

Procedural Guidelines for Voluntary Land Contribution

August 2011

Lao PDR: Nam Ngum River Basin Development
Sector Project Additional Financing

I. BACKGROUND

1. The Nam Ngum River Basin Development Sector Additional Financing Project (the Project) aims for the same impact and outcome as those for the ongoing Loan1933-Lao: Nam Ngum River Basin Development Sector Project (NNRBDSP). The expected impact is the optimal use of water resources, especially in the Nam Ngum River Basin (NNRB). The outcome will be integrated watershed management improved in the NNRB. The Project will use the similar approach, methodologies and implementation arrangements for the common objectives.

2. The project design will principally draw on experiences under the original NNRBDSP. There will be three components: (i) integrated water resources management (IWRM), (ii) watershed management, and (iii) capacity development for project implementation. The watershed management component will provide sustainable livelihood opportunities to poor and ethnic group people in target villages within NNRB. An activity under the component will support village capacity building and infrastructure funds (CBIF) as NNRBDSP did. The CBIF will invest on a grant basis in non-revenue earning activities to foster the community-driven development of small-scale village infrastructure and other common assets. These investments will include irrigation systems, access roads, bridges, terracing, water supply, track/road, market access, technology application, and protection of natural resources.

3. The ongoing NNRBDSP assisted rural asset improvements through CBIF. These assets include 23 small-scale irrigation systems, 18 village access roads, 54 village water supply systems, and 17 schools. These were basically rehabilitation, improvement, or renovation, and civil works were conducted within existing rights-of-way or public land. There was no involuntary resettlement.

4. The additional financing project will not cause any involuntary resettlement as activities involving involuntary acquisition of land or other assets (e.g., structures, crops, trees) will be screened out from the Project. Civil works under the Project will be planned primarily within existing rights-of-way and/or unoccupied public land. In addition, minimal acquisition (permanent and/or temporary) of land, structures, crops and trees may be sought through voluntary contribution and/or donation, considering potential opportunities that the voluntary contribution and/or donation could enable much-needed village assets improvements. The procedural guidelines for voluntary land contribution set out principles and arrangements to ensure that the transfer of land and assets is really voluntary without coercion and that it will not make contributors poorer.

II. PRINCIPLES

5. Land acquisition under the Project will adopt following principles for voluntary contribution.

- (i) construction sites for voluntary contribution must not be site specific.
- (ii) the impacts of contribution must be minor, involving (a) no physical displacement from housing, and (b) no more than 10 percent of the productive assets held by each contributor.
- (iii) the land required to meet technical criteria for infrastructure must be identified in the village development plan.
- (iv) the land required must be free of squatters, encroachers, or other claims or encumbrances.
- (v) consultation will be undertaken in an atmosphere free of intimidation or coercion.
- (vi) verification of the voluntary nature of land contributions must be obtained from each person contributing land.

- (vii) the impacts of contributions will be adequately mitigated. If any loss of income or assets is envisaged, there should be verification of voluntary acceptance of community-devised mitigation measures from those expected to be negatively affected.
- (viii) these processes of contributing and, as appropriate, accepting mitigation measures will also be monitored by an independent entity such as the Lao Women's Union (LWU), the Lao National Front for Construction (LNFC), or local NGOs.
- (ix) a grievance mechanism will be established before the initiation of a process for civil works in the concerned districts.

III. IMPLEMENTATION ARRANGEMENTS

6. **Institutional Arrangements.** The Office of National Project Manager (ONPM) of the Project and the National Agricultural and Forestry Extension Services (NAFES) will have overall responsibility for implementing infrastructure development financed through CBIF. Under the village authority or village committee of each targeted village, a village development committee will be organized to plan, implement and operate village common assets funded through CBIF. Concerned District Agriculture and Forestry Offices (DAFOs) will assist, through their technical sections, planning, implementation and operation of these assets. The district and/or provincial offices of LNFC will provide assistance for consultation and supervision for implementation of the asset development as required.

7. **Planning and Implementation.** Investment proposals for village common assets will be incorporated into village development plans authorized by village committees. These assets will be designed in principle within the concerned village areas. These proposals for funding from the Project will be reviewed and endorsed by DAFOs, NAFES and ONPM prior to the commencement of the concerned activities. Village chiefs will attach to the proposals (i) certificates that the above principles in paragraph 5 will be complied with; and (ii) voluntary contribution verification forms (templates are shown on the last page of this document) signed by those who will contribute, as applicable.

8. **Monitoring.** Representatives of LNFC and LWU will work closely with villagers to ensure the compliance. ONPM will also engage a monitoring expert who will assist DAFO staff and verify these processes periodically. An officer who will be appointed for social safeguard issues in each ONPM, NAFES, and DAFO, will be responsible for the compliance with the Procedural Guidelines..

9. **Consultation.** DAFO staff at the field level will ensure that villagers are informed of the Project and the Procedural Guidelines before deciding on infrastructure locations and design. In particular, those who will opt for voluntary contribution will be fully informed that they will have rights and options not to do so. ONPM will prepare Lao language version of the Procedural Guidelines.

10. **Reporting.** ONPM, under the support of a safeguard expert and a monitoring and evaluation expert, will monitor the processes, if any. In addition to recording the progress in asset acquisition and compensation payment activities, ONPM will prepare quarterly monitoring reports to ensure that the implementation of the Procedural Guidelines have produced the desired outcomes, in collaboration with provincial, district and village level stakeholders. Any related implementation issues will be reported and will be brought to the attention of ADB and EA.

11. **Grievance Redress Mechanism.** The initial focal points to accept complaints due to the Project will be concerned DAFOs, the implementing units at the local level. Other IAs and MAF, the executing agency will act on these complaints as efficiently as possible. ADB will also maintain channels to receive complaints due to the Project. In addition,

representatives of LFNC and LWU will visit project sites periodically and monitor consultation and planning processes. An external monitoring expert will also monitor project activities on the ground. These field visits will provide villagers with occasions to address their concerns and opinions.

12. **Required Resources.** Monitoring the application of the procedural guidelines will be conducted as part of the monitoring and evaluation of the Project progress, and the performance will be summarized in quarterly progress reports. Costs for the monitoring will be financed from the loan proceeds. Resources for community-devised mitigation measures or compensation for voluntary contribution of land or other assets for the Project will also be financed from the loan proceeds, if incurred in compliance with the procedural guidelines.

VOLUNTARY CONTRIBUTION VERIFICATION FORM
Lao People's Democratic Republic

[INSERT NAME] Province

[INSERT NAME] District

[INSERT NAME] Village

CERTIFICATE OF LAND/ASSET TRANSFER

I, [INSERT NAME, AGE, NATIONALITY, OCCUPATION], with residence located in [INSERT NAME] village, [INSERT NAME] district, [INSERT NAME] province, certify that I have been previously informed by local authority of my right not to contribute my property (land, crops, trees, etc.) that might be required by the construction of infrastructure and related facilities under Nam Ngum River Basin Development Sector Additional Financing Project in [INSERT NAME] district.

I confirm that I voluntarily contribute the below described property located in [INSERT NAME] village ([INSERT NAME] district to be provided to the local authority[, and accept below described mitigation measures]. I would request the local authority to consider this as my voluntary contribution to the Project.

Type of Loss	Area(sqm)	Number of Trees	Unit Rates	Total	Mitigation Measures
Land					
Crops					
Trees					

Therefore, I sign this certificate for the proof of my decision.

[INSERT NAME] district

[INSERT DATE]

The owner of the property

[INSERT NAME AND SIGN]

Witnesses:

1. [INSERT NAME]

2. [INSERT NAME]

3. [INSERT NAME]

Certified by the Chief of the Village [INSERT NAME AND SIGN]

The Chief of [INSERT NAME] district [INSERT NAME AND SIGN]