. Once the line is constructed, villagers will need to keep trees under the lines trimmed away from the lines to reduce losses and the risk of technical fault.
13. If resettlement impacts are unavoidable and preparation of a resettlement plan is required, the procedure for resettlement plan preparation is given below. The Project will:

¹ Fewer than 200 people will be physically displaced from housing or lose less than 10 per cent of their productive (income-generating) assets. A short resettlement plan will be required.

- a. Provide project- and resettlement-related information to all APs and closely consult APs on compensation and/or resettlement options, including relocation sites, and socio-economic rehabilitation
- b. Undertake a joint census of all APs
- c. Undertake an inventory and detailed measurement survey of all losses of all APs
- d. Identify and record people requiring particular assistance such as the poor and the vulnerable, to plan specific measures to mitigate hardships and to assist them in improving their livelihoods
- e. Undertake socio-economic survey of at least 10% sample of APs and 20% of severely affected
- f. Undertake a replacement cost survey for various types of affected assets as a basis for determining compensation rates at replacement cost
- g. Apply the various types of losses on the agreed entitlements as set out in Table 1. If there are new categories of AP and types of losses identified, the entitlements will be included in accordance with ADB's Policy on Involuntary Resettlement and where appropriate guided by the project Resettlement Plan.
- h. Formulate a time-bound action plan or schedule for resettlement plan implementation, procedures for grievance redress, monitoring and evaluation procedures and a budget
- i. Prepare a resettlement plan Present the draft during consultation and public meetings for comments. The final resettlement plan will incorporate the comments and suggestions of the affected communities
- j. Submit the final resettlement plan to ADB for approval. After ADB's approval, disclose the final resettlement plan to the affected communities
- k. Implement the approved resettlement plan and submit progress reports to ADB as part of the monitoring activities.

E. SURVEYS FOR RESETTLEMENT PLAN PREPARATION

14. The inventory and detailed measurement survey (DMS) of lost assets will collect data on the affected assets from 100 % of APs following detailed engineering design. For each AP, the scope of the data will include:

- Total and affected areas of land, by type of land assets
- Total and affected areas of structures, by type of structure (main or secondary)
- Legal status of affected land and structure assets, and duration of tenure and ownership
- Quantity and types of affected crops and trees
- Quantity of other losses, e.g., business or other income, jobs or other productive assets
- Quantity/area of affected common property, community or public assets, by type

- Summary data on AP households, by ethnicity, gender of head of household, household size, primary and secondary source of household income viz-a-viz poverty line, income level, whether household is headed by women, elderly or disabled
- Identify whether affected land or source of income is primary source of income
- AP knowledge of the subproject and preferences for compensation and, as required, relocation sites and rehabilitation measures
- AP preferences for training/livelihood restoration skills (from the household head and another household member).

15. The data collected during the DMS will constitute the formal basis for determining AP entitlements and levels of compensation.

16. Together with local-level impact data, information will be collected on existing and social condition of the APs, including poverty assessment and a socio-economic survey from a sample of at least 10% of APs and 20% of seriously affected APs, disaggregated by gender and ethnicity. The purpose of the socio-economic survey is to provide baseline data on APs to assess resettlement impacts, design rehabilitation measures, and to be used for resettlement monitoring. The scope of data to be collected includes:

- Household head: name, sex, age, livelihood or occupation, income, education and ethnicity
- Household members: number, employment status, school age children and school attendance, and literacy, disaggregated by gender
- Living conditions: access to water, sanitation and energy for cooking and lighting; ownership of durable goods
- Access to basic services and facilities.

F. PROJECT ENTITLEMENTS

17. Entitlements were designed to cover compensation for all losses at replacement cost to restore or enhance the livelihoods of all APs as shown in Table 1. Where additional, unexpected impacts are identified, the entitlements included in the approved project Resettlement Plan will apply.

Table 1: Project Entitlements

Impacts	Entitlements
1) Permanent acquisition of land	For legal and legalisable owners of land that will be permanently acquired, replacement land or cash compensation at replacement cost (i.e., current market value, productive value, and similar location attributes). Non-titled APs or those who have no recognisable rights or claims to the land that they are occupying, (e.g., squatters), are entitled to compensation for non-land assets and various options of resettlement assistance. Landless APs will not be displaced from affected land until the commune allocates alternative land for them within the same or neighbouring commune.
2) Structures, crops, and trees (irrespective of tenure status)	All owners of structures will be paid based on current market prices of materials and labour with no deduction for depreciation or salvageable materials. Un-harvested crops will be compensated based on current market value while trees will be paid

Impacts	Entitlements
	based on type, age, and productive capacity. Compensation for fruit/nut trees and perennial crops will be paid to the AP/s based on the average annual value of the produce multiplied by the number of remaining productive years of the tree/perennial crop.
3) Temporary impacts (during construction)	Payment of rent for the use of land during temporary use. Compensation for non-land assets at replacement cost caused by construction activities. Return of land to pre-project conditions or better.
4) Restricted use under transmission lines	<p>For residential land: APs whose residential land is restricted for building due to the construction of power transmission lines over the land are eligible for an easement fee based on 10% of the current land value for the area under the transmission line, i.e. for a width of 25 m (being the restricted zone) x the actual length of transmission line passing over the residential property.</p> <p>For tree plantations: APs whose forestry plantation is restricted for its current use will be eligible for an easement fee of 100% of the value of the trees in the 25 m wide x actual length of affected area. This measure is specifically designed to prevent the kinds of disagreements EdL contractors have had with plantation owners in the past over tree trimming. This entitlement does not apply to government forestry concessions to log natural forest.</p>

G. ETHNIC MINORITY SPECIFIC ACTIONS

18. To ensure that ethnic minority affected households do not get marginalized during the process of compensation, ethnic minority specific actions are to be included in the resettlement plans:

- During detail measurement survey, the effected ethnic minority families will be consulted effectively in order to ensure that the affected families are fully aware about loss of asset and land acquisition;
- The resettlement plans will include a comprehensive analysis of socio-economic impact of land acquisition and access to forest resources for ethnic minority affected families to determine differential impact between ethnic majority and ethnic minority households;
- All resettlement related meetings for land acquisition, compensation etc, the participation of all the affected ethnic minority households will be ensured;
- Disaggregated monitoring indicators by ethnicity will be included in the monitoring system of the resettlement plan.

H. GENDER SPECIFIC ACTIONS

19. The following gender strategy will be implemented in planning of resettlement activities:

- In preparing resettlement plans under this Resettlement Framework, women from the affected households including ethnic minority women and female headed households will be consulted during detail measurement survey;
- Socio economic profile of the affected people and detail measurement survey will be disaggregated by gender and ethnicity;

- Women's participation, especially ethnic minority, poor women and female headed households will be ensured in disclosure meetings; Information will be provided in local language as well as with information booklets;
- Participation of Lao village Women's Union representatives will be ensured in the disclosure meeting and planning of resettlement activities;
- Where Project involves granting new land or replacement land for acquired land, the title of land will be in the name both spouses;
- The EDL staff will be provided with orientation on gender and resettlement checklist of ADB to ensure that gender strategy is implemented in resettlement activities;
- Gender disaggregated monitoring indicators will be developed to monitor resettlement activities in terms of women's participation in the consultation for detail management survey, disclosure meeting, land titling, compensation, and to measure the impact of resettlement on poor women, and ethnic minority women.

I. OTHER VULNERABLE GROUPS

- 20.** The Project will identify any specific needs or concerns that need to be considered for vulnerable groups such as landless, poor, and households headed by women, disabled, elderly or children without means of support. Specific strategies will be included in project resettlement plans to address identified issues.

J. PARTICIPATION AND GRIEVANCE REDRESS

- 21.** Consultation will be undertaken prior to finalisation of detailed design in order that APs' requests and suggestions to minimise resettlement impacts can be incorporated into the design as far as is practicable. During preparation of the resettlement plan, consultation activities such as distribution of project information booklets, community information dissemination and feedback, key informant interviews, individual and public meetings, focus group discussions, and separate consultations with severely affected and vulnerable APs will be carried out. Consultation and participation activities will continue throughout project implementation to ensure that information about the overall project and resettlement-related information is properly understood and accepted by the APs.
- 22.** A grievance mechanism has been included in the approved Project Resettlement Plan to ensure that APs' concerns and grievances are addressed and resolved in a timely and satisfactory manner. APs will be made fully aware of their rights verbally and in writing during consultation, survey, and time of compensation. The APs will also be made aware of ADB's accountability mechanism policy by providing copies of the accountability field guide, which will be translated into Lao language.

K. IMPLEMENTATION ARRANGEMENTS

- 23. The implementation process for resettlement plans prepared under this Resettlement Framework will be the same as those for the approved Resettlement Plan
- 24. At the central level, the Project office of the EdL will provide overall guidance and technical support to the Provincial and District Resettlement Committees. The Project office and RCs will be assisted by the Supervision Consultants. A domestic resettlement specialist will provide full-time assistance during resettlement preparation and implementation. Village Resettlement Committees will be established, as required.

L. MONITORING AND RESETTLEMENT BUDGET

- 25. Resettlement monitoring for resettlement plans prepared under this resettlement framework will be the same as those under the approved project resettlement plan
- 26. The Project office will be responsible for internal monitoring of resettlement. Progress reports for resettlement and social impacts will be submitted to ADB on a quarterly basis. Such reports will be posted on the ADB website.
- 27. The budget will cover compensation for land acquisition and rehabilitation costs, management costs, and contingency.

M. IMPLEMENTATION SCHEDULE

- 28. The resettlement plan will be disclosed to APs before submission to ADB for review and approval. All resettlement activities will be coordinated with the civil works schedule. ADB will not approve award of civil works contract until all resettlement activities has been satisfactorily completed and agreed rehabilitation assistance is in place and that the site is free of all encumbrances. Resettlement implementation cannot commence until the resettlement plan has been reviewed and approved by ADB.

- 29. Table 2 shows the key RP implementation milestones.

Table 2: RP Implementation Milestones

Task	Responsible	Timing
Grant Processing		
Fact-Finding	ADB	April 09
Appraisal	ADB	July 09
Grant Approval	ADB	Sept 09
Grant Effectiveness	ADB	Oct 09
Contractor Engagement		Q1,2010
Route and design finalisation		Q2, 2010
RP Preparation (In coordination with Civil Contractor's final design)		Q3, 2010
New Socio-economic Survey/data gathering/DMS	EdL	Q3, 2010

Task	Responsible	Timing
Finalisation of Land Acquisition & Resettlement Plan	EdL & ADB	Q4, 2010
Translation of RP into Lao	EdL	Q4, 2010
Preparation of Project Information Booklet for each area	EdL	Q4, 2010
Resettlement Disclosure in component areas	EdL	Q4, 2010
ADB Approval and uploading to ADB website	ADB	Q4, 2010

N. DISCLOSURE OF RESETTLEMENT PLANNING DOCUMENTS

30. This resettlement framework will be uploaded on ADB website before appraisal. The Project office and RCs will be responsible for the disclosure of the resettlement plan to the APs prior to submission to ADB. ADB will upload the final resettlement plan on ADB's resettlement website.

31. Future disclosure subsequent to detailed design and refinement will cover:

- a) A map or diagram of the affected land, or else physically showing participants the affected area
- b) A description of the overall project, its aims and components
- c) A description of what the project work will comprise
- d) A timetable of when each of the project activities will take place, including estimated commencement and completion dates
- e) Expected social, economic and environmental impacts
- f) Environmental and social safeguards
- g) Updated compensation policy and entitlements, unit rates, including who will be entitled to compensation, what losses will be compensated, and what entitlements will affected persons receive (details for land, trees, crops, structures etc)
- h) An outline of livelihood restoration measures (if applicable)
- i) How land, crops and assets are valued
- j) How the Compensation Committee and Grievance Redress Committee will work
- k) An outline of how consultation and participation with APs and communities will continue
- l) The project communications strategy, including how people can find out about business opportunities that may arise in conjunction with the project
- m) Where people can go to get further or more detailed information about the project.

32. Due to the low level of literacy of people in the identified project areas, the project has not (and will not) rely solely upon publication of project information or project information documents to disseminate information about the project. To ensure full project participation, the project has (and will) employ methods such as community meetings, consultative groups, focus groups, interviews and informal interaction with the Resettlement Committees and any required sub-committees for specific resettlement/land acquisition actions, and social mobilisation techniques