

Resettlement Plan

January 2014

Lao People's Democratic Republic:
Greater Mekong Subregion Tourism Infrastructure
for Inclusive Growth Project

Xang Cave Access Improvements, Khammouane
Province

Prepared by the Ministry of Information, Culture and Tourism, Lao People's Democratic Republic, for the Asian Development Bank.

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CURRENCY EQUIVALENTS

(as of 1 February 2014)

1USD = 7,874 KN

ABBREVIATIONS

ADB	Asian Development Bank
AH	affected household
AP	affected persons
DBST	double bituminous surface treatment
DICT	Department of Information, Culture and Tourism
DMS	detailed measurement survey
DRC	District Resettlement Committee
GMS	Greater Mekong Subregion
Government	Government of Lao PDR
IOL	inventory of losses
Lao PDR	Lao People's Democratic Republic
LFNC	Lao Front for National Reconstruction
LWU	Lao Women's Union
PCU	project coordination unit
PIB	public information booklet
PPTA	project preparatory technical assistance
PIU	project implementation unit
PRC	Provincial Resettlement Committee
RC	Resettlement Committee
RCS	replacement cost survey
RP	resettlement plan
SES	socioeconomic survey
VRC	village resettlement committee

WEIGHTS AND MEASURES

km	kilometre
kg	kilogram
ha	hectare
mm	millimeter

NOTES

In this report, "\$" refers to US dollars

This draft-final resettlement plan is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature.

DEFINITION OF TERMS

- Affected person (AP) - Means any person, household, firm or private institution who, on account of changes resulting from the Project, or any of its phases or subprojects, will have its (i) standard of living adversely affected; (ii) right, title or interest in any house, land (including residential, commercial, agricultural, forest, salt mining and/or grazing land), water resources or any other moveable or fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence or habitat adversely affected, with or without displacement.
- Detailed Measurement Survey (DMS) - With the aid of the approved detailed engineering design, this activity involves the finalization and/or validation of the results of the inventory of losses (IOL), severity of impacts, and list of APs earlier done during RP preparation. The final cost of resettlement can be determined following completion of the DMS.
- Cut-off date - This refers to the date prior to which the occupation or use of land in the project area makes residents/users of the same eligible to be categorized as AP.
- Entitlement - Refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. which are due to the APs, depending on the type and severity of their losses, to restore their economic and social base.
- Host community - Means the community already in residence at a proposed resettlement or relocation site.
- Income restoration - This is the re-establishment of sources of income and livelihood of the affected households.
- Income restoration program - A program designed with various activities that aims to support affected persons to recover their income / livelihood to pre-project levels. The program is designed to address the specific needs of the affected persons based on the socio-economic survey and consultations.
- Inventory of Losses (IOL) - This is the process where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the project right-of-way (project area) are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of APs will be determined.

Land acquisition	- Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.
Rehabilitation	- This refers to additional support provided to APs losing productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life
Relocation	- This is the physical relocation of an AP from her/his pre-project place of residence and/or business.
Replacement cost	- The amount needed to replace an affected asset net of transaction costs such as administrative charges, taxes, registration and titling costs.
Replacement Cost Study	- This refers to the process involved in determining replacement costs of affected assets based on empirical data.
Resettlement	- This includes all measures taken to mitigate any and all adverse impacts of a project on AP property and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation as needed.
Resettlement Plan (RP)	- This is a time-bound action plan with budget setting out compensation and resettlement strategies, objectives, entitlement, actions, responsibilities, monitoring and evaluation.
Severely affected households	- This refers to affected households who will (i) lose 10% or more of their total productive land and/or assets, (ii) have to relocate; and/or (iii) lose 10% or more of their total income sources due to the Project.
Vulnerable groups	- These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) female headed households with dependents, (ii) disabled household heads, (iii) households falling under the generally accepted indicator for poverty, (iv) children and the elderly households who are landless and with no other means of support, and (v) landless households, and (vi) indigenous people or ethnic minorities.

EXECUTIVE SUMMARY

Project and Subproject Description

The expected outcome of the Greater Mekong Subregion (GMS) Tourism Infrastructure for Inclusive Growth Project (the project) is that increased tourism receipts benefit men and women living in underdeveloped segments of the GMS Central Corridor in Lao PDR. The project outputs are: (i) improved last-mile tourism access infrastructure; (ii) improved environmental services in cross-border tourism centers; (iii) strengthened institutional capacity to promote inclusive tourism growth; and (iv) effective project implementation and knowledge management.

Khammouane Province will have two subprojects: (i) Xang Cave Access Improvements and (ii) That Sikhottabong Environmental Improvement, aimed at upgrading tourist sites and increasing the number of tourists visiting the areas.

This resettlement plan (RP) has been prepared for Xang Cave Access Improvements, the only subproject in Khammouane Province with resettlement impacts.

Resettlement Impacts

Xang Cave Access Improvements has minor resettlement impacts linked with the activity to construct a secondary access road 500 m in length, 100 m footbridge, 20 m ford river crossing and box culverts in Ban Tham. A total area of 480 m² of residential / garden land will be acquired from 3 households, each of whom holds legal title to the land. The percentage of loss of residential land by each household is 11%, 13% and 16%. The only structure affected is a wooden fence.

Legal Framework

This Resettlement Plan (RP) is developed from the laws and decrees of the Government of the Lao People's Democratic Republic (PDR) and Asian Development Bank's (ADB's) policies. These policies include ADB's Safeguard Policy Statement (SPS) 2009 and the Lao Government's laws and regulations related to land and resettlement, including Decree 192 and the Technical Guidelines for Compensation and Resettlement issued in March 2010.

Entitlements

The main entitlements relate to cash compensation for the loss of residential land, trees and structures at replacement cost. This entitlement covers all the compensation required from the Inventory of Losses and census taken at preliminary design stage. During project implementation a Detailed Measurement Survey will update the list of affected persons and assets and the entitlement matrix covering other types of impacts will apply where needed.

Resettlement Budget

The total cost of resettlement is \$4,167. Of this total \$3,292 is the direct cost of compensation for land, trees and structures, 17% of this has been allocated for implementation costs and 10% has been allocated for contingency. The updated budget will be updated based on the DMS. The Government will cover all land acquisition and resettlements (LAR) costs.

Institutional Arrangements

MICT will establish a Project Coordination Unit (PCU) to coordinate and oversee overall project management, including consultant recruitment and procurement. The Khammouane Department of Information, Culture and Tourism (DICT) will be responsible for the overall coordination of organizations involved in resettlement and for RP preparation and updating, supervision and management of RP implementation. It will further be responsible for ensuring that RP updating and implementation activities are consistent with those described in the RP and will also be responsible for internal monitoring of resettlement activities. The Provincial DICT will establish a Project Coordination Unit (PIU) with a focal person for resettlement and will establish a Resettlement Committee at the province level. The Resettlement Committees (RCs) will be responsible for all aspects of resettlement implementation including holding consultations, conducting the DMS with support from implementing consultants hired by the PCU, verifying rates and disbursing funds.

Monitoring

The PCU in MICT will be responsible for overseeing the formation, function, and activities of the implementing agencies, and through quarterly monitoring reports, summarize project progress including the status of implementation of the resettlement plans. The main form of monitoring will be internal by the PCU as well as by the PIUs in DICTs in each province. The National and International Resettlement Specialists will support the PCUs and PIUs in monitoring. The number of affected households covered by this RP does not warrant the engagement of an external monitor.

The internal monitoring process will ensure that resettlement institutions are well functioning during the course of project implementation and that the resettlement activities are undertaken in accordance with the implementation schedule described in the RP and as per the agreed resettlement policy. All monitoring data will be collected to and disaggregated by sex and ethnicity.

I. PROJECT DESCRIPTION

1. The Greater Mekong Subregion (GMS) Tourism Infrastructure for Inclusive Growth Project (the project) is a multi-sector, multi-country investment project financed by separate sovereign loans to Cambodia, the Lao Peoples Democratic Republic, and Viet Nam. The project will invest in transport and environmental infrastructure and capacity building in 12 provinces across the three participating countries.

2. The project outcome in the Lao PDR will be increased tourism receipts benefit men and women living in underdeveloped segments of the GMS Central Corridor. Project outputs are: (i) improved last-mile tourism access infrastructure; (ii) improved environmental services in cross-border tourism centers (iii) strengthened institutional capacity to promote inclusive tourism growth; and (iv) effective project implementation and knowledge management. In Lao PDR the project will improve infrastructure and environmental services in tourism sites in Khammouane Province (Thakek District), Luang Prabang Province (Pak Ou and Chomphet Districts) and Oudomxay Province (Xay District). The two subprojects to be implemented in Khammouane are:

Xang Cave Access Improvements: Xang Cave is situated in Ban Tham, Khammouane Province, approximately 6 km east of Thakhek City. Although international tourist arrivals in Thakhek reached 160,000 in 2012 and were growing at 33% per year, the site recorded only 5,000 visitors and less than \$16,000 in tourism revenue due to poor access and lack of facilities. The subproject will implement measures to remove these constraints including upgrading road access and facilities at the cave.

That Sikhottabong Environmental Improvement: Sikhottabong Stupa is a national heritage site 6 km south of Thakhek City in Khammouane Province, visited by up to 10,000 people per day during the annual weeklong Sikhottabong Festival, Lao New Year, and other public holidays. This causes significant traffic congestion and overwhelms on-site sanitary facilities. The subproject will improve the internal roads, public tourism amenities, and sanitary facilities at the site.

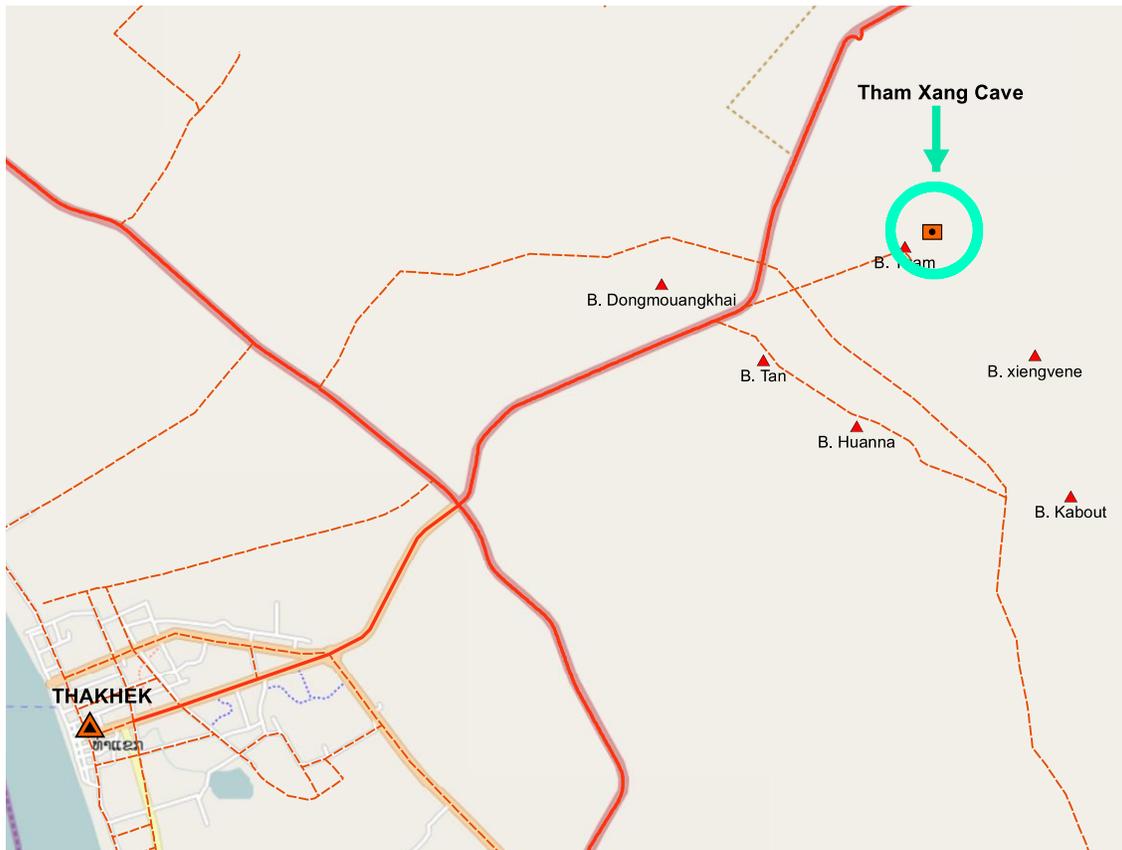
II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

3. The project is upgrading infrastructure at targeted tourist sites to draw more tourists. As the sites are already designated tourist access areas that are managed by local communities, the project does not entail significant land acquisition, relocation or other types of resettlement. The roads are all upgrades and do not entail construction of new road alignments.

4. Minimizing resettlement: In order to further avoid and /or minimize resettlement impacts the following measures are incorporated in the preliminary design:

- The road upgrade is primarily to improve the road surface and will apply the same width and alignment as the existing alignment to the extent possible while ensuring safety standards.
- Facilities such as parking lots, tourist booths / information centers and other facilities are constructed on public land. The section for parking has been designed to be the minimum size practical while ensuring vehicles, including busses can park and turn safely in the lot.

Figure 1: Map Showing Location of Xang Cave Access Road



5. The subproject That Sikhottabong Environmental Improvement has no resettlement impacts. If, during the detail design, resettlement impacts are identified at That Sikhottabong, the provisions of this resettlement plan will apply.

6. The Xang Cave Access Improvements subproject activities consist of the following: (i) upgrade the existing 3.7 km access road to Xang cave and nearby Ban Xieng Vaen to double bituminous surface treatment (DBST) standard with a 6.0 m carriageway and rehabilitate one road bridge; (ii) construct a secondary access road 500 m in length with 5.0 m right of way, 100 m footbridge, 20 m ford river crossing and box culverts; (iii) construct parking areas approximately of 4,000 m² and 1,000 m²; (iv) construct a multi-purpose tourist reception center with male and female public toilet blocks, vendor kiosks and landscaped open spaces; (v) improve access paths and the cave's internal lighting system; (vi) install rubbish bins at key locations; and (vii) install signage and information boards. The subproject will directly benefit 1,933 people living in Ban Tham and Ban Xieng Vaen.

7. The activity: (ii) construct a secondary access road 500 m in length, 100 m footbridge, 20 m ford river crossing and box culverts will have a minor impact on residential and garden land in Ban Tham near the corner of the secondary road that leads to the ford crossing on the approach to the cave. As shown in Table 1, only 3 households are affected with the loss of small parcels of residential land.

Table 1: Affected Households for Xang Cave Access

AHs Head of HH		Structure			Trees		Residential Land			No. of APs
Name	Asset type	Tot Area (m ²)	Aff Area (m ²)	% Loss	Aff trees	Total Area (m ²)	Aff Area (m ²)	Total Area (m ²)	% Loss	
Mr. Than, Mrs. Pad Ta Na	Wooden Fence	121	27	22%	4	825	135	690	16	4
Mr. Say/Mrs. Thee	None				3	1,640	220	1420	13	4
Mr. Ae/Mrs. Don	None				2	1,098	125	973	11	5
Total		121	27	22	9	3,563	480	3,083	13	13

8. The 3 affected households (AHs) (with a total of 13 family members) lose between 16%, 13% and 11% of their land and 2 to 4 trees each (fruit trees and bamboo-see list in Annex 1) but no main structures are affected. Only one AH has an affected wooden fence.

9. All of the households belong to the Lao ethnic group. No households are classified as poor¹ or have other factors that make them vulnerable. The main occupation is farming. The AHs live in a peri-urban area with access to basic services such as water and electricity. The local village has its own primary school. Each household has its own well for water, and two have a toilet in the house. One head of household has not completed primary education, one has completed secondary school and the third has completed vocational training. The households all ranked their village wealth status as average for the area and indicated that compared to others in the village they are relatively well-off. One household has an average monthly income between KN 8,000,000 to KN 10,000,000 and the two other income levels are above KN 20,000,000 per year. During the consultations with the affected households were in favor of the subproject and agreed it would bring benefits to the village. The affected persons did not have concerns about the project, only mentioning the need to ensure fair compensation for their land. All are interested to receive training to benefit more in generating income from tourism.

10. The rate for compensation for residential land has been established through a verification of recent land transactions with villagers and local leaders during the consultation. The APs confirmed recent land transactions and prices paid for the varied trees and established land and tree compensation is a price that they consider to be the replacement cost. The size of land and tree loss will not affect their livelihood or increase their vulnerability. Replacement cost for land will be re-verified to reflect prevailing market rates based on recent land transactions during RP updating.

III. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

11. From 3 – 8 July consultations were undertaken with the APs and local authorities. A meeting was held on 4 July the PPTA consultant team with the provincial Department of Information, Culture and Tourism (DICT), District officials, 20 villagers and 3 affected households (AHs). The consultation meetings involved the following discussions:

¹ In 2010: the poverty line was less than 180,000 KN per person per month for people in rural areas and 210,000 KN per person per month for people in urban areas.

- Proposed infrastructure improvements;
- Temporary and permanent resettlement impacts;
- Entitlement and compensation;
- Objectives of the census and Inventory of Losses, socio-economic surveys and eligibility for compensation (including cut-off date, 31 July 2013);
- Need for active participation of the community;
- Affected persons views on the subproject, its benefits, how to avoid impacts on structures and businesses and minimize environmental and resettlement impacts.

12. In the consultations, the APs agreed that the activity to upgrade their road and tourist facilities at the cave would be overall beneficial. They understood that they may experience temporary difficulties in road access during construction but welcomed the fact that they would have less dust from traffic after the upgrade, and more tourists coming to the area in the long term. The villagers were mainly concerned about the quality of the construction in particular erosion control around the culvert/river ford.

13. The APs indicated they would have no objection to acquisition of their land for the project as long as they receive fair compensation. Villagers also requested proper management of materials and dirt during construction to reduce pollution; and provide clearance for them to access their homes and parking area for motorbikes during construction.

14. Further consultation with the APs will be carried out at detailed design stage so that their needs and preferences can be further incorporated into the design arrangements. They will also participate in the various RP processes: DMS, RCS, identification of sites, handover of entitlements, monitoring of impacts and benefits, and discussion and settlement of grievances. The scope of information to be provided to APs includes: (a) description of the project and overall schedule, (b) DMS and RCS results, (c) policy principles and entitlements and special provisions, (d) grievance procedures, (e) timing for payments and displacement schedule, and (f) institutional responsibilities.

15. The RP will be translated into Lao and distributed to the provincial and district authorities. This RP will be posted on ADB's website prior to approval of the project by ADB's management. The PIUs will be responsible for the disclosure of the RP to affected persons. The updated RP will be posted on the ADB web site following the DMS and RP updating to be done at the detailed design stage.

16. Project information was disclosed to the affected people and will continue throughout the project cycle. At the start of implementation and prior to the DMS, the information on resettlement entitlements and other details will be updated in the Project Information Brochure (PIB) to be distributed to the affected people. Monitoring reports on resettlement activities will be prepared as part of quarterly project progress reports and uploaded to the MICT's project website, to be managed by the PCU, and ADB website.

17. Updating and dissemination of the resettlement plan is integral to the project's Stakeholder Communication Strategy, detailed on the Project Administration Manual. Key activities in the strategy that are designed to support review, updating and dissemination of the RP include: (i) establishment, and regular consultation with, local focal points in all subproject areas; (ii) community meetings in parallel with detailed infrastructure design; (iii) individual consultations with potential/affected persons; and (iv) joint meetings between officials,

potential/affected persons, project staff, and civil society/mass organizations on matters of resettlement planning, implementation, and monitoring.

IV. GRIEVANCE REDRESS MECHANISM

18. All APs have the right to appeal any aspect of decisions made not in accordance with the RP or with commitments given to them, or on which they disagree with the level or manner of compensation, including land, house or shop or stall relocation and compensation. The main objectives of the grievance procedure are to provide a mechanism to ensure that the compensation and resettlement programs have been implemented accurately and fairly, alleviating any adverse effects on APs, to mediate conflict and to avoid lengthy litigation that is unfair to APs and can delay the project. It also provides people who have objections or concerns about their assistance with an accessible and known procedure through which to raise their objections and have them resolved in a timely and satisfactory manner.

19. The project grievance redress procedure for this project will operate as follows:

Step 1 – Village Level. Initial points of contact will be between APs and their village officials. The PIU staff will maintain regular contact with all village offices and represent the Project in consultations with aggrieved parties. All complaints and grievances will be properly documented by both the village offices and the project staff and addressed through consultations in a transparent manner aimed at resolving matters through consensus. All meetings between the village officials, project staff and complainants will take place in a public place and include participation of representatives of APs, local non-benefit organizations, and village heads to ensure transparency. Where the complaint is verbal, the Village Resettlement Committee (VRC) or project staff (whichever is first contacted) is responsible for keeping a written record of the grievance;

If within 5 days of lodging the grievance, participants are not able to reach an amicable, mutually-agreeable decision, or complainants are not satisfied with the project's decision, the complaint will be forwarded to the District Resettlement Committee (DRC). APs and local mass organizations may forward their grievance directly to the DRC or can do so with the assistance of the project staff. It will be the role of the project staff to ensure that any unresolved grievance is forwarded in a timely manner to the DRC;

Step 2. – District Level. If APs are not satisfied with, or do not receive a response from the DRC within 10 days of their complaint being lodged with the DRC, then the complaint can be forwarded to the Provincial Resettlement Committee (PRC). Again, elevation of the complaint to these bodies can be undertaken by the AP or with the assistance of the project staff. It will be the role of the project staff to ensure that any unresolved grievance from the DRC is forwarded in a timely manner to the PRC;

Step 3 – Provincial Level. If the complaint still remains unresolved within 10 days of being lodged to PRC, APs and local mass organizations may forward their grievance directly to the DICT;

Step 4 – Central Level. MICT will ensure to review and resolve all complaints within 10 days. The complaint, as a last resort, will be lodged with the Court of Law whose decision would be final. Although the technical guidelines for resettlement designate this elevating of the complaint to the local mass organizations, non-benefit organizations and AP representatives, in order to ensure the availability of adequate resources to carry out this procedure, the DICT/MICT will be

responsible for forwarding the complaint and ensuring its process in the courts. All legal and administrative costs incurred by APs and their representatives are to be covered by the project.

20. If efforts to resolve complaints or disputes are still unresolved and unsatisfactory following the project's grievance redress mechanism, the households have the right to send their concerns or problems directly to ADB's Southeast Asia Department (SERD) or through ADB's Lao Resident Mission. If the households are still not satisfied with the responses of SERD, they can directly contact the ADB's Office of the Special Project Facilitator as outlined in the Information Guide to the Consultation Phase of the ADB Accountability Mechanism.

21. The RCs will provide quarterly reports to the DICT on grievances received, including names and pertinent information about the APs, nature of complaint, dates the complaints are lodged, and resolutions. Grievances not resolved will also be recorded, detailing negotiations and proposals which could not be agreed on, and the date of these negotiations.

V. LEGAL FRAMEWORK

22. This Resettlement Plan (RP) is developed from the laws and decrees of the Government of the Lao People's Democratic Republic and Asian Development Bank's (ADB's) relevant policies and guidelines. Provisions and principles adopted in this RP will supplement the provisions of relevant decrees currently in force in Lao PDR wherever a gap exists.

A. Government Laws, Decrees, and Guidelines

23. In Lao PDR, compensation principles and policy framework for land acquisition and resettlement are governed by the following laws, decrees and regulations: (a) The Constitution (1991), (b) the Land Law (2003), (c) Road Law (1999), (d) Decree of the Prime Minister on Compensation and Resettlement of People Affected by Development Project (No.192/PM, dated 7 July 2005), and (e) Regulations for Implementing Decree of the Prime Minister on Compensation and Resettlement of People Affected by Development Project (No.2432/STEA, dated 11 November 2005).

24. In February 2010, the Lao Government issued a Decree on Environmental Assessment (112/PM 2010). This Decree stipulates that a social management and monitoring plan (SMMP) should be part of the Environmental Assessment. This SMMP should define the main social activities, measures on prevention, minimization and mitigation of social impacts, as well as measures on compensation, resettlement and restoration of living conditions of the people who are (will be) affected by the investment project. In March 2010, an update on Technical Guidelines for Compensation and Resettlement (from Nov 2005) was published. The update was prepared in accordance with the provisions of Decree 192, the Implementing Regulations, and the National Policy No. 561 CPI on Environmental and Social Sustainability of the Hydropower Sector in Lao PDR issued on 7 June 2005. The Guidelines explain in detail the processes and procedures necessary for collection of data, surveys and preparation of various documents in accordance with the provisions of Decree 192 on Resettlement and Compensation.

B. ADB Policies

25. The applicable ADB's Safeguard Policy Statement (the SPS, June, 2009), and detailed in the OM Section F1/OP (issued on 4, March, 2010).

26. The main objectives of ADB's Policy on Involuntary Resettlement is to avoid or minimize impacts on people, property and businesses affected by the acquisition of land or other impacts of the project, including impacts on livelihood and income, that arise from the implementation of the project. Where involuntary resettlement is unavoidable, it must be minimized either by exploring project alternatives, or by providing specific mitigation to enhance or at least restore the living standards of the affected people to their pre-project levels. The SPS 2009 stresses that the living standards affected people should be improved.

27. Another ADB Policy that has a bearing on resettlement planning and implementation include is ADB's Policy on Gender and Development (2006). This policy adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring that women participate and that their needs are explicitly addressed in the decision-making process. For projects that have the potential to cause substantial gender impacts, a gender plan is prepared to identify strategies to address gender concerns and the involvement of women in the design, implementation and monitoring of the project.

28. ADB's Policy on Indigenous Peoples (SPS 2009) states that the borrower/client will ensure (i) that affected Indigenous Peoples receive culturally appropriate social and economic benefits; and (ii) that when potential adverse impacts on Indigenous Peoples are identified, these will be avoided to the maximum extent possible. Where this avoidance is proven to be impossible, based on meaningful consultation with indigenous communities, the Indigenous Peoples Plan will outline measures to minimize, mitigate, and compensate for the adverse impacts.²

29. Other policies of the ADB that have bearing on resettlement planning and implementation are the: (i) Public Communications Policy (2011); and (ii) Accountability Mechanism (2012). According to these policies, central Project Coordination Units (PCUs) and PIUs are required to proactively share and disclose the project information with stakeholders and the public at large. Affected people should have easy access to the project information. A grievance redress mechanism, therefore, must be included in the resettlement plans and disclosed to the affected people.

30. Together, the ADB Safeguard Policy Statement 2009, the Government of Lao PDR's Laws and Decrees provide the legal basis to identify past, present, and future involuntary resettlement impacts and risks, outlining procedures to determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.

C. Gap Analysis

31. The recent changes in legislation related to compensation and resettlement in development represents a significant improvement in the rights of citizens when their livelihoods, possessions and society are affected by development projects. The Decree, similar to ADB's Safeguard Policy 2: Involuntary Resettlement, requires that APs are compensated and assisted to improve or maintain their pre-project incomes and living standards, and are not worse off than they would have been without the project. Both Lao Law and ADB policies entitle non-titled APs to compensation for affected land and non-land assets at replacement cost and other assistance so that they are not made worse off due to the project.

² An Indigenous People's Plan has been prepared for this project that sets out actions to addressing how ethnic groups will benefit from this project and negative impacts will be avoided/mitigated.

32. However, definition of severely affected APs varies between ADB's policy at 10% and the Government's Decree 192/PM (Article 8) at 20% of productive and/or income generating assets affected. The provisions of resettlement policies for other projects that have been agreed between Government and international donors (ADB and World Bank), the definition of severely affected - as people losing 10% or more of their productive or income generating assets - will be adopted as part of the project's resettlement policy.

33. Decree 192/PM goes beyond ADB's policy and provides APs living in rural or remote areas, or APs in urban areas who do not have proof of land-use rights and who have no other land in other places, compensation for loss of land-use rights at replacement cost, in addition to compensation for their other assets and other assistance.

34. Both the law (Decree 192) and ADB policy require that if non-titled APs are required to relocate, the project will ensure they are provided replacement land at no cost to the APs, or cash sufficient to purchase replacement land.

35. The updates to Laos PDR policies have brought them more in line with ADB's safeguards. The main differences are summarized in Table 5.

Table 2: Gap Analysis Lao PDR and ADB resettlement policies

Decree 192 Requirements	ADB SPS Requirements	TIIG Project measures
Definition of severely affected APs (Article 8) is 20% of productive and/or income generating assets affected.	Definition of severely affected APs is same as significant impact i.e. 10% or more of productive (income generating assets) affected.	ADB standard is adopted and applied in the Project's entitlement matrix.
Requires consultation with AHs and stakeholders during RP preparation.	Requires consultation with AHs and stakeholders during RP preparation and ongoing during implementation and monitoring.	Project's CPP will ensure that adequate and meaningful consultations continue throughout the project cycle.
Vulnerable groups: (i) divorced or widowed female headed households with dependents and low income; (ii) households with disabled or invalid persons; (iii) poor or landless households; (iv) elderly households with no means of support.	Vulnerable groups: those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land.	Vulnerable groups: (i) Female headed households with dependents; (ii) disabled household heads; (iii) poor households; (iv) children and the elderly households who are landless and with no other means of support; (v) landless households; (vi) Indigenous people.
Voluntary Contributions: Only if marginal impacts (less than 20% of productive assets) and do not result in displacement. APs aware of entitlements.	ADB SPS is limited to involuntary resettlement. However, the sourcebook does inform that voluntary contributions are only allowed for specific types of projects with direct community benefits - generally applies where land is used for community social services (e.g. Health post, primary school).	No voluntary contributions will be allowed.

D. Guiding Principles for Implementation

The main principles guiding the implementation of this Resettlement Plan are to:

- (i) Carry out meaningful consultations with affected persons, host communities, and concerned non-government/non-benefit organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and indigenous peoples, and those without legal title to land, and ensure their participation in consultations.
- (ii) Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
- (iii) Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- (iv) Provide physically and economically displaced persons with needed assistance, including the following: (a) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, social and economic integration of resettled persons into their host communities, and extension of project benefits to host communities; (b) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (c) civic infrastructure and community services, as required.
- (v) Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas, provide them with legal and affordable access to land and resources, and in urban areas, provide them with appropriate income sources and legal and affordable access to adequate housing.
- (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain an equal or better income and livelihood status.
- (vii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- (viii) Prepare a resettlement plan elaborating displaced persons entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- (ix) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.

- (x) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- (xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

36. Mass organizations such as the Lao Women's Union (LWU) and the Lao Front for National Construction (LFNC) and other community organizations that represent the interests of women, ethnic groups and poor households will participate as members of the District Resettlement Committee involved in the planning and implementation of resettlement activities. Specific methods will be adopted to (i) ensure collection and analysis of data disaggregated by sex and ethnicity, (ii) encourage the participation of women, ethnic groups and other vulnerable groups and (iii) provide appropriate rehabilitation measures for vulnerable APs as required.

VI. ENTITLEMENTS, ASSISTANCE AND BENEFITS

37. Table 3 provides the compensation and benefits to which APs will be entitled.

Table 3: Matrix of Entitlements

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
Residential Land (includes residential land used for business operations)	Owners with legal title (Legal users are those with recognized land use rights such as registered title, land certificate, survey certificate, tax receipts and including unregistered users as per Land Law) AH = 3 (480m ²)	<ul style="list-style-type: none"> • <u>With</u> remaining land sufficient to rebuild affected houses/structures of similar size: (i) Cash compensation for the affected portion at replacement cost which is equivalent to the prevailing market value of land of similar type and category, and free from transaction costs (taxes, administration fees); and (ii) Project contractor to improve remaining residential land at no cost to APs (e.g. filling and leveling) so APs can move back on remaining plot. • <u>Without</u> remaining land sufficient to rebuild houses/structures: Replacement land equal in area, same type and category and acceptable to the AH, without charge for taxes, registration and land transfer OR cash compensation at replacement cost which is equivalent to the prevailing market value of land of similar type and category, free from transaction costs (taxes, administration fees) plus assistance 	<ul style="list-style-type: none"> • Voluntary donation of land will not be allowed by the project.

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
Partially Affected Secondary Structures (Fence)	Owners of affected structures AH = 1	<p>to purchase and register land.</p> <ul style="list-style-type: none"> • Repair of structure to same size and quality OR cash compensation at replacement cost for the affected portion equivalent to prevailing market prices of (i) materials, with no deduction for depreciation of the structure or salvageable materials; (ii) materials transport; and (iii) labor cost to cover cost for dismantling, transfer and rebuild. • Includes right to salvage material from structure • Provision of all taxes, registration costs, and other fees incurred for replacement structure. 	
Trees.	Owner of trees AH = 3	<ul style="list-style-type: none"> • For perennial trees, cash compensation at replacement cost equivalent to current market value based on type, age, and productive capacity. • For timber trees, cash compensation at replacement cost equivalent to current market value based on type, age and diameter at breast height (DBH) of trees. 	<ul style="list-style-type: none"> • AHs to be given advance notice of any tree removal.
Temporary Use of Land	Legal owner or occupant	<p>For land temporarily acquired by the project during construction,</p> <ul style="list-style-type: none"> • 60 day advance notice • Provision of rental values during duration of temporary acquisition • cash compensation at replacement cost for affected fixed assets (e.g., structures, trees, crops); and • Restoration of the temporarily used land within 1 month after closure of the by-pass route or removal of equipment and materials from contractor's working space subject to the conditions agreed between the landowner or tenant and the civil works contractor. 	<ul style="list-style-type: none"> • The construction supervision consultant will ensure that the (i) location and alignment of the by-pass route to be proposed by the civil works will have the least adverse social impacts; (ii) that the landowner is adequately informed of his/her rights and entitlements as per the project resettlement policy; and (iii) agreement reached between the landowner and the civil works contractor are carried out.
Temporary loss of access	Temporary loss of access to land, structure, common property resources (Owners, tenants, squatters, etc)	<ul style="list-style-type: none"> • Provision of 60 days' notice • Provision of temporary access where possible <p>Restoration of affected land area, structure, utilities and common property resources.</p>	

38. Any unanticipated impacts that may arise during the project implementation will be addressed in accordance with the requirements of ADB's SPS. All APs who are identified in the project-impacted areas on the cut-off date will be entitled to compensation for their affected assets, and rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and production levels. The cutoff date has been established by the EA and will be the final day of the IOL and Census, 31 July 2013. Those who encroach into the subproject area after the cut-off date will not be entitled to compensation or any other assistance, unless there has been a change in subproject design or affected people missed out inadvertently at this stage will be confirmed during the Detailed Measurement Survey and compensated based on the updated resettlement plan.

VII. RESETTLEMENT COSTS

39. The total estimated cost of resettlement is \$4,167. Of this total \$3,292 is the direct cost of compensation for land, trees and structures, 17% of this amount is added for implementation costs and 10% has been allocated for contingency. The budget will be updated at the time of the DMS. Government will cover all land acquisition and resettlement costs as part of counterpart funding. Detail of calculations is in Annex 1 Table A1.

Table 4: Resettlement Costs Xang Cave Access Improvements

No.	Items	Unit of measure	Rate (KN/unit)	Quantity	Amount (KN)	Amount (USD)
Land and Structures						
1	Replacement cost of Land	m2	50000	480	24,000,000	3,048
2	Secondary structures	m2	2000	27	54,000	7
3	Crops and Trees				1,840,000	234
Sub-total 1					25,920,000	\$3,289
TOTAL DIRECT COST					25,920,000	\$3,289
4	DMS & capacity building	Lump-sum			1,000,000	127
5	Community consultations	Event	1,000,000	2	2,000,000	254
6	Monitoring	3%			777,600	99
7	Administrative costs	2%			518,400	66
TOTAL IMPLEMENTATION					4,296,000	\$546
8	Contingency	10%			2,592,000	329
TOTAL RESETTLEMENT COST					32,808,000	\$4,164

VIII. INSTITUTIONAL ARRANGEMENTS

40. Responsibility for resettlement spans various levels of government and project contractors, and these include the Ministry of Information, Culture and Tourism (MICT) at national, provincial and district level, project implementation consultants, and specifically formed provincial, district and village RCs.

Ministry of Information, Culture and Tourism

41. MICT will be the EA for the Project. It will be responsible for the overall technical supervision and execution of the Project and will establish a central Project Coordination Unit (PCU). The PCU will be responsible for the day-to-day management and monitoring of all project activities including coordination with the Provincial Implementation Units. The PCU will

have a project management team with a Safeguards Coordinator and will be supported by international and national consultants.

Departments of Information, Culture and Tourism

42. DICT will establish Provincial Project Implementation Units (PIUs) at the provincial level to undertake the actual delivery of the subprojects. The PIUs will be headed by a project director and staffed by a project manager, and other positions. The PIUs will be responsible for implementing, coordinating, monitoring, and reporting activities at the provincial level under PCU instruction and guidance.

43. The DICT will be responsible for the overall coordination of organizations involved in resettlement and for RP preparation and updating, supervision and management of RP implementation. It will further be overall responsible for ensuring that RP updating and implementation activities are consistent with those described in the RP and will also be responsible for internal monitoring of resettlement activities. The DICT will appoint a Safeguards Officer who will be primarily responsible for resettlement for this Project. DICT will provide overall guidance and technical support to the provincial and district RCs.

Resettlement Committees (RCs)

44. Local authorities will assist the project in various resettlement planning and implementation activities. In project areas where there will be resettlement, this support will be formalized into RCs established at the Province and District level with representation from the provincial PIU.

45. The Province Resettlement Committee will undertake critical roles, including: (i) undertaking consultation meetings with APs, (ii) establishing compensation rates (replacement costs) for affected assets; (iii) review and confirmation of final DMS data; (iv) undertake final agreement with APs on compensation; and (v) manage funds disbursed from the Provincial Department of Finance for disbursement to APs, (v) monitor and report on all RP activities; (v) act as grievance officers. The PRCs will be supported by the District (DRC) and Village Resettlement Committees (VRCs) who will assist in all local activities.

46. The District Resettlement Committees (DRC) will be composed of local authorities, representatives of mass organizations, village elders/traditional leaders and APs. The District governor chairs the DRC while members are from the District's Lao Women's Union (LWU), and APs (including women APs) and indigenous people representatives.

47. The DRCs may not have experience in many of the requirements of the RP, and as such they require some training beyond simple instruction. Project implementation consultants (international and national social safeguards specialists) will design and implement the necessary capacity building programs for the DRCs.

Project Implementation Consultants

48. The project will contract an International Social Safeguards Specialist (3 months) and a National Social Safeguards Specialist (12 months) to support the PCU/PIUs in handling the IPP and Resettlement Plans for Lao PDR. The International Social Safeguards Specialist will support the PCU/PIUs in updating the Resettlement Plans and Indigenous Peoples Plan, developing capacity of national, provincial and local officials responsible for their implementation and putting in place mechanisms for internal monitoring during implementation. The tasks will include:

- Ensuring that due diligence in implementing the Resettlement Plans (RPs) and the Indigenous Peoples Plan (IPP) is carried out for all subprojects;
- According to the provisions in the social safeguard plans, assist in preparing the materials and strategy for the information campaigns, public consultation and community participation;
- Prepare the survey materials and method to complete the detailed measurement survey with information from the infrastructure detailed design and update the census of affected persons;
- Update the Resettlement Plans, and follow-up to ensure their approval within MICT
- Update and operationalize the Indigenous Peoples Plan; in coordination with the Gender Specialist, prepare training modules on inclusion of ethnic groups in tourism activities as part of the training and capacity development programs under institutional strengthening activities (Output 3 & 4);
- Brief officials at all levels on the content and procedures for implementing the social safeguard plans and improve, if necessary, procedures for the coordination of resettlement, compensation and implementation of IPP activities;
- Ensure that mechanisms to address grievances promptly and properly are in place and functioning well;
- Establish and implement procedures for ongoing internal monitoring;
- Design and deliver capacity development activities for all relevant agencies, as needed, in the areas of ADB resettlement and indigenous peoples policies, participation and communication and grievance procedures;
- Train DICT/PCU assigned social safeguard focal persons to carry out internal monitoring and reporting of social safeguards plans.

49. The National Social Safeguards Specialist will:

- Support the PCU and provincial PIUs in implementing the Resettlement Plans and Indigenous Peoples Plan for all subprojects;
- Assist in the conduct of the information campaigns, public consultation and community participation on social safeguards;
- Coordinate the detailed measurement survey with information from the infrastructure detailed design and update the list of affected persons;
- Assist the International Resettlement Specialist to update the Resettlement Plans and Indigenous Peoples Plan;
- Advise PCU and International Resettlement Specialist on how to improve procedures for the coordination of resettlement, compensation and implementation of actions in the Indigenous Peoples Plan;
- Verify the calculations of compensation made by the Provincial and District Resettlement Committee in relation to the provisions of the RP entitlement matrix, and advise the PCU/PIUs on any required measures to take to ensure compensation levels are made according to the RP provisions
- Monitor compensation payment and advise the PCU/PIUs of an actions to take to ensure compensation is paid in full and in a timely manner
- Ensure that grievances are addressed promptly and properly and that the grievance redress mechanism is functioning well;
- Provide periodic training on grievance if needed;

- Establish and implement liaison mechanisms to ensure proper technical and logistical support to PMU, local administrative authorities, resettlement committees and concerned government departments;
- Establish and implement procedures for ongoing internal monitoring;
- Design and deliver capacity development activities on ADB social safeguard policies for all relevant agencies, as needed, including requirements for participation, communication and gender mainstreaming;
- Train DICT/PCU assigned social safeguards focal persons to carry out internal monitoring and reporting of RPs and IPPs;
- Monitor grievance process from all the affected households.

IX. MONITORING AND REPORTING

50. Monitoring and evaluation of the RP allows project owners to ensure smooth progress of RP implementation by providing for a review of information on the progress of implementation of RP activities. Importantly, monitoring must also address the degree to which the resettlement activities have achieved their desired outcomes, particularly where this involves the rehabilitation of AP's housing, livelihoods and lifestyles.

51. These monitoring objectives will be addressed through internal monitoring by the PCU in MICT at central level and the PIUs in DICTs in each province. The National and International Resettlement Specialists will support the PCUs and PIUs in monitoring. The number of affected households covered by this RP does not warrant the engagement of an external monitor. This provision can be reassessed at the time of detail design if the number of AH increases.

52. The role of internal monitoring and evaluation is to ensure that resettlement institutions are well functioning during the course of project implementation, and that the resettlement activities are undertaken in accordance with the implementation schedule described in the RP. In this way, the protection of APs' interests and the schedule for civil works can be assured.

53. Primary responsibility for internal monitoring lies with MICT as the project executing agency. MICT will be responsible for overseeing the formation, function, and activities of the implementing agencies, and through quarterly monitoring reports, summarize this progress. All monitoring data will be disaggregated by sex and ethnicity.

54. The indicators that will be monitored regularly will include any of the following, if applicable, as set out in Table 8.

Table 5: Monitoring and Evaluation Indicators

Type	Indicator	Examples of Variables
Inputs Indicators	Staffing and Equipment	<ul style="list-style-type: none"> • Number of PRC and DRC members and job function • Trainings undertaken • External monitor contracted and mobilized • Construction Contractor meeting local employment targets for unskilled labour
Process Indicators	Consultation, Participation, and Grievance Resolution	<ul style="list-style-type: none"> • Distribution of PIB to all APs • Summary RP available in all districts • Translation of materials in indigenous peoples villages and for individual minority APs in villages of other ethnicity • Number of focal points established • Number of consultations (meetings/individual) undertaken as

Type	Indicator	Examples of Variables
		<ul style="list-style-type: none"> scheduled in the RP and stakeholder communication plan Grievances by type and resolution Number of local-based organizations participating in project
Output Indicators	Acquisition of Land	<ul style="list-style-type: none"> Area of residential land acquired
	Buildings	<ul style="list-style-type: none"> Number, type and size of private houses/structures acquired Number, type and size of community buildings acquired Number, type and size of government assets affected
	Trees and Crops	<ul style="list-style-type: none"> Number and type of private trees acquired Number and type of government/community trees acquired
	Compensation and Rehabilitation	<ul style="list-style-type: none"> Number of households affected (land, buildings, trees, crops) Number of owners compensated by type of loss Amount compensated by type and owner Number and amount of payment paid Compensation payments made on time Compensation payments according to agreed rates Number of structures demolished or partially dismantled Number of replacement structures built by APs on the same plot Number of replacement structures built by at other location
	Reestablishment of Community Resources	<ul style="list-style-type: none"> Number of replacement houses built by APs on allocated plots Number of temporary replacement businesses constructed by APs Number of owners requesting additional assistance Number of community buildings repaired or replaced

X. IMPLEMENTATION SCHEDULE

55. The tentative implementation schedule for resettlement actions is in Table 6.

Table 6: Implementation Schedule

Tasks	Schedule
Establish PCU and PIUs	Quarter 1, Year 1
Undertake consultation and participation programs	ongoing
Establish Compensation and Resettlement Committees at all Levels	Quarter 1, Year 1
Carry out joint verification of assets and detailed measurement survey (after detailed design)	Quarter 1, Year 2
Prepare and confirm post-construction plan (after detail design)	Quarter 1, Year 2
Update compensation rates and apply project entitlements	Quarter 1, Year 2
Update RP and obtain ADB concurrence	Quarter 2, Year 2
Present Compensation Payment to APs	Quarter 2, Year 2
Start of civil works	Quarter 3, Year 2
Internal monitoring	Continuous

ANNEX 1: AFFECTED PERSONS AND COMPENSATION RATES

Table A1.1 – List of APs and compensation rates

	Asset type	Tot Area (m ²)	Aff Area (m ²)	% Loss		Units	Aff trees	Total Cost	Total Land Area	Aff Land Area	Remain Area (m ²)	% Loss	Unit cost	Total Cost
					Cost	(m ²)	(m ²)	(KNs)	(m ²)	(m ²)		(KNs/m2)	(KNs)	
Mr. than+ Padthana	Wood Fence	121	27	22	54,000	4	4	410,000	825	135	690	16	50,000	6,750,000
Mr. Say+Mrs. Thee	None					15	3	1,130,000	1640	220	1420	13	50,000	11,000,000
Mr. Ae+ Mrs. Don	None					20	2	300,000	1,098	125	972.57	11	50,000	6,250,000
		121	27	22	54,000	39	9	1,840,000	3,563	480	3,083	13	150,000	24,000,000

Table A1.2 – Cost of trees

Type of tree	Cost
Coconut trees	300,000
Tamarind	50,000
Star gooseberry	10,000
Kok keelek	50,000
	410,000
Mango	200,000
Mark linmai	30,000
Bamboos	900,000
	1,130,000
Tammarind	300,000

**Record of Consultations: Tham Village
4 July 2013**

Village Leaders Present

Mr. Sikhone Diduangphanh	Head of village
Mr. Bounna Thephahak	Deputy Head of village
Mr. Sa Phetmany	Deputy Head of village
Mr. Nuanta	President of village Lao Front for National Reconstruction

20 other villagers, all villagers are Lao ethnic group

The PPTA consultants introduced the project and provided an overview of potential impacts on resettlement, environment and indigenous peoples. Government resettlement policies and ADB safeguards were introduced as well as entitlements and compensation; objectives of the census and Inventory of Losses, socio-economic surveys and eligibility for compensation, including cut-off date.

Tham village has 189 HH, 1,014 population, 571 women, Lao 100%; primary school, no dispensary and hospital, no market, use government electricity, use well for water supply; earth road, main occupation is rice farmer and labor; main source of income is wage labor; tourism resource is forest, mountain, temple and Xang cave; no guesthouse.

Village development plans:

1. Develop home stay
2. Develop horse cart rides for tourists to visit natural area
3. Make souvenirs and build shops
4. Build restaurant

Proposals: 1. Training in English language, making handicrafts and souvenirs, tour guides and weaving

Explanation on Resettlement: (i) Government resettlement policies and difference with ADB safeguards (ii) Entitlement and compensation; (iii) Objectives of the census and Inventory of Losses, socio-economic surveys and eligibility for compensation (including cut-off date); (iv) need for active participation of the community

Women's group discussion:

Ms. Olady	President of village Women's Union
Ms. Sombot	Vice President of village Women's Union
Ms. Vanh	villager
Ms. Sae	villager
Ms. Nongsy	villager
Ms. Dao	villager
Ms. Mong	villager
Ms. Vy	villager

- Proposals: 1. Training to make souvenirs
2. Training to make local handicrafts
3. Training in food processing and weaving

Recommendation and concerned:

- 56. If construct bridge/ford need to consider how to avoid erosion
- 57. Concerned subproject will affect houses and villagers field
- 58. Requested fair compensation for any acquired land or loss of assets

Figure A2.2 Photos of Consultations in Ban Tham



ANNEX 3: SAMPLE PUBIC INFORMATION BOOKLET

Draft Public Information Booklet GMS Tourism Infrastructure for Inclusive Growth Lao PDR Ministry of Information, Culture and Tourism

What is the GMS Tourism Infrastructure for Inclusive Growth Project?

The proposed Tourism Infrastructure for Inclusive Growth Project will develop sustainable, culturally and environmentally sound pro-poor tourism approaches in Laos. In _____ the project will _____. The Ministry of Information, Culture, and Tourism is implementing the Project, with financing assistance from the Asian Development Bank (ADB).

How extensive is the need to acquire land and other assets for the Project?

The Project will _____ for the following purpose:

What will happen to the people losing assets and sources of livelihood?

Compensation will be paid at **replacement cost** in cash or in-kind (for example, land-for-land) for all assets affected, including sources of livelihood. Other forms of assistance will also be provided to households depending on the severity of Project impacts.

What is “replacement cost”?

This is the amount needed to replace an affected asset without deductions for taxes or costs of transactions. Replacement costs relevant for this project are calculated as follows:

- Residential land based on market prices that reflect recent land sales, and in the absence of such recent land sales, based on similar location attributes;
- Houses and other related structures based on current market prices of materials and labor without depreciation nor deductions for salvaged building materials;

What are the key principles for helping affected households under the Project?

- Avoid, if not minimize, land acquisition and relocation, and impacts on sources of livelihoods of people;
- Restore the standard of living of affected households;
- Replace and compensate lost assets at replacement cost, on top of providing allowances and income restoration support, as warranted;
- Inform and consult the affected households about the Project, impacts, options for compensation and assistance, and grievance redress mechanism;
- Protect social/cultural institutions;
- Non-titled affected households (those who have no title to the land or customary rights) have rights to receive Project entitlements provided that they meet the cut-off date for eligibility;
- Identify and assist vulnerable groups at high risk of impoverishment, such as female-headed households with dependents, disabled household heads, households falling under the generally accepted indicator for poverty, children and the elderly households who are landless and with no other means of support, landless households, and ethnic minorities; and
- No demolition of assets/entry to properties will be done until the affected household is fully compensated and relocated.

Who are eligible to be compensated and assisted under the Project?

All affected people, households, and institutions/organizations that satisfy the **cut-off date for eligibility** are eligible to be compensated and assisted under the project. The cut-off date coincides with the completion of the period the census of affected persons (regardless of tenure status) and the inventory of losses (IOL). The IOL and census were completed by July 31 2013. The information in the IOL and Census will be validated and updated later during the detailed measurement survey (DMS). Persons not covered in the census are not eligible for compensation and other entitlements, unless

they can show proof that (i) they have been inadvertently missed out during the census and the IOL; or (ii) they have been included among the affected due to changes in project design.

What are the entitlements of affected households?

Affected households project entitlements are listed in the table below. These entitlements are based on the impacts identified during the census and IOL. Said entitlements will be adjusted and updated, as needed consistent with the Project resettlement policy, based on the results of the DMS to reflect a more precise inventory and assessment of impacts on assets and on the people.

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
Residential Land (includes residential land used for business operations)	<p>Owners with legal title (Legal users are those with recognized land use rights such as registered title, land certificate, survey certificate, tax receipts and including unregistered users as per Land Law)</p> <p>AH = 3</p>	<ul style="list-style-type: none"> • <u>With</u> remaining land sufficient to rebuild affected houses/structures of similar size: (i) Cash compensation for the affected portion at replacement cost which is equivalent to the prevailing market value of land of similar type and category, and free from transaction costs (taxes, administration fees); and (ii) Project contractor to improve remaining residential land at no cost to APs (e.g. filling and leveling) so APs can move back on remaining plot. • <u>Without</u> remaining land sufficient to rebuild houses/structures: Replacement land equal in area, same type and category and acceptable to the AH, without charge for taxes, registration and land transfer OR cash compensation at replacement cost which is equivalent to the prevailing market value of land of similar type and category, free from transaction costs (taxes, administration fees) plus assistance to purchase and register land. 	<ul style="list-style-type: none"> • Voluntary donation of land will not be allowed by the project.
Partially Affected Secondary Structures (Fence)	<p>Owners of affected structures</p> <p>AH = 1</p>	<ul style="list-style-type: none"> • Repair of structure to same size and quality OR cash compensation at replacement cost for the affected portion equivalent to prevailing market prices of (i) materials, with no deduction for depreciation of the structure or salvageable materials; (ii) materials transport; and (iii) labor cost to cover cost for dismantling, transfer and rebuild. • Includes right to salvage material from structure • Provision of all taxes, registration costs, and other fees incurred for replacement structure. 	
Temporary Use of Land	<p>Legal owner or occupant</p>	<p>For land temporarily acquired by the project during construction,</p> <ul style="list-style-type: none"> • 60 day advance notice • Provision of rental values during duration of temporary acquisition • cash compensation at replacement cost for affected fixed assets (e.g., structures, trees, crops); and 	<ul style="list-style-type: none"> • The construction supervision consultant will ensure that the (i) location and alignment of the by-pass route to be proposed by the civil works will have the least adverse social impacts; (ii) that the

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
		<ul style="list-style-type: none"> Restoration of the temporarily used land within 1 month after closure of the by-pass route or removal of equipment and materials from contractor's working space subject to the conditions agreed between the landowner or tenant and the civil works contractor. 	landowner is adequately informed of his/her rights and entitlements as per the project resettlement policy; and (iii) agreement reached between the landowner and the civil works contractor are carried out.
Temporary loss of access	Temporary loss of access to land, structure, common property resources (Owners, tenants, squatters, etc)	<ul style="list-style-type: none"> Provision of 60 days' notice Provision of temporary access where possible Restoration of affected land area, structure, utilities and common property resources. 	

How are the grievances of affected persons (or households) heard and resolved?

Step 1 – Village Level. Initial points of contact will be between APs and their village leader or, if preferred by the AP, the village representative of the Lao National Front for Reconstruction or of the Women's Union. APs may also choose to contact project staff directly. The PIU staff will maintain regular contact with all village offices and represent the Project in consultations with aggrieved parties. All complaints and grievances will be properly documented by both the village offices and the project staff and addressed through consultations in a transparent manner aimed at resolving matters through consensus. All meetings between the village officials, project staff and complainants will take place in a public place and include participation of representatives of APs, local non-benefit organizations, and village heads to ensure transparency. Where the complaint is verbal, project staff is responsible for keeping a written record of the grievance.

If within 5 days of lodging the grievance, participants are not able to reach an amicable decision, or complainants are not satisfied with the Project's decision, the complaint will be forwarded to the District Resettlement Committee (DRC). APs and local mass organizations may forward their grievance directly to the DRC or do so with the assistance of the project staff. It will be the role of the project staff to ensure that any unresolved grievance is forwarded in a timely manner to the DRC.

Step 2. District Level – If APs are not satisfied with, or do not receive a response from the DRC within 10 days of their complaint being lodged with the DRC, then the complaint can be forwarded to the Provincial Resettlement Committee (PRC). Again, elevation of the complaint to these bodies can be undertaken by the AP or with the assistance of the project staff. It will be the role of the project staff to ensure that any unresolved grievance from the DRC is forwarded in a timely manner to the PRC;

Step 3 – Provincial Level - If the complaint still remains unresolved within 10 days of being lodged to PRC, APs and local mass organizations may forward their grievance directly to the DICT;

Step 4 – Central Level. MICT will ensure to review and resolve all complaints within 10 days.

If efforts to resolve complaints or disputes are still unresolved and unsatisfactory following the project's grievance redress mechanism, the households have the right to send their concerns or problems directly to ADB's Southeast Asia Department (SERD) or through ADB's Lao Resident Mission. If the households are still not satisfied with the responses of SERD, they can directly contact the ADB's Office of the Special Project Facilitator as outlined in the Information Guide to the Consultation Phase of the ADB Accountability Mechanism.

What is the tentative schedule for implementing resettlement?

Updated Implementation Schedule Placed here

How can an affected person or household participate in the project?

All affected persons or households are encouraged to participate in all consultation meetings and other project related activities in order to ensure that they are fully informed and consulted. Their active participation during the DMS and implementation of the Resettlement Plan will help MICT determine the appropriate measures to mitigate impacts, identify problems or potentials problems, and identify ways of responding expeditiously to solve any problems.

Where can affected households get additional information about resettlement related information?

The full RP, detailed project entitlements and compensation unit rates are available from the District Office from the office of the Provincial Implementation Unit.

Who might be contacted for any inquiries about the Project?

Name: PCU Director; PCU assigned safeguards staff, _Ministry of Information, Culture and Tourism.
Email and Phone number:

Provincial/District/Village
