

# Resettlement Plan

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July 2015

## Lao Peoples Democratic Republic: Northern Rural Infrastructure Development Sector Project

Prepared by the Ministry of Agriculture and Forestry for the Asian Development Bank.

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**GRANT**  
**No. 0235-LAO (SF)**



**LAO PDR**

**Ministry of Agriculture and Forestry**  
**Department of Planning**

## **Northern Rural Infrastructure Development Sector Project**



## **Draft Updated Land Acquisition and Compensation Report**

### **Nam Ngene (Ban Namark) Irrigation Rehabilitation Subproject**

**Phongsaly**

**July 2015**

**Nippon Koei Co., Ltd.**  
**in association with**  
**NIACONSULT, Inc. & Lao Consulting Group**

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## **SELECTED ACRONYMS**

ADB	Asian Development Bank
AH	Affected Household
AP	Affected Person
CEF	Compensation and Entitlement Form
DAFO	District Agriculture and Forestry Office
DCO	District Coordination Office
DD	Detailed Design
DMF	Design and Monitoring Framework
DLMA	District Land Management Authority
DMS	Detailed Measurement Survey
DOI	Department of Irrigation
DOP	Department of Planning of the Ministry of Agriculture and Forestry
DPWT	Provincial Department of Public Works and Transport
DRC	District Resettlement Committee
EA	Executing Agency
EARF	Environmental Assessment and Review Framework
EC	Executive Committee
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
FS	Feasibility Study
GAP	Gender Action Plan
GIC	Grant Implementation Consultants
GOL	Government of Lao PDR
HH	Households
IA	Implementing Agency
ICB	International Competitive Bidding
IEE	Initial Environmental Examination
IM	Independent Monitoring
IOL	Inventory of Loss
IPP	Indigenous Peoples Plan
IPPF	Indigenous Peoples Planning Framework
KN	Lao Currency Unit kip
Lao PDR	Lao People's Democratic Republic
LAC	Land Acquisition and Compensation
LACP	Land Acquisition and Compensation Plan
LARC	Land Acquisition, Resettlement and Compensation
LMA	Land Management Authority
LMC	Left Main Canal
LUP	Land Use Planning
LUG	Land Use Group
LWU	Lao Women's Union
MAF	Ministry of Agriculture and Forestry
M&E	Monitoring and evaluation
MOH	Ministry of Health
MPWT	Ministry of Public Works and Transport
NGO	Non-Government Organization
NGPES	National Growth and Poverty Elimination Strategy

## **SELECTED ACRONYMS**

NLMA	National Land Management Authority
NPMO	National Project Management Office
NRIDSP	Northern Rural Infrastructure Development Sector Project
NSC	National Steering Committee
NTFP	Non-Timber Forest Product
OPWT	Office of Public Works and Transport
O&M	Operation and Maintenance
PAFO	Provincial Agriculture and Forestry Office
PAM	Project Administration Manual
PBME	Project Benefit Monitoring and Evaluation
PIB	Public Information Booklet
PIR	Poverty Impact Ratio
PIS	Provincial Irrigation Service
PIU	Project Implementation Unit
PLMA	Provincial Land Management Authority
PLUP	Participatory Land Use Planning
PMS	Preliminary Measurement Survey
PPME	Project Performance Monitoring and Evaluation
PPO	Provincial Project Office
PPSC	Provincial Project Steering Committee
PPTA	Project Preparatory Technical Assistance
PSA	Poverty and Social Analysis
PSC	Project Steering Committee
RCS	Replacement Cost Survey
RF	Resettlement Framework
RMC	Right Main Canal
ROW	Right of Way
RP	Resettlement Plan
SEBS	Socio-Economic Baseline Survey
SES	Socio-Economic Survey
SESAH	Socio-Economic Survey of Affected Households
SIR	Subproject Investment Report
SPS	Safeguards Policy Statement
TA	Technical Assistance
TOR	Terms of Reference
VLD	Voluntary Land Donation
VLWU	Village Lao Women's Union
VRC	Village Resettlement Committee
VRMC	Village Road Maintenance Committee
WUG	Water Users Group

## EXECUTIVE SUMMARY

### A. Project and Subproject

1. The Northern Rural Infrastructure Development Sector Project (NRIDSP) main aim is to provide the rural community with access to and participation in the market economy. This is to be realized through the increase in incremental production of saleable commodities and promotion of agricultural productivity. The NRIDSP has four main outputs:

- (i) Production and productivity enhancing rural infrastructure constructed and/or rehabilitated.
- (ii) Productivity and impact enhancing initiatives adopted.
- (iii) Capacities of national, provincial and district agencies strengthened to enable a sector development approach.
- (iv) Efficient and effective delivery of subprojects' and project management.

2. Nam Ngene (Ban Namark) and Nam Hin Irrigation Subproject is located in the District of Bountai, Phongsaly Province. It will cover two small adjacent schemes – Namark Weir and Nam Hin Weir. By road the scheme is 92km from the provincial capital and 22km from the District Capital of Bountai. It is 60 km away from the China border. It covers the 4 villages of Bountai District, Namark, Namkhun May, Aneng and Muchi, with a total of 180 households and a population of 1,114 comprised of 517 females and 597 males.

3. The Namark Weir located in Namark village was a stone masonry weir constructed by EU in 2002, then improved into a concrete weir by the government (GOL) in 2005. There is one (1) intake at the right bank, one (1) main canal (MC) and two (2) sluice gates. The Nam Hin Weir located in Aneng village, is a concrete weir, constructed by the EU in 2002. The earth main canal is about 3,550m long, some portions of which are damaged/and covered with earth due to land slide.

4. The proposed subproject will focus on rehabilitation and new construction of key irrigation infrastructure including mainly weir/s, canal/s and related structures.

### B. Land Acquisition Requirements

5. This subproject involves physical changes through rehabilitation works within the existing right off way mainly concerning corridors of existing irrigation infrastructure.

6. It comprises the combination of rehabilitation and/or new construction of 2 weirs, 4 lined/earth main canals with a total length of 7,051m, 7 secondary canals with a total length of 897, 2 tertiary canals with a length of 1,033m, and 62 new related structures. The detailed design confirms the findings of the feasibility study that the improvements do not lead to requirements for acquisition of private assets.

7. At detailed design stage, the rehabilitation works of this subproject will result in:

- (i) No loss of agricultural and residential land.
- (ii) No loss of crops and trees.
- (iii) No loss of primary and secondary structures. Thus no relocation of houses.
- (iv) No cases of economic resettlement and vulnerable people caused.
- (v) No loss of common property.

### C. Mitigation Requirements

8. The review of mitigation measures has been (a) embedded in the entitlement, assistance and benefits approach as defined in the Project Resettlement Framework (RF), (b) compliant with ADB's Safeguard Policy Statement (2009), and (c) orientated in the Lao legal context.

9. As indicated during the feasibility study in 2013, and now confirmed during final detailed design stage in 2015, there are no requirements for acquisition of private and/or public land or other assets by this subproject. As there is no compensation necessary, no budget for compensation payments is required. Temporary land requirements for access and site installations will be designed by the contractor and approved during the construction phase by the resident site engineer.

10. Consequently, there are also no requirements for resettlement by this subproject.

#### **D. Consultation, Participation and Grievance Mechanisms**

11. Related to the detailed design stage this Land Acquisition and Compensation Report was prepared between May and July 2015. It has been based on a consultative and participative approach with focus on:

- (i) Joint transect walks in irrigation schemes along irrigation infrastructure.
- (ii) LARC related public meetings.
- (iii) Engineering design related public village meetings.

12. The defined grievance approach aims at having complaints ideally passed through four stages before they could be elevated to a court of law as a last resort. The NRIDSP's objective is to handle and solve any complaints those for stages before a complainant would approach a court. However affected persons are entitled to lodge complaints regarding any aspect of the preparation and implementation of the Land Acquisition and Compensation without prejudice to their right to file complaints with the court of law at any point in the process.

13. During the review of land requirements in the subproject area at the detailed design stage the Consultant received feedback from the contacted households indicating their high satisfaction of the subproject bringing them "a better irrigation" and their hope that the subproject would start very soon.

#### **E. Planning, Implementing and Monitoring**

14. The planning of compensation and mitigation measures has been based on the engineering feasibility design and detailed design and the related measurement surveys. As there are no impacts on private assets, no inventory of loss (IOL) and socio-economic survey of affected households (SESAH) were required, and no compensation budget calculated for payment of loss of land and trees.

15. The Ministry of Agriculture and Forestry is the executing agency for the Project with the responsibility for overall project coordination and management transferred to its Department of Planning which has established the National Project Management Office for day-to-day coordination and management of the Project. The implementing agencies at the provincial level are the Provincial Agriculture and Forestry Offices. Provincial Project Offices have been established within each PAFO to be responsible for subproject related financial management at provincial level, and coordination and management of implementation of subprojects. To assist implementation of the subproject at the district level, District Coordination Offices have been established within District Agriculture and Forestry Offices mainly to coordinate and supervise subproject activities.

16. This subproject is scheduled to commence construction work in November 2015 for about 8 months until June 2016. The start of implementation is mainly dependent on



approval of detailed design, bidding evaluation & contracting, and the updated LAC report part of the Project's overall grant conditions.

17. During implementation and operation phase no LARC related internal and external Monitoring and Evaluation is required. However, the construction supervision has to ensure, that the rehabilitation/construction of the irrigation infrastructure components will take place within the existing right-of-ways to confirm that no private assets are affected. Otherwise any data or information has to be made available in a transparent way to involved stakeholders either in Lao and/or English language, whichever is more comprehensible to a given stakeholder group.

## **F. Conclusions**

18. This Updated Land Acquisition and Compensation (LAC) Report concludes that there is no acquisition of assets required. The significance of expected impacts of this subproject falls under ADB Category C as it does not involve involuntary resettlement impacts.

19. The updated land acquisition planning during detailed design stage has been completed in May 2015. It served for reviewing the LARC requirements of the subproject.

## **G. Reporting Notes**

20. This LAC Report has been structured in accordance with requirements for Resettlement Plans as outlined in the "ADB's Safeguards Policy Statement (2009).

21. According to Lao PDR Decree 2432 (dated 11/11/2005 on "Regulations for Implementing Decree 192 dated 07/07/2005 on Compensation and Resettlement of People Affected by Development Project") a resettlement planning document is called "Land Acquisition and Compensation Report" if impacts of the project are not serious (mostly marginal), which is the case for this subproject.

## 1. PROJECT DESCRIPTION

### 1.1 Northern Rural Infrastructure Development Sector Project

22. The Northern Rural Infrastructure Development Sector Project (NRIDSP) main aim is to provide the rural community with access to and participation in the market economy. This is to be realized through the increase in incremental production in saleable commodities and promotion of agricultural productivity. NRIDSP has four main outputs:

- (i) Production and productivity enhancing rural infrastructure constructed and/or rehabilitated.
- (ii) Productivity and impact enhancing initiatives adopted.
- (iii) Capacities of national, provincial and district agencies strengthened to enable a sector development approach.
- (iv) Efficient and effective delivery of subprojects and Project management.

23. The map in **Figure 1** shows the four Project provinces and the locations of the subprojects of the three project years.

### 1.2 Nam Ngene (Ban Namark / Nam Hin) Irrigation Rehabilitation Subproject

24. Nam Ngene (Ban Namark) and Nam Hin Irrigation Subproject is located in the District of Bountai, Phongsaly Province. It will cover two small adjacent schemes – Namark Weir and Nam Hin Weir. By road the scheme is 92km from the provincial capital and 22km from the District Capital of Bountai. It is 60 km away from the China border. It covers the 4 villages of Bountai District, Namark, Namkhun May, Aneng and Muchi, with a total of 180 households and a population of 1,114 comprised of 517 females and 597 males.

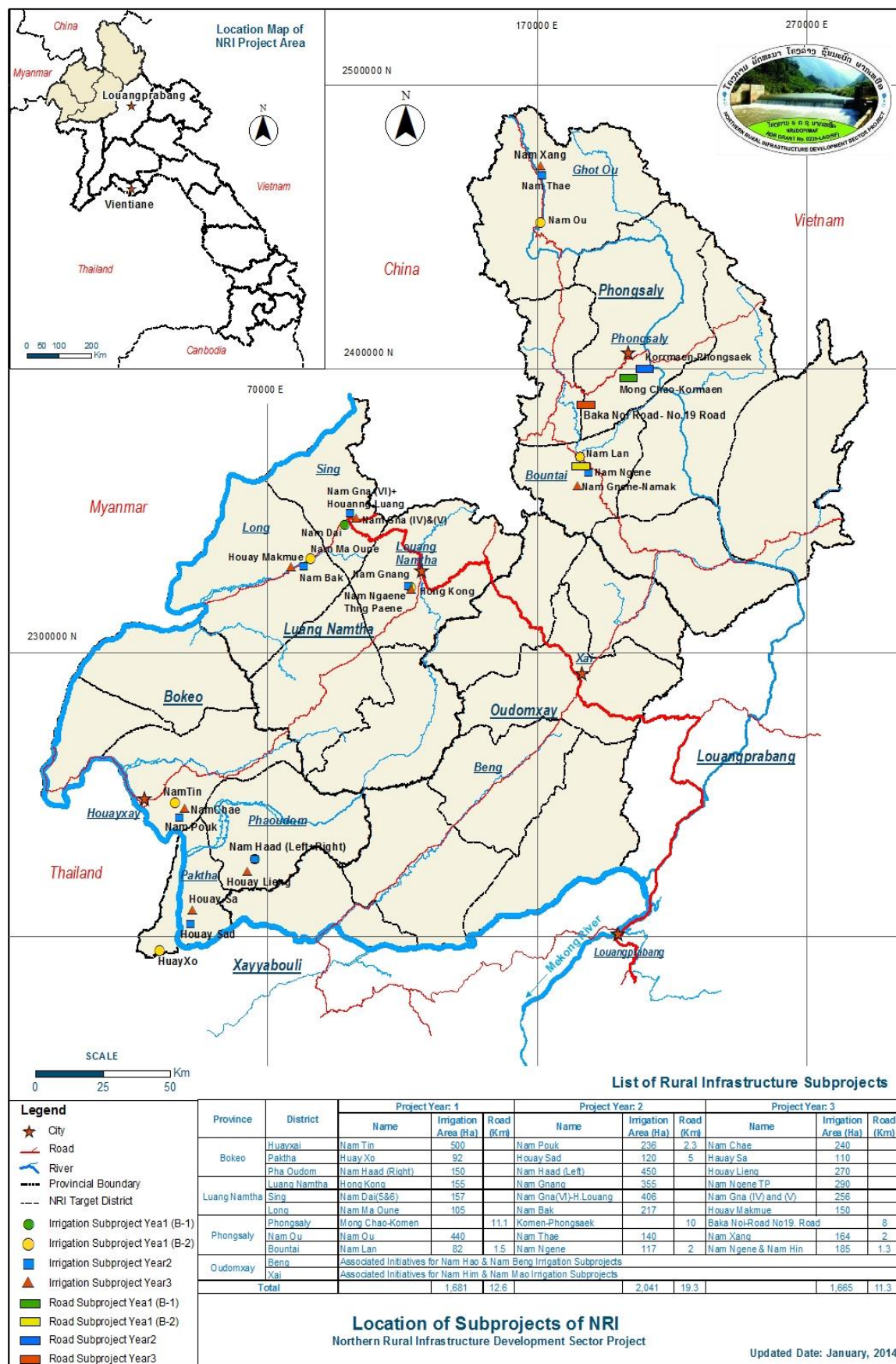
25. The Namark Weir located in Namark village was a stone masonry weir constructed by EU in 2002, then improved into a concrete weir by the government (GOL) in 2005. There is one (1) intake at the right bank, one (1) main canal (MC) and two (2) sluice gates. The Nam Hin Weir located in Aneng village, is a concrete weir, constructed by the EU in 2002. The earth main canal is about 3,550m long, some portions of which are damaged/and covered with earth due to land slide.

26. The subproject includes construction, rehabilitation and/or improvement of different infrastructure components of the irrigation scheme (see **Attachment 2**).

27. Besides the irrigation rehabilitation works, productivity and impact enhancement initiatives will be delivered by the Project. These initiatives will comprise compulsory and optional initiatives. The compulsory initiatives will include (i) support for WUGs established to operate and maintain the rehabilitated facilities; and (ii) WUG management training, Improvement of WUG Executive communities, such as financial management, operation and maintenance, water catchments identification and zoning. Optional initiatives will need to be further discussed with the beneficiaries during detailed design stage and could be selected from production, post-harvest handling, processing and the development of market linkage initiatives.

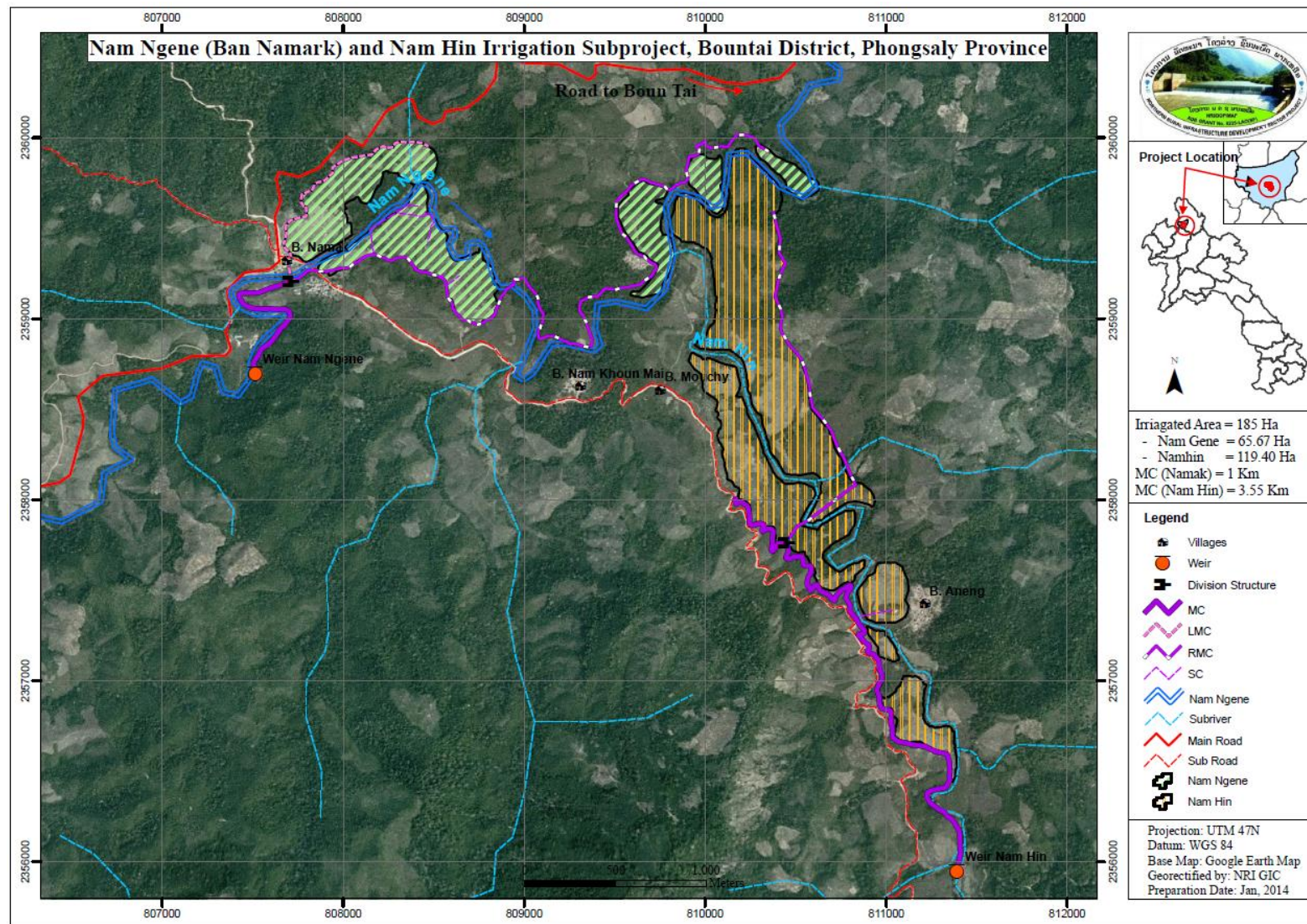
28. **Figure 2** contains a map showing the layout of the subproject's infrastructure.

Figure 1: Location and Features of NRI Subprojects





**Figure 2: Location of Existing and Proposed Irrigation Scheme and Subproject Villages**



## 2. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

29. A LARC screening has been prepared in **Attachment 2**.

30. This subproject involves physical changes through rehabilitation works. Both feasibility study design and detailed design have considered an alignment of infrastructures which avoids any acquisition of private assets. The corridor of impact is limited to the existing ROW.

31. There are no impacts on private and/or public land, trees, houses and other structures, community resources, livelihoods and economic activities. Consequently, there is no compensation necessary and also no requirements for involuntary resettlement.

32. For any temporary site installation and access roads the contractor will have to propose a site installation and access plan and obtain approval by the resident site engineer. Where possible public land will be used. The Employer will provide the contractor with the project's land acquisition and compensation principles to be followed by the subproject.

**Table 1: Subproject's Summary of Affected Assets, Households, Severity of Impacts**

Type of Asset	Level of Affectedness	Severity of Impact	Affected Household/s
Productive Land	None	---	---
Trees	None	---	---
Residential Land	None	---	---
Primary Structures	None	---	---
Secondary Structures	None	---	---

### 3. SOCIO-ECONOMIC INFORMATION AND PROFILE

#### 3.1 Socio-Economic Baseline

33. The Subproject will benefit the 4 villages Namark, Namkhun May, Aneng and Muchi. There are 180 households are currently living in the 4 villages with a total population of 1,114 comprised of 517 females and 597 males.

34. The information of this paragraph has been extracted from the Social Impact Assessment (Section 3.1: Socio-Economic Conditions) of this feasibility study:

- (i) The social environment of the proposed subproject supports the implementation of the Subproject. The interviewed village authorities, sample households as well as the men and women groups who participated in the village consultations and Focus Group Discussions (FGD) expressed their agreement and support to the proposed subproject.
- (ii) The proposed Nam Ngene (Ban Namark) Irrigation Subproject will benefit the four (4) villages such as Namark, Namkhun May, Aneng and Muchi village. The villages are inhabited by combination of various ethnic groups. There are 180 households in the village composed Lao-Tai Ethno-Linguistic Group, Hmong of the Hmong – Lu Mien Group, and Tibeto-Chinese Group. The total population is 1,114 composed of 517 females and 597 males, an average household size of about 6 members and a female to male ratio of 3 females : 3 males.
- (iii) The Village Administration is headed by a Village Chief assisted by one or two (2) Deputy Village Chiefs. The village administration units/committees are: a) Lao National Front for Construction (LNFC) which serves as advisor and mediation group; b) Lao Women's Union (LWU); c) Youth Committee; d) Village Security; and e) Village Army.
- (iv) Existing People's Organizations (POs) are only Domestic Water Supply Groups (DWSG) in Namark, Namkhun May and Aneng. It must be mentioned that no WUGs are established in all the villages. However, irrigated farmers are working in informal groups for the repair and maintenance of the existing schemes. Establishment of the WUG/WUA should build upon these informal groups.
- (v) Namark village is accessible from the Bountai District Center through the Bountai-Namo District (Oudomxay Province) Road, about 22 km (dirt road passable by all types of vehicles). The other three (3) villages are 2km to 5km from Namark village by road passable only during the dry season. The villages are in a range of 114 to 118 km from the Provincial Center of Phongsaly and 70 km away from the China Border by road passable by all kinds of vehicles all-year round.
- (vi) Only Namark village have access to electricity. Three villages, Namark, Nam Khoun and Aneng) have domestic water supplies. All villages are covered by mobile phone signal. Primary and elementary schools are available in the villages. A small dispensary/health clinic can be found in Namark, bigger and more equipped health facilities can be found in Bountai District Center and provincial center.
- (vii) Developed markets are located in Bountai District, Phongsaly Provincial Center including China.
- (viii) Adult literacy rate in the villages is critically low. The literacy rate is 16% for females and 24% for males or an average literacy of 20% for the 4 villages. Only Namark village (located along the Bountai-Namor Road is a little high about 58%. The lowest literacy rate is in Ban Muchi (Akha village) at 5%, Namkhun May (Phounoi village) 9% and Aneng village (Hmong village) 16%. The low literacy rate must be considered prime concern in the community development activities for the Subproject. This considered and given prime

attention during project consultations, meetings and farmers' trainings. The use of visuals, plain simple language and local dialects must be promoted. Resource persons and/or facilitators must be those who can speak the dialects (language) in the area. Local Teachers could be requested to help facilitate discussions during meetings and trainings. Coordination with Village, District and Provincial Authorities must be done to plan and implement Adult Literacy Improvement Programs (LIPs).

- (ix) Agriculture landholding distribution based on the Village Household Masterlists and the Village level Interview show a total of 441.92 has, comprised of 34.29 ha of irrigated lowland, 69.11 ha of rainfed lowland, 152.69 ha upland area, 0.1 ha of home gardens, 2.21 ha fishponds and 183.52 ha rubber tree farms.
- (x) Rice is the main crop grown during the wet season. During the dry season, green beans, watermelon, pumpkin and other cash crops are produced in the area. Agriculture products are mainly sold to Chinese traders for export to China.
- (xi) All HHs (100%) are involved in agriculture production, 95% are involved in non-agriculture income sources. The average per capita income is 190,705 kips/person/month which is above the 2009/2012 Poverty Line income of 180,000 Kips/person/month. However, the Sample HH Interview indicates that 30% of HHs under poor category, 25% under middle category and 45% are high income Level.
- (xii) The major source of agriculture income is rice production at 51% of the total agriculture income of HHs. Income from other crops is 46% and livestock/poultry/fish production is 4%. Most HHs are also involved in rice production at 98% HHs, other crops – 95% HHs, and livestock/poultry/fish production – 13%.
- (xiii) Non-agriculture income is composed of: i) 46% from sales of non-timber forest products (NTFP); ii) 26% farm labor for other farmers; iii) 15% from business; iv) 6% from salaries as employee (Private or Government); and the rest v) 6% from miscellaneous sources. The average income from non-agriculture sources is about 4.75 Million Kips/HH/year
- (xiv) The reported available labor is 842 people. Subproject contractors can hire their labor requirement for construction works from the villages. This will avoid having to hire labor from outside and establish construction camps which may impact on the culture and tradition of the local people. It is specified in the Project Grant agreement that priority of hiring labor must be given to local people. This must be cited as provision in civil works contracts for the subproject.
- (xv) Households in the 4 villages are generally rice sufficient. The Village HH Masterlists show that there are 134 HHs (74%) with rice surplus and rice sufficient and 46 HHs (26%) having rice deficits of less than 1 month to over 4 months. Comparison of rice production versus rice requirement in the four (4) villages shows that the villages are rice production of the villages exceeds the total rice requirement by about 152 tons per year.
- (xvi) Poverty situation shows 30% of the sample HHs have income lower than 85,000 kips/person/month and 25% have income higher than 85,000 but lower than 180,000 kips/person/month, while the remaining 45% have income higher than 180,000 kips/person/month.
- (xvii) There are only 4 landless households (LLHH) in Muchi village. Three (3) of the LLHHs are categorized as poor having income less than 85,000 kips/person/month, while one LLHHs have income between 85,000 to 180,000 kips/person/month.
- (xviii) There are 6 female-headed households (FHHs) in the 4 villages. Three (3) FHHs have rice deficit of about 1 month and 5 HHs are poor with incomes less than 85,000 kips/person/month. The 6 FHHs are living in Muchi and Namkhun May.

- (xix) The heads of these organizations are all males except the LWU. It is surprising, however, that there are female Deputy Village Chiefs in 3 of the 4 villages and women representation in the executive committee of some of the village administration committees.
- (xx) Data on gender distribution of responsibilities at home, in agriculture production and in decision-making show that women dominantly performs household works and share responsibilities with men in agriculture production and in decision-making responsibilities. This emphasizes the need of recognition/awareness on the importance of the roles women play in development.
- (xxi) Land ownership documents are mostly Land Tax Certificates which are reported to be in the name of both husband and wife.

### **3.2 Social Impacts**

35. The proposed subproject has the following potential positive impacts

- (i) Increase household income and hence, reduce poverty.
- (ii) Improvement of the economic conditions of beneficiary households due to: (a) improved irrigation water availability in irrigated areas; (b) increase in irrigated area in both seasons; (c) increase rice yield and production; (d) promote production of high value for other crops during the dry season; and (e) increase in income.
- (iii) Generate additional demand for hired labour due to increase in crop production activities in the area for two seasons.
- (iv) Promote a more active economy for the villages due to increased production of rice and other crops, increased household income, potential commercialization of rice surplus and high value crops, and demand for production inputs.
- (v) Savings on labor, time and local materials for the beneficiary households from the frequent repair of the indigenous weirs particularly during the wet season.

36. The subproject will enable intensification (increased frequency) of cropping in the area through increased reliability of water supply.

37. Those without irrigated land also support and express their need for the subproject as it will increase the demand for farm labor and there will also be employment from construction.

38. During fieldwork (asset measurement surveys, detailed design field investigations and SESA) GIC could notice a widespread support for the proposed subproject both amongst those with irrigated land and those without as there is an expectation that intensification of cropping will provide increased demand for farm labor.

### **3.3 Socio-Economic Survey of Affected Households**

39. As there are no subproject LARC affected people, no related assessment is required.

40. It is noteworthy that residents of the subproject villages confirmed during LARC related fieldwork their expectation of an improvement of their livelihoods through rehabilitated irrigation infrastructure as their incomes depend heavily on agriculture.



## 4. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

### 4.1 Requirements

41. In general a meaningful consultation is a process that (a) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (b) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (c) is undertaken in an atmosphere free of intimidation or coercion; (d) is gender inclusive; (e) enables the incorporation of all relevant views of affected people and other stakeholders into project design and implementation; and (f) ensures the participation of AHs in planning, implementation, and monitoring and evaluation of resettlement programs.

### 4.2 Achievements

42. The disclosure of information, consultation and participation of residents in the subproject implementation area started with the PPTA in 2010 and continued in 2011 and 2012 for the subprojects of the 1<sup>st</sup> Project Year and extended in 2012 and 2013 for the 9 subprojects of the 2<sup>nd</sup> Project Year as well as from 2013 to 2015 for the 8 subprojects of the 3<sup>rd</sup> Project Year all as part of the preparation of feasibility studies and detailed designs respectively. The contacted residents have a good understanding about the subproject and its land acquisition related aspects. The contacted villagers show an open attitude and a very supportive behavior towards the subproject as irrigation is a topic of high interest.

43. Provincial and district officials, as well as village representatives, households and families have been informed about the subproject in general and LARC aspects in particular. The subproject ensured that potential affected persons and other stakeholders have (a) obtained again information, however at detailed design stage now, and (b) opportunities to participate in the land acquisition process. An overview about LARC related governmental coordination and community consultation has been prepared in **Attachment 3**.

44. The dissemination and consultation activities are performed as an integral part of the resettlement planning process to inform the concerned villages about LARC items through (a) village meeting/s and (b) individual clarifications, in addition to (c) joint transect walks. During DMS fieldwork, the GIC initially provided information about participation of affected persons in land acquisition activities, the involvement of district and village leaders in the overall process, type of compensation and mitigation measures.

45. The feedback of contacted people given to GIC in site meetings has been recorded and incorporated in this report. This concerned mainly the agreement of the alignment of the new canal. During the PMS/DMS related fieldwork further consultation and discussion took place with villagers and findings have been considered by the preparation of this LAC report. On-site consultation should continue during the construction phase.

**Table 2: Feedback from Subproject Village Consultation Meetings**

No.	Question	Item	Indicative Totals of Responses by Gender												
			All		Majority		Average		Minority		None		Do not know		
			100%		ca. 75%		ca. 50%		ca.25%		0%				
			F	M	F	M	F	M	F	M	F	M		F	M
Q-1	Do you support the subproject?		x	x											
Q-2	Do you support the canal scheme and/or road system?		x	x											
Q-3	Would you agree in permanent canal/road alignments on your land?														
Q-4	Would you agree in temporary construction access on your land?		x	x											
Q-5	If land or other assets will be acquired, what is your preferred compensation option?	Donation of land as contribution to subproject													
		Land for land compensation in any case													
		Cash compensation for land in any case													
Q-6	What is your preferred conflict resolution option?	Village committee	x	x											
		District committee													
		Provincial committee													
		Civil court													
Q-7	If land or other assets will be acquired, what is your preferred use of compensation fees?	Education of children													No cases to report
		Building new houses													
		Small business													
		Deposit in bank													
		Consumption													
		Others													
Q-8	If you will lose majority of your land, what are your preferred options for future livelihoods?	Work outside													No cases to report
		Open shops													
		Run restaurants or hotels													
		Have small business													
		On-the-job training/ apprenticeships													
		Others													
Totals			4	4	0	0	0	0	0	0					
Comments from Participants															
C-1	• Villagers confirmed their willingness to cooperate with and contribute to the subproject.														
C-2	• Concerning Q-3, Q-5, Q-7 and Q-8 AHs there are no cases to report, therefore no information is provided.														
Notes from Consultant															
N-1.1	Date of village meeting: 29 October 2013														
N-1.2	Venue of Village meeting: Namark and Aneng villages														
N-1.3	Participating villagers: 17 female and 31 male residents														
N-2.1	Date of village meeting: 19 May 2015														
N-2.2	Venue of Village meeting: Namark village														
N-2.3	Participating villagers: 19 female and 19 male residents														
N-3	Main facilitators: PPO,DCO, GIC														
N-4	Introduction/briefing on LARC aspects to village residents by provincial, district and consultant staff complementary to joint transect walks undertaken in the subproject's implementation area.														
Abbreviations															
F:=Female; M:=Male; PPO:=Provincial Project Office; DCO:=District Coordination Office; GIC:= Grant Implementation Consultant															

## 5. COMPLAINTS AND GRIEVANCE REDRESS MECHANISMS

### 5.1 Requirements

46. These mechanisms are defined in the Project's Resettlement Framework aiming at the participation of APs throughout the various stages of LARC planning and implementation of subprojects. The information for APs about entitlements, compensation and supportive mitigation options and grievance mechanisms shall be provided by the Project's relevant agencies and committees. Extensive meetings with APs also allow the implementing agencies to identify the needs and preferences of APs pertaining to compensation and rehabilitation assistance and to reduce any negative potential impacts caused by the proposed subproject.

47. In terms of grievance redresses, the villagers have been briefed about rights to grievance and the procedures during feasibility and detailed design stages in case LARC items would become a subproject related issue. This shall be repeated at the start of construction phase. The APs may present their complaints to the concerned local administrative officials and resettlement committees. The complaint can be filed first at the village level and can be elevated to the highest or provincial level if the APs are not satisfied with the decisions made by the village and district levels/committees. APs will be exempted from all taxes, administrative and legal fees associated with their claims and grievance redress.

### 5.2 Grievance Approach

48. The main steps outlined below serve as an orientation for the grievance main approach. For each step details shall be described, agreed and explained to both resettlement responsible committees and the residents of affected villages.

**Table 3: NRIDSP Main Steps of Grievance Mechanisms**

Serial No.	Procedural Steps
1	In each village existing mediation committees would be the first contact for APs to address their concerns. It is recommended that in agreement with villages either this committee would be responsible for LARC issues or the village would establish a project related LARC committee. The village shall decide about its community internal approach.
▼	
2	APs would address their complaints to committee/s that would have to react within a defined time (5 days to be defined by village) after submission of the complaint.
▼	
3	In case provided responses are not satisfying to affected people the grievance applications would be forwarded to the district council for resolution within a defined time (5 days) from the date of filing the complaint with this court.
▼	
4	In case APs are still not satisfied next steps could involve provincial authorities that would have to issue a final decision within a defined time (10 days).
▼	
5	If subproject APs are still not satisfied with the response given or decisions made, the complaint can be elevated at national level either to the national court, if legal decision at provincial level will require this, or to the NPMO which is to be established by the DOP through which the MAF will be responsible for the overall project management for final clarification in this matter within 15 days.

49. In general, APs are entitled to lodge complaints regarding any aspect of the preparation and implementation of this LAC Report without prejudice to their right to file complaints with the court of law at any point in the process. The implementing agencies will shoulder all administrative and legal fees that will be incurred in the resolution of grievances and complaints.

50. It is recognized that members of AHs might not have writing skills or ability to articulate their grievances verbally, however, then AHs are encouraged to seek assistance from the subproject and/or nominated local non-governmental organizations and/or other family members, village heads to have their grievances recorded in writing and to have access to the LARC documentation, and to any survey or valuation of assets, to ensure that where disputes do occur all the details have been recorded accurately enabling all parties to be treated fairly.

51. All complaints and resolutions will be properly documented by the PPO/DCO and be available for (a) the public and (b) review for monitoring purposes.

## 6. LEGAL FRAMEWORK

### 6.1 Lao Requirements

52. The Project's RF describes the legal framework. Each subproject has to follow relevant Lao PDR laws, decrees and regulations including but not limited to the:

- Lao PDR Constitution, dated 1991, describing very generally among others the (a) socio-economic system, (b) fundamental rights and duties of citizens, (c) local administrations, (d) judicial organs.
- Lao National Land Law, dated 2003, including among others (a) defining land use and land ownership, (b) describing land tenure system, (c) providing the regulation framework for compensation of land but also including relocation of people that are affected by development schemes.
- Lao National Forestry Law, dated 1999, including among others (a) defining policies on forest and watershed management, and (b) promoting conservation and rehabilitation of forest resources.
- Lao National Water and Water Resources Law, dated 1996, including among others (a) principles/rules defining exploitation of the water and water resources, (b) management regulations for protection and preservation of the water and water resources, (c) outlining water resources classification systems.
- Lao National Road Law dated 1999, including among other (a) describing public roads and road activities, (b) defining management and land use for roads, (c) explanations to construction of roads and monitoring of roads' conditions.
- Decree No.192/PM of the Prime Minister, dated 7 July 2005, concerning the compensation and resettlement of people affected by development projects. This decree has been replaced by a new improved Decree No.699/PMO of the Prime Minister Office 12 March 2010 on Compensation and Resettlement of Development Projects.
- Regulations for Implementing the Decree of the Prime Minister on Compensation and Resettlement of People Affected by Development Projects (No.2432/STEA, dated 11 November 2005), are assumed remaining valid and to be applied.
- Reduction of Poverty Fund's Social and Environmental Guidelines dated 2008.

### 6.2 ADB Regulations

53. In general, the national Lao policies on land acquisition, compensation, assistance and resettlement are aligned with the ADB's key guidelines for involuntary resettlement such as:

- Safeguard Policy Statement, dated June, 2009.
- Operational Manual Section F1/OP, dated March, 2010.
- Handbook on Resettlement dated 1998.

### 6.3 Agreed Key Principles

54. Based on these key references the Project has defined the following key principles aiming at LARC objectives the subprojects shall achieve, as shown in **Table 4**.

**Table 4: NRIDSP Key LARC Objectives**

No.	Key Principles
1	If possible, involuntary resettlement and loss of land, structures and other assets and incomes shall be avoided and minimized by exploring all viable options
2	Project affected people shall be provided with compensation for their lost assets, incomes and businesses. The provision with rehabilitation measures shall be sufficient to assist project affected people in improving or at least maintaining their pre-project living standards, income levels and productive capacity.
3	Lack of legal rights to the assets lost will not bar the project affected people from entitlement to such compensation and rehabilitation measures.
4	Replacement of affected assets shall be provided following the principle of replacement costs, without deduction for the value of salvaged materials, taxes, transaction costs and depreciation.
5	Preparation of resettlement plans and their implementation shall be carried out with participation and consultation of project affected people.
6	Schedule of budget for resettlement planning (including socio-economic surveys and/or census) and implementation shall be incorporated in project planning and financing.
7	Payment of compensation or replacement of affected assets and any relocation of all project affected people shall be completed before issuing the notice to commence work in a given subproject. Rehabilitation measures must also be in place prior to issuing the notice.
8	Compensation and rehabilitation assistance for ethnic minorities, and socially disadvantaged such as households headed by women, the disabled and elderly, the landless and poor will be carried out with respect for their cultural values and specific needs.

55. These all support the guiding principle of ADB that “...*project affected people compensated and assisted so that their economic and social future will generally be at least as favorable with the project as without it*”. This policy intends to ensure that the absence of formal and legal titles to land by affected grouped or individual users should be formal or legal reasons for non-compensation, and that “*particular attention should be paid to the needs of the poorest affected persons including those without legal title to assets, female-headed households, and other vulnerable groups, such as indigenous people, and appropriate assistance provided to help them improve their status*”. Currently, both ADB guidelines and policies, and Lao PDR national laws and regulations entitle subproject affected persons to compensation of private assets including land at replacement costs.

**Table 5: NRIDS Project Main Components of Compensation Approaches**

Key Item	Internationally Applied Best Practice	Lao PDR Legislation	NRIDS Project	
Scope of impact	Include all affected persons including those affected by construction and operational sites/facilities	All	Shall include all affected persons in residential, agricultural and commercial areas that are: (i) permanently /temporarily acquired, (ii) construction and O&M related, (iii) private and/or public areas	
Definition of assets	All fixed and movable assets		Shall define all assets: (iv) legally acknowledged, and (v) as identified during PMS/DMS and SESA	
Compensation to formal owners / users of assets	Compensation legally required		Listed	Shall be offered and provided to eligible: (vi) private users (vii) private organizations (WUG, etc.) (viii) public users
Compensation to informal / unregistered owners / users of assets	Compensation to be provide to users of assets and resources based on traditional rights	Key		Shall be applied to eligible households or individuals: (ix) whose user rights are proven by tax or other formal payments (x) socio-economically surveyed as users of affected assets
Special support to ethnic groups using assets	Special mitigation measures throughout the project cycle			Items
Special support to vulnerable groups				
Livelihood restoration	Compensation to be provided in addition to loss of assets, crops etc.	Are	Shall include, among others: (xiii) Income rehabilitation measures (xiv) Others to be defined	
Relocation	Avoiding physical displacement		Shall be applied and shown through: (xv) Technical optimized design of proposed infrastructure (xvi) If not avoidable, relocated house-holds shall receive (for no costs or payments) issued land titles for their new compounds	
Timing of compensation and support measures	Before construction start of any infrastructure subproject		Mandatory	Before start of construction: (xvii) Funds made available and proven to be accessible conditional to release of construction funds (xviii) Paid and/or provided to affected individuals/households
Note 1: International best practices as applied by ADB, World Bank, others.				
Note 2: Final resettlement planning shall provide details of these and other items				

## 7. ENTITLEMENT, ASSISTANCE AND BENEFITS

### 7.1 Entitled Affected Persons

56. In general the subproject defines eligibility as “those people residing, cultivating and/or making a living within the area to be acquired for the project as of the formally recognized cut-off date should be considered as project affected persons for the purposes of entitlements to compensation, resettlement and rehabilitation assistance in accordance with the provisions of laws and regulations. Lack of legal land use certificate or any acceptable proof indicating land use right to the land or structure affected by the project should not bar any person from such entitlement/assistance.” In accordance with this definition for the purpose of resettlement planning NRIDSP includes affected people as shown in **Table 6**.

**Table 6: NRIDSP Categories of Entitled Affected People**

No.	Categorized APs
1	Persons/ households whose agricultural, residential, or commercial land is in part or in total affected (temporarily or permanently) by the subproject.
2	Persons/households whose houses and other structures are in part or in total affected (temporarily or permanently) by the subproject.
3	Persons/ households whose businesses or source of income (i.e. employment) are affected (temporarily or permanently) by the subproject.
4	Persons/households whose crops (annual/perennial) and trees are affected by the subproject.
5	Persons or households who stand to lose access to common property resources and community assets (temporarily or permanently) due to the subproject.

57. Entitlements for each subproject affected household are based on the types and levels of losses. General orientation has been provided by the overall Project’s Resettlement Framework. The defined entitlements have been followed and complementary details provided by the explanations given below.

58. APs and their households can also decide to donate those portions of their assets which are affected by the subproject. This is regarded as their voluntary contribution by which they also agree in not requesting compensation and related support for which they would be entitled. Conditions under which voluntary land donation can occur are described in the RF.

59. In case of AHs would have agreed to voluntary donation of their land and trees, there should be (i) some additional support and/or (ii) safety net in case their livelihoods would be affected more than expected. With regard to (i) additional support some priorities for AHs concerning construction related employment and jobs would have to be included in contract negotiations with contractors who have to consider these AHs for rehabilitation and construction work related job opportunities. In addition and if necessary (see item ii) some income restoration activities could be designed in a participatory manner during construction and/or operation phase which could include, among others, any of the following measures: (a) alternative livelihood; (b) improved agricultural production; (c) access to credit facilities for productive endeavors; and (d) appropriate skills training.

60. After completion of the feasibility study including the PMS, which was carried out in September 2013, the detailed design confirmed through its final field investigations in May 2015, that the proposed rehabilitation will take place only in existing corridors along existing alignments of the irrigation infrastructure along existing right-of-way.



## 7.2 Loss of Assets and Resources

61. No IOL has been conducted as there are no losses expected. No Compensation Unit Rates were collected there are no involuntary resettlement impacts.

62. The entitlements are summarized in the subproject's matrix in **Table 7**.

**Table 7: Subproject's Entitlement Matrix**

Type of Loss	Entitled Persons	Compensation and Rehabilitation Measures	Implementation Issues
<b>I. LOSS OF LAND</b>			
<b>A</b> Temporarily Affected			
A-1 Agricultural Land	0		
A-2 Residential Land	0		
A-3 Commercial Land	0		
<b>B</b> Permanently Affected			
B-1 Agricultural Land	0		
	0		
B-2 Residential Land	0		
B-3 Commercial Land	0		
<b>II. LOSS OF HOUSES &amp; OTHER STRUCTURES</b>			
<b>C</b> Temporarily Affected			
C-1 Houses	0		
C-2 Shelter/Dwelling	0		
C-3 Fence	0		
C-4 Others	0		
<b>D</b> Permanently Affected			
D-1 Houses	0		
D-2 Shelter/Dwelling	0		
D-3 Fence	0		
D-4 Others	0		
<b>III. LOSS OF CROPS &amp; TREES</b>			
<b>E</b> Temporary Loss of			
E-1 Crops	0		
E-2 Trees	0		
<b>E</b> Permanent Loss of			
E-1 Crops	0		
E-2 Trees	0		
<b>IV. LOSS OF COMMON PROPERTY RESOURCES</b>			
<b>F</b> Temporary Loss of Services			
F-1 Administration	0		
F-2 Water and Sanitation	0		
F-3 Health	0		
F-4 Education	0		
F-5 Transport	0		
F-6 Others	0		
<b>G</b> Permanent Loss of Services			
G-1 Administration	0		
G-2 Water and Sanitation	0		
G-3 Health	0		
G-4 Education	0		
G-5 Transport	0		
G-6 Others	0		
<b>V. INCOME RESTORATION</b>			
H-1 Material Transport Allowance	0		
H-2 Housing Transition Allowance	0		
H-3 Business Transition Allowance	0		
H-4 Special Assistance for Socially and/or Economically Vulnerable Households	0		
H-5 Other Support Measures	0		

### **7.2.1 Loss of Land**

63. No cases of subproject affected private residential land to report.

64. No cases of subproject affected private productive land to report.

65. Therefore, types of compensation and donation have only been discussed in a general way to provide a general picture to the villagers concerning LARC aspects in the context of the implementation stage of the subproject.

66. It has been assumed that temporary land requirements for establishing construction installation areas and camps concern public land. No compensation costs are assumed for such cases. In case contractor/s would damage property the contractor/s will be obliged to pay compensation at replacement costs immediately to affected families, groups, communities or government agencies. Damaged property will be restored immediately to its former condition.

67. Standard contractual obligations with contractor/s would be applied as a precaution in contracts (i) to pay compensation immediately, and/or (ii) restore property to its former condition in case contractor/s would damage such property.

### **7.2.2 Loss of Houses and Other Structures**

68. No cases of subproject affected house and structures to report.

### **7.2.3 Loss of Crops and Trees**

69. No cases of loss of trees through the subproject to report.

70. There will be no damage of crops because of construction works that would be scheduled in accordance with harvesting period.

71. The provision of irrigation water will not be disrupted for the weir related construction or rehabilitation, because of diverting the stream around the construction sites. However, for the rehabilitation of the canals, there will be temporarily limited or no provision of irrigation water. In such a case, options for temporary water supply, if required, shall be agreed with farmers and be provided by the Project through the contractor. However, farmers of the irrigation scheme contacted during feasibility study and detailed design stages indicated to PPO, DCO and Consultants their willingness to accept this as a contribution of the farming community to the subproject as they are highly interested in the improvement of their irrigation scheme.

### **7.2.4 Loss of Common Property Resources**

72. No cases of subproject affected resources to report.

## **8. RELOCATION OF HOUSING AND RESETTLEMENT**

73. No relocation of houses or settlement through this subproject to report.

## **9. INCOME RESTORATION AND REHABILITATION**

74. No cases of allowances and special assistance to report.

## 10. RESETTLEMENT BUDGET AND FINANCING PLAN

### 10.1 Planned LAC Cost Estimate

75. No budget required as there are no cases of loss of private assets to be compensated. GOL counterpart funds cover costs for resources related to safeguard implementing and M&E both at national (resettlement committee and specialist/s), provincial (resettlement committee and provincial project office), and district levels (resettlement committee, community development and safeguard officer/s). External M&E costs are included in funds from ADB covering also project supervision.

**Table 8: Subproject's Land Acquisition and Compensation Budget**

Item	Description	Rounded Amounts [Million Kip]	Comments
Loss of land	No cases	No costs	
Loss of houses and structures	No cases	No costs	
Loss of crops	No damage of crops by construction works. Limited or no access to irrigation for certain periods in accordance with construction works.	No costs	This arrangement has been agreed between farming community and subproject to facilitate the rehabilitation works of the irrigation scheme.
Loss of trees	No cases	No costs	
Loss of common property resources	No cases	No costs	
Income restoration	No cases	No costs	
Special assistance	No cases	No costs	
Complementary measures	No cases	No costs	
<b>Sub-Total 1: Mitigation</b>		<b>0</b>	
LARC implementation	Administrative matters	No costs	Separately budgeted
Safeguard implementation	M&E	No costs	Separately budgeted
<b>Sub-Total 2: Implementation</b>		<b>0</b>	
Contingencies (10% of subtotals 1 and 2)		0	
<b>Sub-Total 3: Contingencies</b>		<b>0</b>	
<b>TOTAL</b>		<b>0</b>	

### 10.2 Compensation or Donation

76. There are no cases to reports.

### 10.3 Actual LAC Budget

77. No land acquisition and compensation (LAC) budget required. In general, costs for resources to implement LARC related safeguards at national, provincial, district and village level during study, detailed design and rehabilitation/construction stages are borne by separate budgets and included in the subproject supervision.

## 11. INSTITUTIONAL ARRANGEMENT

78. To ensure inter-agency cooperation at the national level, a National Steering Committee (NSC) has been established. The NSC will meet annually or as required to review overall implementation progress, approve annual work-plans and budgets, and provide overall policy guidance. The National Project Management Office (NPMO) will provide secretariat services to NSC. Provincial Steering Committees (PSCs) have been established to ensure inter-agency coordination at provincial level. The PSCs are chaired by provincial vice governors with equivalent representation to that for the NSC, including governors from the participating districts. The PSC will meet bi-annually or as required to review implementation progress and to ensure adequate levels of coordination between key agencies for project coordination. Subproject Investment Reports (SIRs) shall be approved by PSCs after obtaining the necessary concurrence of ADB for social and environmental safeguards. The PPO will provide secretariat services to PSCs.

79. The Ministry of Agriculture and Forestry (MAF) is the executing agency (EA) for the Project with the responsibility for overall project coordination and management transferred to its Department of Planning (DOP) who has established the National Project Management Office (NPMO) for day-to-day coordination and management of the Project. The implementing agencies at the provincial level are the Provincial Agriculture and Forestry Offices (PAFOs). Provincial Project Offices (PPOs) have been established in each PAFO to be responsible for financial management at provincial level, and coordination and management of implementation of subprojects. To assist implementation of the Project at the district level, District Coordination Offices (DCOs) have been established within District Agriculture and Forestry Offices (DAFOs) to mainly coordinate and supervise subproject activities.

80. At provincial and district levels staff has been nominated for committees responsible for LARC matters. They were among the 105 provincial and district staff attending the orientation workshops between 24 and 29 October 2011 organized and conducted by GIC for all four Project provinces including among other topics:

- General introduction into LARC planning.
- Specific explanations about country safeguard standards and Lao legal context.
- Briefing about ADB involuntary resettlement and social safeguards standards.
- Description of compensation approach for subproject conditions.

81. Relevant LARC related legal documents were distributed to the attendants of this workshop. The same staff has been involved in the consultation process, LARC- PMS/DMS screening, socio-economic surveys and IOLs during the subproject's feasibility and detailed design stages. In addition a LARC follow-up training took place between 24 and 27 December 2012.

## 12. IMPLEMENTATION SCHEDULE

82. In general, the three PPTA representative subprojects are grouped as batch 1 of the Project's "year 1" beside 6 other subprojects grouped as batch 2. The Project's years two and three have further 9 and 8 subprojects, respectively.

83. An overview about performed and scheduled activities of design and construction works, together with related LARC activities, has been prepared for Project Year 3 in **Table 10**. There are no LAC activities required. In general, the subprojects of Project Year 3 are scheduled to commence with the mobilization of contractor in October 2015, and its physical construction in November 2015 with completion date 8 months later in June 2016.

**Table 9: Status of Performed/Scheduled Activities of Project Year 3 Subprojects**

Project Year	Number of Sub-projects	Stage / Activity	Time																					
			2013				2014				2015				2016									
			Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4						
			M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
			P e r f o r m e d ▼ S c h e d u l e d																					
Year 3	8	Feasibility Study																						
		LAC fieldwork / surveys																						
		Draft FS including LAC Reports																						
		FS Review and Approved LAC Attachment																						
		Sub-contracting & Detailed Design																						
		LAC fieldwork / surveys																						
		DD Updated LAC Reports																						
		Bidding & Evaluation																						
		Contract Negotiations & Mobilization																						
		Approved Updated LAC Reports																						
		Rehabilitation / Construction of 8 Subprojects																						
		Operation of 8 Subprojects	! =>																					
			► Status July 2015																					
			P e r f o r m e d ▲ S c h e d u l e d																					
			Months																					
			Year																					
			2013				2014				2015				2016									
Notes	1	Main steps for land acquisition and compensation of the subprojects would include among others: (a) Delivery of compensation and entitlements, (b) Approval of Updated LACR, (c) Notice to Proceed with implementation.																						
	2	The subprojects have a 8 months construction period each under the assumption of good working conditions in dry and rainy seasons.																						
	3	8 Irrigation Subprojects: Nam Chae, Houay Sa (II), Houay Lieng, Houay Makmue, Nam Ngaene Thong Paene, Nam Gna (IV) and (V), Ngene (Ban Namark) and Nam Hin, Nam Xang.																						
Abbreviations:		LAC:= Land Acquisition and Compensation      FS:= Feasibility Study      DD:= Detailed Design																						

### **13. MONITORING AND REPORTING**

84. The LAC monitoring is embedded in the overall M&E approach of the subproject. The M&E distinguish between internal and external components. The technical approach of the LAC related M&E will have to be transparent, and any data or information made available to involved stakeholders in Lao and/or English language, whichever is more comprehensible to a given stakeholder group.

#### **13.1 Internal M&E**

85. As this subproject is a Category C project, internal monitoring about resettlement related aspects is not needed.

#### **13.2 External M&E**

86. As this subproject is a Category C project, external monitoring about resettlement related aspects is not needed.

## ATTACHMENT 1: DEFINITIONS OF KEY TERMS

**Resettlement Plan (RP)** is a time-bound action plan with budget setting out resettlement strategy, objectives, entitlement, actions, responsibilities, monitoring and evaluation.

**Affected Person (AP)** indicates any juridical person being as it may an individual, a household, a firm or a private or public who, on account of the execution of the proposed project or any of its components or subprojects or parts thereof would have their:

- (i) right, title or interest in any house, land (including residential, agricultural and grazing land) or any other fixed or moveable asset acquired or possessed, in full or in part, permanently or temporarily; or
- (ii) business, occupation, work, place of residence or habitat adversely affected; or
- (iii) standard of living adversely affected.

**Severely Affected Person** for this proposed subproject is defined as a person who will:

- (i) lose more than 10% of total agriculture/aquaculture land holding; and/or
- (ii) relocate and/or lose more than 50% of their main residential and/or commercial property; and/or
- (iii) lose more than 10% of total income sources due to the proposed project.

**Land Acquisition** means the process whereby a person is compelled by a public agency to alienate all or part of the land s/he owns or possesses, to the ownership and possession of that agency, for public purpose in return for fair compensation.

**Replacement Cost** means the cost of replacing lost assets and incomes, including cost of transactions. If land, it means the cost of buying a replacement land near the lost land with equal productive potential and same or better legal status, including transaction costs. If structures, the replacement cost is the current fair market price of building materials and required labor cost without depreciation or deductions for salvaged building material or other transaction cost. Market prices will be used for crops, trees and other commodities.

**Resettlement Effects** mean all negative situations directly caused by the project and/or subproject including loss of land, property, income generation opportunity, and cultural assets.

**Relocation** means the physical relocation of an AP from her/his pre-project place of residence.

**Rehabilitation** means the process to restore income earning capacity, production levels and living standards in a longer term. Rehabilitation measures are provided in the entitlement matrix as an integral part of the entitlements.

**Compensation** means payment in cash or in kind to replace losses of land, housing, income and other assets caused by a project.

**Significant Resettlement Effect** for each subproject means 200 people or more will experience „major“ impacts. Major impacts include

- (i) physical displacement from housing and/or more than 10% of the household's productive (income generating) assets are lost.
- (ii) 100 people or more who are experiencing resettlement effects are indigenous people or vulnerable as defined in the policy, for example, female-headed households, those living close to, on or below the poverty line, and isolated communities, including those without legal title to assets and pastoralists; or
- (iii) more than 50 people experiencing resettlement effects are particularly vulnerable.

## ATTACHMENT 2: OVERVIEW ABOUT LARC FACT FINDING AND SCREENING

### Nam Ngene and Nam Hin Irrigation Subproject – Bountai District - Phongsaly Province



PHOTOS 1 TO 3: JOINT TRANSECT WALK TO WEIRS TO BE REHABILITATED.



PHOTOS 4 TO 6: IMPRESSIONS FROM EXISTING CANALS AND PADDY FIELDS.

#### TECHNICAL DESCRIPTION

MAIN COMPONENTS	YES	NO	DESCRIPTION
Upgrading or rehabilitation	x		Existing facilities
Construction of new physical facilities	x		
Residential area		x	
Productive land	x		
Access		x	Existing access
Weir	x		2 weirs (removal of soil sediment; reinforcement, etc.)
Main canal	x		4 main canals with a total length of 7,051m
Other canal/s	x		7 secondary canals: total: 897m; 2 tertiary canals: total: 1033m
Related structures	x		82 new related structures (3 end structures, 3 divisions, 7 regulators, 2 spillways, 5 overflows, 1 flume, 2 chutes, 19 farm outlets, 1 drop, 23 farm turnouts, 5 road crossing, 6 basins, 3 tail structures, 2 drain culverts))
Drains		x	
Road		x	

#### POTENTIAL LAND ACQUISITION, RESETTLEMENT AND COMPENSATION (LARC) RELATED IMPACTS







SELECTED KEY ITEMS	YES	NO	DESCRIPTION
Permanent land acquisition		x	
Temporary land acquisition		x	
Loss of houses/compounds		x	
Loss of agricultural land		x	
Displacement of people		x	
Change of land ownership and usage		x	
Loss of crops/trees		x	
Loss of incomes and livelihoods		x	
Loss of businesses/enterprises		x	
Loss of access to facilities/services		x	
Loss of community assets/ties		x	
Loss of cultural/historical properties		x	
Affected non-titled or vulnerable groups		x	
Affected socio-economic activities		x	

LIST OF TECHNICAL ASPECTS AND SCREENING IN ACCORDANCE WITH CHECKLISTS AS DEFINED BY LAO PDR GUIDELINES AND ADB REGULATIONS

► **FINDING: THERE ARE NO LARC RELATED IMPACTS EXPECTED FOR THIS SUBPROJECT**



### ATTACHMENT 3.1: OVERVIEW ABOUT LARC CONSULTATION AND COORDINATION

Nam Ngene and Nam Hin Irrigation Subproject – Bountai District - Phongsaly Province		
		
PHOTO 1: INCEPTION WORKSHOP: KICK-OFF EVENT OF THE PROJECT	PHOTO 2: ORIENTATION WORKSHOP: INTRODUCTION OF DISTRICT / PROVINCIAL PROJECT STAFF INTO LARC LAWS / REGULATIONS	PHOTO 3: RECONNAISSANCE VISIT: INTRODUCTION MEETING BETWEEN DISTRICT / PROVINCIAL STAFF AND GIC
		
PHOTOS 4 AND 5: PUBLIC VILLAGE MEETING TO INFORM ABOUT LARC ASPECTS AND SURVEYS		PHOTO 6 PUBLIC VILLAGE MEETING AT DETAILED DESIGN STAGE ABOUT DESIGN / LAND REQUIREMENTS
ITINERARY		
DATE	ACTION	DESCRIPTION
13-18 July 2010	PPTA related cooperation and consultation with authorities and villagers	
03 August 2011	Inception workshop ----- Vientiane City	Introduction to key stakeholders including representatives from MAF, MoF and Project staff from Bokeo, Luang Namtha, Phongsaly and Oudomxay provinces
07 September 2011	Introductory field visits ----- Subproject areas	Preliminary fact finding mission by GIC staff to the three provinces of Bokeo, Luang Namtha, and Phongsaly to: (i) Introduce GIC team to provincial/district Project staff; (ii) Get preliminary LARC related overview of scope and nature of LARC effects through Project in general.
27-29 October 2011	Orientation workshop for Bokeo and Oudomxay provinces, and 5 districts ----- Bokeo	Concerning 34 provincial and district staff incl. 17 women: (iii) Distributing LARC related Lao laws and technical guidelines to all attendants; (iv) Briefing formal and practical LARC aspects;
24-27 December 2012	Capacity Development Training ----- Oudomxai Town	Training Component Social Safeguard for Project Staff: (v) General M&E of LARC related items; (vi) Specific criteria concerning pre-construction, construction and post-construction (operation) phases.
7-8 May 2013	Irrigation engineering site visit ----- Subproject area	Review of technical aspects including among others: (vii) Conditions of existing irrigation infrastructure; (viii) Existing and/or new canal alignments; (ix) Irrigation related requirements of villagers/WUAs.
29 October 2013	PMS fact finding mission ----- Subproject area	LARC related planning: (x) Village consultation meeting; (xi) Transect walk with villagers and provincial/district Project staff along irrigation infrastructure; (xii) Preliminary Measurement Survey of land/ trees; (xiii) Discussion key-finding for LAC by PPO and GIC.
19 May 2015	DD Engineering DMS fact finding village consultation ----- Subproject area	Implementation of land acquisition: (xiv) DMS/SESAH based on detailed design, if necessary; (xv) Disclosure of LAC related content; (xvi) Official procedures for land acquisition, if necessary.
		Public presentation about detailed design for final: (xvii) Technical descriptions and clarifications; (xviii) Farmers requirements; (xix) Confirmation/dissemination about LARC aspects.

## ATTACHMENT 3.2A-I: LARC VILLAGE CONSULTATION

### CONSULTATION DURING FEASIBILITY STUDY STAGE

#### ON LAND REQUIREMENTS AND THE FORMAL PROCEDURES ON COMPENSATION / DONATION OF ASSETS TO THE SUBPROJECT

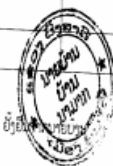
#### Nam Ngene Irrigation Subproject – Bountai District – Phongsaly Province Public Village Meeting in Namark village, 29 October 2013 ; Attendance List



Lao People's Democratic Republic  
MINISTRY OF AGRICULTURE AND FORESTRY  
DEPARTMENT OF PLANNING  
NORTHERN RURAL INFRASTRUCTURE DEVELOPMENT SECTOR  
PROJECT ADB Grant NO. 0235-LAO (SF)  
Unit 7, Ne Rhu Road, Ban Phoukay, Xayboun District, Vientiane Capital,  
Lao PDR Telefax: +656 21 990 249 Email: npmo.m@gmail.com

JS Participants: Namark Subproject 29/10/2013.


ລ/ດ	ຊື່ ແລະ ນາມສະກຸນ	ເພດ	ຕັ້ງສະໄໝຕົວເອງ	ມາຈາກບາງສ່ວນ	ກະຊວງປະຕິບັດ (V) ຫຼື ຊາວບ້ານທີ່ມີສ່ວນຮ່ວມໃນການປະຕິບັດ				ຕື່ມສໍາລັບການ ຕິດຕໍ່ຕໍ່ໜ້າ
					ຄົນທີ່ມີສ່ວນຮ່ວມ ທາງການ-ໄວ	ຄົນທີ່ມີສ່ວນຮ່ວມ ທາງການ-ຊື່ຍຸບ	ຄົນທີ່ມີສ່ວນຮ່ວມ ທາງການ-ອື່ນ	ທາງການ-ອື່ນ	
1	ທ່ານ ສິນທິພອນ ສິນທິພອນ	ຜ.	ອົງຄົນຈຸນຊົນ	NRD/101					22994165
2	ທ່ານ ສິນທິພອນ ສິນທິພອນ	ຜ.	ອົງຄົນຈຸນຊົນ	NRD/102					50071807
3	ທ່ານ ສິນທິພອນ ສິນທິພອນ	ຜ.	ອົງຄົນຈຸນຊົນ	NRD/103					22819449
4	ທ່ານ ສິນທິພອນ ສິນທິພອນ	ຜ.	ອົງຄົນຈຸນຊົນ	NRD/104					50071807
5	ທ່ານ ສິນທິພອນ ສິນທິພອນ	ຜ.	ອົງຄົນຈຸນຊົນ	NRD/105					50071807
6	ທ່ານ ສິນທິພອນ ສິນທິພອນ	ຜ.	ອົງຄົນຈຸນຊົນ	NRD/106					50071807
7	ທ່ານ ສິນທິພອນ ສິນທິພອນ	ຜ.	ອົງຄົນຈຸນຊົນ	NRD/107					50071807
8	ທ່ານ ສິນທິພອນ ສິນທິພອນ	ຜ.	ອົງຄົນຈຸນຊົນ	NRD/108					50071807
9	ທ່ານ ສິນທິພອນ ສິນທິພອນ	ຜ.	ອົງຄົນຈຸນຊົນ	NRD/109					50071807
10	ທ່ານ ສິນທິພອນ ສິນທິພອນ	ຜ.	ອົງຄົນຈຸນຊົນ	NRD/110					50071807



ລ/ດ	ຊື່ ແລະ ນາມສະກຸນ	ເພດ	ຕັ້ງສະໄໝຕົວເອງ	ມາຈາກບາງສ່ວນ	ກະຊວງປະຕິບັດ (V) ຫຼື ຊາວບ້ານທີ່ມີສ່ວນຮ່ວມໃນການປະຕິບັດ				ຕື່ມສໍາລັບການ ຕິດຕໍ່ຕໍ່ໜ້າ
					ຄົນທີ່ມີສ່ວນຮ່ວມ ທາງການ-ໄວ	ຄົນທີ່ມີສ່ວນຮ່ວມ ທາງການ-ຊື່ຍຸບ	ຄົນທີ່ມີສ່ວນຮ່ວມ ທາງການ-ອື່ນ	ທາງການ-ອື່ນ	
11	ທ່ານ ສິນທິພອນ ສິນທິພອນ	ຜ.	ອົງຄົນຈຸນຊົນ	NRD/111					50071807
12	ທ່ານ ສິນທິພອນ ສິນທິພອນ	ຜ.	ອົງຄົນຈຸນຊົນ	NRD/112					50071807
13	ທ່ານ ສິນທິພອນ ສິນທິພອນ	ຜ.	ອົງຄົນຈຸນຊົນ	NRD/113					50071807
14	ທ່ານ ສິນທິພອນ ສິນທິພອນ	ຜ.	ອົງຄົນຈຸນຊົນ	NRD/114					50071807
15	ທ່ານ ສິນທິພອນ ສິນທິພອນ	ຜ.	ອົງຄົນຈຸນຊົນ	NRD/115					50071807
16	ທ່ານ ສິນທິພອນ ສິນທິພອນ	ຜ.	ອົງຄົນຈຸນຊົນ	NRD/116					50071807
17	ທ່ານ ສິນທິພອນ ສິນທິພອນ	ຜ.	ອົງຄົນຈຸນຊົນ	NRD/117					50071807
18	ທ່ານ ສິນທິພອນ ສິນທິພອນ	ຜ.	ອົງຄົນຈຸນຊົນ	NRD/118					50071807
19	ທ່ານ ສິນທິພອນ ສິນທິພອນ	ຜ.	ອົງຄົນຈຸນຊົນ	NRD/119					50071807
20	ທ່ານ ສິນທິພອນ ສິນທິພອນ	ຜ.	ອົງຄົນຈຸນຊົນ	NRD/120					50071807
21	ທ່ານ ສິນທິພອນ ສິນທິພອນ	ຜ.	ອົງຄົນຈຸນຊົນ	NRD/121					50071807
22	ທ່ານ ສິນທິພອນ ສິນທິພອນ	ຜ.	ອົງຄົນຈຸນຊົນ	NRD/122					50071807
23	ທ່ານ ສິນທິພອນ ສິນທິພອນ	ຜ.	ອົງຄົນຈຸນຊົນ	NRD/123					50071807
24	ທ່ານ ສິນທິພອນ ສິນທິພອນ	ຜ.	ອົງຄົນຈຸນຊົນ	NRD/124					50071807
25	ທ່ານ ສິນທິພອນ ສິນທິພອນ	ຜ.	ອົງຄົນຈຸນຊົນ	NRD/125					50071807
26	ທ່ານ ສິນທິພອນ ສິນທິພອນ	ຜ.	ອົງຄົນຈຸນຊົນ	NRD/126					50071807
27	ທ່ານ ສິນທິພອນ ສິນທິພອນ	ຜ.	ອົງຄົນຈຸນຊົນ	NRD/127					50071807
28	ທ່ານ ສິນທິພອນ ສິນທິພອນ	ຜ.	ອົງຄົນຈຸນຊົນ	NRD/128					50071807



ATTACHMENT 3.2A-II: LARC VILLAGE CONSULTATION

CONSULTATION DURING FEASIBILITY STUDY STAGE									
ON LAND REQUIREMENTS AND THE FORMAL PROCEDURES ON COMPENSATION / DONATION OF ASSETS TO THE SUBPROJECT									
Nam Ngene Irrigation Subproject – Bountai District – Phongsaly Province									
Public Village Meeting in Aneng village, 29 October 2013 ; Attendance List									
<div>  <p>                     Lao People's Democratic Republic                      MINISTRY OF AGRICULTURE AND FORESTRY                      DEPARTMENT OF PLANNING                        NORTHERN RURAL INFRASTRUCTURE DEVELOPMENT SECTOR                      PROJECT ADB Grant NO. 0235-LAO (SF)                        Unit 7, Ne Rhu Road, Ban Phonsavan, Kayetha District, Vientiane Capital,                      Lao PDR Telefax: +855 21 990 249 Email: nrmn.nri@gmail.com                 </p> </div> <p>Handwritten note: ສູ່ ການປະຕິບັດການສະໜອງ ລາຍການ ວັນທີ 29/10/2013</p>									
ລ/ດ	ຊື່ ແລະ ນາມສະກຸນ	ເພດ	ຕຳແໜ່ງໃນບັນດາຊຸມ	ບາງກວາງກາສ່ວນ	ກຳລັງເຮັດວຽກ (1) ຫຼື ອຸກສິນເຊິ່ງເຮັດວຽກໃນໂຄງການນີ້				ຖິ່ນຢູ່ອາໄສປະຈຸບັນ
					ຜູ້ເຮັດວຽກເຮັດງານ	ຜູ້ເຮັດວຽກເຮັດງານ	ຜູ້ເຮັດວຽກເຮັດງານ	ຜູ້ເຮັດວຽກເຮັດງານ	
					ບາງກວາງ-ໄກ	ບາງກວາງ-ສີມຸງ	ບາງກວາງ-ອະນຸ	ບາງກວາງ-ອື່ນໆ	
1	ທ. ພິມມະວົງ	ຊາຍ	ບາງກວາງ	ບາງກວາງ					ບາງກວາງ
2	ທ. ສິນທິພອນ	ຊາຍ	ບາງກວາງ	ບາງກວາງ					ບາງກວາງ
3	ທ. ສິນທິພອນ	ຊາຍ	ບາງກວາງ	ບາງກວາງ					ບາງກວາງ
4	ທ. ສິນທິພອນ	ຊາຍ	ບາງກວາງ	ບາງກວາງ					ບາງກວາງ
5	ທ. ສິນທິພອນ	ຊາຍ	ບາງກວາງ	ບາງກວາງ					ບາງກວາງ
6	ທ. ສິນທິພອນ	ຊາຍ	ບາງກວາງ	ບາງກວາງ					ບາງກວາງ
7	ທ. ສິນທິພອນ	ຊາຍ	ບາງກວາງ	ບາງກວາງ					ບາງກວາງ
8	ທ. ສິນທິພອນ	ຊາຍ	ບາງກວາງ	ບາງກວາງ					ບາງກວາງ
9	ທ. ສິນທິພອນ	ຊາຍ	ບາງກວາງ	ບາງກວາງ					ບາງກວາງ
10	ທ. ສິນທິພອນ	ຊາຍ	ບາງກວາງ	ບາງກວາງ					ບາງກວາງ

