

## COMPLAINT CLOSING REPORT

PROJECT NAME	Project Number: 46293-003 Loan 3156-LAO: Greater Mekong Subregion Tourism Infrastructure for Inclusive Growth Project
ADB DEPARTMENT/DIVISION	Southeast Asia Department (SERD)/Lao PDR Resident Mission (LRM)
AM FUNCTION	Problem-Solving
ELIGIBILITY RESULT	Ineligible
ELIGIBILITY DETERMINATION DATE	13 August 2021
<b>I. Complaint and issues</b>	A written complaint was filed through the ADB's Accountability Mechanism (AM) on 13 July 2021 and was submitted to LRM, via ADB inquiry, on 14 July 2021. The complaint relates to the Ban Xang Hai–Tham Ting cave access road improvements subproject under the project. The complainants—the owner and the manager of an elephant camp—raised concerns on the banana plantation established near the subproject. They alleged that (i) the plantation was illegally established, and it discharged hazardous waste to the nearby stream and river; (ii) one of their elephants was killed by the plantation operator; and (iii) the plantation uses overweight vehicles and made illegal alterations to the road drainage system (including installation of undersized culverts) which could damage the road (this third issue was not part of the original complaint but raised by the complainants during a meeting with the Office of the Special Project Facilitator (OSPF) on 6 August 2021). The complainants requested ADB to request the Government of the Lao PDR to close the banana plantation.
<b>II. Actions taken to address the problems or issues</b>	<p>Following receipt of the complaint, LRM, SERD safeguards focal, and SEUW formed a team to review and address the complaint. On 19 July 2021, LRM forwarded the complaint (without disclosing the complainants' identity) to the project's executing agency (EA). Based on the eligibility assessment, on 13 August 2021, OSPF declared the complaint ineligible for the problem-solving function under the AM.</p> <p>At the project level, the SERD/LRM team joined several discussions with the EA and the complainants to assess if the complaint is a project-related and agree on actions to be taken, as relevant. Due to COVID-19 travel restrictions, only the project implementing agency (IA) conducted the site visit on 4 August 2021 in Luang Prabang. The team concluded that the issues (i) and (ii) were not project related, while the issue (iii) was related to the project but not caused by the project. This was communicated to the complainants in the 1 October 2021 meeting. The EA has advised the banana plantation owner to widen the culvert at the banana plantation access road. In addition, the EA has installed height control gates at both ends of the road to limit road access of large trucks. The complainants confirmed that they were satisfied with the actions taken by the EA and ADB.</p>
<b>III. Decisions or agreements by parties concerned</b>	All parties (ADB, EA, IA and the complainants) concurred that the issues (i) and (ii) were not caused by the project or were not related to the project, and that ADB does not have the mandate or authority to request the EA to investigate and address them. All parties agreed that alterations made to the road drainage by the plantation owner and the use of the road by heavy trucks could result in damages to the road rehabilitated by the project. Therefore, the EA took actions to address the issue (see section II). The complainants are satisfied with the actions taken by the EA, IA and ADB and did not raise further concerns.
<b>IV. Results and lessons learned</b>	The complainants confirmed that they were satisfied with the process to resolve the project-related concerns and the explanation provided by the SERD/LRM team on ADB's position on the issues that are not project-related. Timely and well-prepared responses to the complaint, the EA and IA's involvement in the complaint handling, and a highly consultative process with ADB acting as honest broker helped to address the complaint effectively.

**Note: Keep the report brief and concise, maximum one page.**