

Resettlement Planning Document

Resettlement Framework
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LAO: Northern Greater Mekong Subregion Transport Network Improvement Project

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The resettlement framework 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.

CURRENCY EQUIVALENTS

1USD = 10,060 Kip

ABBREVIATIONS

ADB	Asian Development Bank
AP	Affected persons
AusAID	Australian Aid for International Development
CM	Community Mobilizers
COI	Corridor of Impact
DAF	Department of Agriculture and Forestry (District Government)
DCTPC	Department of Communications, Transport Post and Construction
DBH	Diameter at breast height
DMS	Detailed Measurement Survey
DOR	Department of Roads
DOR - ESD	Department of Roads, Environmental and Social Division
GMS	Greater Mekong Subregion
GOL	Government of Lao PDR
HH	Household
Lao PDR	Lao People's Democratic Republic
LFNC	Lao Front for National Construction
LWU	Lao Women's Union
MCTPC	Ministry of Communications, Transport Post and Construction
PIB	Public Information Booklet
PM	Prime Minister (in Decree 192/PM)
RC	Resettlement Committee
RCS	Replacement Cost Study
ROW	Right of Way
RP	Resettlement Plan
SES	Socioeconomic Survey
STEA	Science, Technology, and Environment Agency

DEFINITION OF TERMS

Project Affected People (APs) includes any person or entity or organization affected by the Project, who, on account of the involuntary acquisition of assets in support of the implementation of the Project, would have their (i) standard of living adversely affected; (ii) right, title or interest in all or any part of a house and buildings, land (including residential, commercial, agricultural, plantations, forest and grazing land) water resources, fish ponds, communal fishing grounds, annual or perennial crops and trees, or any other moveable or fixed assets acquired or possessed, in full or in part, permanently or temporarily; and (iii) business, profession, work or source of income and livelihood lost partly or totally, permanently or temporarily.

Compensation is payment in cash or in-kind at replacement cost for an asset to be acquired by the Project.

Corridor of Impact is the area required for permanent works plus a minimum additional width for operation of construction equipment to build the required permanent works.

Cut-Off Date means the date prior to which the occupation or use of the project area makes residents/users of the project area eligible to be categorized as APs. The cut-off date for this Project will be the final day of the detailed measurement survey (DMS) in each subproject.

Entitlement means a range of measures comprising compensation in cash or in kind, relocation cost, income rehabilitation assistance, transfer assistance, income substitution, and business restoration which are due to APs, depending on the type and degree of their losses, to restore their social and economic base.

Household means all persons living and eating together as a single social unit. The census used this definition and the data generated by the census forms the basis for identifying the household unit.

Income restoration means re-establishing income sources and livelihoods of APs to their pre-project levels.

Land Acquisition is the process whereby a person is compelled by the Government through the Executing Agency of the Project to alienate all or part of the land s/he owns or possesses in favor of the State in the implementation of the Project or any of its components in return for fair compensation.

Rehabilitation means assistance provided to severely affected APs due to the loss of 10% or more productive assets (i.e., farmland, fishpond, vegetable garden, etc.), incomes, employment or sources of living such as shops and place of employment have to be reconstructed and/or relocated. The livelihood support may be given in cash or in kind or a combination of the two in order to improve, or at least achieve full restoration of living standards to pre-project levels.

Relocation is the physical shifting of an AP from his/her pre-project place of residence and/or business.

Replacement Cost is the amount in cash or in-kind needed to replace an asset and is the value determined as compensation for:

- a. Agricultural land and fishpond based on market prices that reflect recent land sales prior to the commencement of the rural access road subproject or displacement, and in the absence of such recent sales, based on productive value;

- b. Residential land based on market prices that reflect recent land sales prior to the commencement of the rural access road subproject or displacement, and in the absence of such recent land sales, based on similar location attributes;
- c. Houses and other related structures based on current market prices of materials and labor without depreciation nor deductions for salvaged building materials;
- d. Annual crops based equivalent to the highest production of crop over last three years multiplied by the current market value of crops;
- e. Perennials crops and trees and other based on current market value based on type, age, diameter at breast height and productive capacity; and
- f. Other assets (i.e., cultural, aesthetic) current market value for repairing and/or replacing assets or the cost of mitigating measures.

Resettlement refers to all measures taken by the Project proponents to mitigate any and all adverse social impacts of the Project on the APs, including compensation for lost assets and incomes, and the provision of other entitlements, income restoration assistance, and relocation as needed.

Severely Affected Person means a person who will (i) lose 10% or more of their productive assets, such as agriculture/aquaculture land holding, and/or (ii) physically displaced from housing and/or (iii) lose 10% or more of total income sources due to the Project.

Vulnerable Groups 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) households headed by women, the elderly or disabled, (ii) households living below the poverty threshold, (iii) the landless, and (iv) indigenous peoples.

CONTENTS

I.	INTRODUCTION	1
A.	Project	1
B.	Resettlement Planning Documents	1
II.	LEGAL FRAMEWORK, POLICIES AND GUIDELINES	1
A.	Government Laws, Decrees, and Guidelines	1
B.	ADB Policies	2
C.	Resolving Inconsistencies	3
III.	PROJECT PRINCIPLES, ELIGIBILITY AND ENTITLEMENTS	4
A.	Project Principles	4
B.	Eligibility and Entitlements	6
IV.	RELOCATION AND INCOME RESTORATION STRATEGY	9
V.	VULNERABILITY, GENDER AND ETHNICITY	10
A.	Indigenous Peoples Specific Actions	10
E.	Gender Strategies	11
VI.	PREPARATION AND IMPLEMENTATION OF RPs	12
A.	Screening	12
B.	RP Preparation	13
C.	RP Implementation	14
VII.	INSTITUTIONAL FRAMEWORK	14
A.	Ministry of Communication, Transport, Post and Construction	14
B.	Department of Roads-Environmental and Social Division	15
C.	Resettlement Committees	15
D.	Science, Technology And Environment Agency	16
E.	Project Implementation Consultant	16
VIII.	CONSULTATION, GRIEVANCE REDRESS, AND DISCLOSURE	18
A.	Consultation and Disclosure	18
B.	Grievance Redress	19
IX.	MONITORING AND EVALUATION	20
A.	Internal Monitoring	21
B.	External Monitoring	22
X.	BUDGET	24

I. INTRODUCTION

A. Project

1. The Transport Network Improvement Project (“Project”) comprises (i) improvement of some 370 km of the project road, Route 4, from Xiang Ngeun (the junction with National Route 13 near Luang Prabang to Nakha (on the border with Thailand), (ii) construction of a bridge over the Mekong River on the project road, and (iii) improvement of approximately 100 km of rural access roads in the project area.

2. The rural access roads to be included in the Project will be selected on the basis of agreed criteria including the number of people expected to benefit, poverty level of beneficiaries, minimal amount of resettlement and environmental impact, and cost. Improvement of these roads from earth surface to gravel will enable rural communities in the project area to maximize their benefits from the improved national road. The improved access to Route 4 will facilitate transport of their agricultural produce to domestic and international markets and will also facilitate access to economic opportunities and social services available in the larger communities in the project area. The rural access roads will be upgraded within the existing road width, typically a 5.5-meter wide gravel road, possibly with pavement in sections passing through villages. The detailed design will, to the extent feasible, explore all viable options to reduce the requirements for land acquisition and resettlement.

B. Resettlement Planning Documents

3. A Full Resettlement Plan has been prepared for the whole road section (Route 4) and Mekong bridge as part of the loan processing requirements. For the rural access roads, the Ministry of Communications, Transport, Post and Construction (MCTPC) has proposed about 15 rural access roads for potential inclusion in the Project, but prioritization and selection of the roads for inclusion in the Project will only be done during project implementation. Therefore, this resettlement framework has been prepared to guide in preparation and implementation of resettlement plans for all rural access roads with land acquisition and resettlement impacts.

4. It is envisaged that since improvement of rural access roads will be, as much as possible within the existing road width and priority given to avoiding or minimizing resettlement impacts, resettlement impacts are expected to be not significant. Temporary impacts will occur due to the movement of construction plants and materials to and from work sites. Few if any people will be severely affected by land acquisition. Therefore, it is expected that short resettlement plans will be prepared for this Project.

II. LEGAL FRAMEWORK, POLICIES AND GUIDELINES

5. This Resettlement Framework is developed from the laws and decrees of the Government of Lao PDR and ADB’s relevant policies and guidelines. Provisions and principles adopted in this resettlement framework will supplement the provisions of relevant decrees currently in force in Lao PDR wherever a gap exists.

A. Government Laws, Decrees, and Guidelines

6. In Lao PDR, compensation principles and policy framework for land acquisition and resettlement are governed by several laws, decrees and regulations as follows: (a) The

Constitution (1991), (b) the Land Law (2003)¹, (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).

B. ADB Policies

7. The aim of the ADB **Policy on Involuntary Resettlement** (ADB, 1995) is to avoid or minimize the impacts on people, households, businesses and others affected by the land acquisition required by a project. Where resettlement is not avoidable, the overall goal of the ADB policy is to compensate and assist affected people to restore their living standards to levels equal to, if not better than, that which they had before the project.

8. The main objectives and principles of the ADB Policy on Involuntary Resettlement are as follows:

- (i) Involuntary resettlement should be avoided where feasible.
- (ii) Where population displacement is unavoidable, it should be minimized by exploring all viable project options.
- (iii) People unavoidably displaced should be compensated and assisted, so that their economic and social future would be generally as favorable as it would have been in the absence of the Project.
- (iv) Affected people (APs) should be informed fully and closely consulted in resettlement and compensation options.
- (v) Existing social and cultural institutions of APs who must relocate should be supported and used to the greatest extent possible, and APs should be integrated economically and socially into host communities.
- (vi) Lack of legal rights to the assets lost or adversely affected will not prevent APs from entitlement to compensation and rehabilitation measures. Those without legal title to land occupied or used by them (e.g., non-titled APs) will be entitled to various kinds of resettlement assistance to improve their socioeconomic status.
- (vii) Particular attention must be paid to the needs of the poorest APs and other vulnerable groups that may be at high risk of impoverishment. This may include APs without legal title to land or other assets, households headed by females, the elderly or disabled and other vulnerable groups, particularly indigenous peoples. Appropriate assistance must be provided to help them improve their socioeconomic status.
- (viii) All stages of resettlement identification, planning, and management will ensure that gender concerns are incorporated, including gender-specific consultation and information disclosure. This includes special attention to guarantee women's assets, property, and land-use rights; and to ensure the restoration of their income and living standards.
- (ix) As far as possible, involuntary resettlement should be conceived and executed as part of the project. Involuntary resettlement is to be treated as a development opportunity.
- (x) The full costs of resettlement and compensation should be included in the presentation of project costs and benefits.

¹ The Land Law 04/NA of 21 October 2003 supersedes the earlier Law 01/NA 12 April 1997.

- (xi) The costs of resettlement and compensation may be funded by counterpart funds and/or considered for inclusion in the Bank loan for financing of the project.

9. The ADB **Policy on Indigenous Peoples** (ADB, 1998) defines indigenous or ethnic minority peoples as “those with a social or cultural identity distinct from the dominant or mainstream society, which makes them vulnerable to being disadvantaged in the processes of development.” The Policy recognizes the potential vulnerability of indigenous peoples in the development process; that indigenous peoples must be afforded opportunities to participate in and benefit from development equally with other segments of society; and, have a role and be able to participate in the design of development interventions that affect them. The anticipated impact (positive and negative) and mitigation measures are incorporated in the Project’s Indigenous peoples Development Framework. Social analysis of a project or subproject will assess whether indigenous or ethnic minority people are likely to be affected by the project or subproject. If a project or subproject is likely to have impacts caused by land acquisition only, specific action for indigenous peoples, specified in the project or subproject RP is required to address the impacts. If indigenous peoples population affected by a subproject exceeds 20% of all the affected persons, small-scale livelihood activities, which shall be prepared in consultation with indigenous peoples populations, shall be incorporated in subproject RPs as a special rehabilitation program.

10. The ADB **Policy on Gender and Development** (ADB, 1998) adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring that women participate in and that their needs are explicitly addressed in the decision-making process for development activities. For projects that have the potential to have 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. ADB’s OM F2/OP requires that the findings of a gender analysis be included in the RP, and at all stages, resettlement identification, planning, and management will ensure that gender concerns are incorporated, including gender-specific consultation and information disclosure. This includes special attention to guarantee women’s assets, property, and land-use rights; and to ensure the restoration of their income and living standards.

11. The ADB **Public Communications Policy** (ADB, 2005) seeks to encourage the participation and understanding of people affected by and other stakeholders to ADB-assisted activities. Information on ADB-funded projects should start early in the preparation phase and continue throughout all stages of project development, in order to facilitate dialogue with affected people and other stakeholders. The Executing Agency should, as necessary, develop a project communications plan and designate a focal point to maintain contact with affected people. With respect to land acquisition, compensation and resettlement, information should be distributed to affected peoples (APs) and publicly in the following manner: (i) prior to loan appraisal, the draft Resettlement Plan (RP); (ii) following completion of the final RP, the final RP; and, (iii) following any revisions, the revised RP. This information can be in the form of brochures, leaflets or booklets, in the local language(s) as well as English, the working language of the ADB. When APs include non-literate people, other appropriate methods of communications will be used. The policy also requires disclosure of social monitoring reports.

C. Resolving Inconsistencies

12. The recent changes in the Government of Lao PDR 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.

13. Both Lao Law and ADB policies entitle APs to compensation for affected land and non-land assets at replacement cost. However, definition of severely affected APs varies between ADB (OMF2 para 5) at 10% and Decree 192/PM (Article 8) at 20% of income generating assets affected. However in accordance with Decree 192/PM (Article 6) which entitles all APs to economic rehabilitation assistance to ensure they are not worse off due to the Project, the 10% definition of severely affected will be adopted as part of the Project's resettlement policy.

14. Both Lao Law and ADB policies entitle non-tilted APs to compensation for affected assets at replacement cost and other assistance so that they are not made worse off due to the Project. 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. Should APs be found to be non-titled and 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.

III. PROJECT PRINCIPLES, ELIGIBILITY AND ENTITLEMENTS

A. Project Principles

15. The basic principles of this project are the following:

- a) Involuntary resettlement and impacts on land, structures and other fixed assets will be minimized where possible by exploring all alternative options.
- b) Affected people (APs) residing, working, doing business and cultivating land within the required project area as of the completion date of the census and detailed measurement survey will be entitled to compensation and rehabilitation assistance to assist them in improving, or at least maintaining their pre-project living standards and productive capacities. The Project will ensure that APs are able to find alternative sites or income sources.
- c) Lack of formal legal title or rights will not be a bar to eligibility for compensation and assistance under the Project. APs will not be displaced from affected land until the village allocates suitable alternative land or compensation is paid that is sufficient to purchase suitable land within the same or neighboring village.
- d) All compensation will be based on the principle of replacement cost at the time of compensation. For houses and other structures, this will involve the costs for materials and labor at the time of acquisition, with no deduction for depreciation or for salvageable materials. Compensation for land will be replacement land as a priority, or where this is not possible, in cash adequate to purchase land locally of equivalent size and quality, and where required to improve land to achieve suitable quality.
- e) The process and timing of land and other asset acquisition will be determined in consultation with APs to minimize disturbance.
- f) Where houses and structures are partially affected to the degree that the remaining portion is not viable for its intended use, the Project will acquire the entire asset, and APs will be entitled to compensation at replacement cost for the entire asset.

- g) APs will be systematically informed and consulted about the Project, the rights and options available to them and proposed mitigating measures. The comments and suggestions of APs and communities will be taken into account.
- h) The key information in the RP such as measurement of losses, detailed asset valuation, compensation and resettlement options, detailed entitlements and special provisions, grievance procedures, timing of payments and displacement schedule will be disclosed to APs in an understandable format such as the distribution of public information booklets (PIBs) prior to submission to ADB for review and approval.
- i) Resettlement identification, planning and management will ensure that gender concerns are incorporated, including gender-specific consultation and information disclosure. This includes special attention to guarantee women's assets, property, and land-use rights, and to ensure the restoration of their income and living standards.
- j) Existing cultural and religious practices will be respected and, to the maximum extent practical, preserved.
- k) Special measures will be incorporated in the resettlement plan to protect socially and economically vulnerable groups such as indigenous peoples, women-headed households, children, households headed by the disabled, the elderly, landless and people living below the generally accepted poverty line. Vulnerable APs will be provided with appropriate assistance to help them improve their standard of living through asset building strategies such as provision of land, replacement housing of minimum standards and increased security of tenure.
- l) There will be effective mechanisms for hearing and resolving grievances during updating and implementation of the RP. Resettlement committees will include representatives from APs especially women and vulnerable groups.
- m) Institutional arrangements will be in place to timely and effectively design, plan, consult and implement the land acquisition, compensation, resettlement, and rehabilitation programs.
- n) Adequate budgetary support will be fully committed and made available to cover the costs of land acquisition and resettlement within the agreed implementation period.
- o) Appropriate reporting, monitoring and evaluation mechanisms will be identified and set in place as part of the resettlement management system. Monitoring and evaluation of the land acquisition, resettlement and rehabilitation processes and the final outcomes will be conducted by an independent monitor
- p) Voluntary donation will not be applied for any assets except very minor losses of residential land. Voluntary donation of small strips of residential land will be according to the following criteria that will be strictly complied with, i.e., (i) the AP's total residential land area is not less than 300 m²; (ii) if the AP's total residential land area is more than 300 m², the strip of land that can be donated cannot be more than 5% of the total land area; and (iii) there are no houses, structures or fixed assets on the affected portion of land.

B. Eligibility and Entitlements

16. **Eligibility.** 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 cut-off date will be the final day of the detailed measurement survey (DMS) in each subproject. Those who encroach into the subproject area after the cut-off date will not be entitled to compensation or any other assistance.

17. **Entitlements.** The entitlement matrix in Table 3 summarizes the main types of losses and the corresponding nature and scope of entitlements. Following detailed design, DMS and socioeconomic surveys will be the basis for determining actual impacts, and replacement cost surveys will be carried out to determine actual replacement costs and rates.

18. Voluntary donation will not be applied for any assets except very minor losses of residential land. For small strips of residential land, the following criteria will be strictly complied with:

- the AP's total residential land area is not less than 300 m²;
- if the AP's total residential land area is more than 300 m², the strip of land that can be donated cannot be more than 5% of the total land area; and
- there are no houses, structures or fixed assets on the affected portion of land.

19. Voluntary donation according to these criteria will follow the process in accordance with ADB's Operations Manual (OM) F2, which is the same as the Government's Decree 192/PM/2005. The entitlement matrix may not cover all types of impacts but can be enhanced in the resettlement plans based on the findings of the social assessment and subproject impacts. Standards described will not be lowered but can be enhanced in the subproject RPs as required.

Table 3: Project Entitlement Matrix

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
Productive Land (paddy, garden, and Teak Plantation)	Legal owner or occupant identified during DMS.	<ul style="list-style-type: none"> • For marginal loss of land, cash compensation at replacement cost which is equivalent to the current market value of land within the village, of similar type, category and productive capacity, free from transaction costs (taxes, administration fees), • If the impacts on the total productive land is 10 % or more, as a priority, replacement land of similar type, category and productive capacity of land within the village, with land title if Land Titling Project is ongoing in the area, if not, land survey certificate. OR at the request of AP, cash compensation at replacement cost plus assistance to purchase and register land 	<ul style="list-style-type: none"> • Legal owners are those who received land survey certificates or land titles from the Land Titling Project. • Voluntary donation of productive land, will not be allowed by the Project.

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
Residential Land	Legal owner or occupant identified during DMS.	<ul style="list-style-type: none"> • <u>With</u> remaining land sufficient to rebuild houses/structures: (i) Cash compensation at replacement cost which is equivalent to the current 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: (i) Replacement land equal in area, same type and category, without charge for taxes, registration and land transfer, with land title if Land Titling Project is ongoing in the area; if not, land survey certificate, OR (ii) cash compensation at replacement cost which is equivalent to the current 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"> • Legal owners are those who have land survey certificates or land titles from the Land Titling Project. • Voluntary donation of minor strips of residential land will only be allowed by the Project provided that the following criteria are strictly complied with: (i) the AP's total residential land area is not less than 300 m²; (ii) if the AP's total residential land area is more than 300 m², the strip of land that can be donated cannot be more than 5% of the total land area; and (iii) there are no houses, structures or fixed assets on the affected portion of land. • Voluntary donation according to these criteria will follow the process in accordance with ADB's Operations Manual (OM) F2, which is the same as the Government's Decree 192/PM/2005.
Fish Pond (Remaining area is still viable or can still meet expected personal or commercial yield)	Owner of affected fishpond	<ul style="list-style-type: none"> • Cash compensation of affected portion at replacement cost which is equivalent to the current market value of fishpond, labor and rent of equipment to excavate fishpond, free from transaction costs (taxes, administration fees) • If the currently held fish stocks will not be harvested before the project takes possession of the fishpond, then cash compensation for the projected mature value of fish stock held at the time of compensation. • Construction contractor to restore/repair remaining fishpond. If support cannot be provided by the contractor, the AP will be entitled to cash assistance to cover for payment of labor and rent of equipment to restore/repair fishpond. 	<ul style="list-style-type: none"> • Adequate time provided for AP to harvest fish stocks • Voluntary donation of fishpond land, will not be allowed by the Project
Totally Affected Houses/Shops, and Secondary Structures (kitchen, rice bins) Partially Affected Houses/Shops	Owners of affected houses whether or not land is owned	<ul style="list-style-type: none"> • Cash compensation at replacement cost for the entire structure equivalent to current 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; and 	<ul style="list-style-type: none"> • Adequate time provided for APs to rebuild/repair their structures • Affected houses and shops that are no longer viable are those whose remaining affected portion are no longer usable/habitable.

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
but no longer viable (Will require relocation)		<ul style="list-style-type: none"> Excluding those who will move back to their residual land, timely provision of dump trucks for hauling personal belongings at no cost to the APs. 	
Temporary Use of Land	Legal owner or occupant	<ul style="list-style-type: none"> For agricultural and residential land to be used by the civil works contractor as by-pass routes or for contractor's working space, (i) rent to be agreed between the landowner and the civil works contractor but should not be less than the unrealized income and revenue that could be generated by the property during the period of temporary use of the land; (ii) cash compensation at replacement cost for affected fixed assets (e.g., structures, trees, crops); and (iii) 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 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.
Partially Affected Houses and Shops and secondary structures (Will not require relocation)	Owners of affected houses whether or not land is owned	<ul style="list-style-type: none"> Cash compensation at replacement cost for the affected portion of structure equivalent to current market prices of (i) materials and labor, with no deduction for depreciation of the structure or for salvageable materials (ii) materials transport, and (iii) cost of repair of the unaffected portion; 	
Loss of business income during relocation or during dismantling/repair of affected portion (without relocation)	Owners of shops	<ul style="list-style-type: none"> For informal businesses (shops) cash compensation equivalent to the daily wage rate (i.e., 10,000 kip /day) multiplied by the number of days of business disruption. 	It will take one day to move the shops if made of traditional materials (bamboo)/movable (can be carried without totally dismantling the structure. It will take about two days to remove and repair affected portion of shop made of permanent materials (such as good wood and concrete). The rate will be verified through interviews with informal shop owners to get an estimate of daily net profit.
Crops and Trees	Owner of crops and trees whether or not land is owned	<ul style="list-style-type: none"> If standing annual crops are ripening and cannot be harvested, cash compensation at replacement cost equivalent to the highest production of crop over the last three years multiplied by the current market value of crops For perennial crops and trees, cash compensation at replacement cost equivalent to current market value based on type, age, and productive 	

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
		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	
Electricity Poles	Electricity Companies	• Cash compensation for cost to dismantle, transfer and rebuild	
Transition subsistence allowance	Relocating households – relocating on residual land or to other sites Severely affected APs losing 10% or more of their productive land	• Relocating APs without any impact on business or source of incomes will be provided with cash or in-kind assistance equivalent to 16 kg of rice at current market value for 3 months per household member • Relocating APs with main source of income affected (i.e., from businesses) or APs losing more than 10% of their productive land will be provided with cash or in-kind assistance equivalent to 16 kg of rice at current market value for 6 months per household member	
Transportation allowance	Relocating households – to other sites	Provision of dump trucks to haul all old and new building materials and personal possessions	APs may also opt for cash assistance. The amount (cost of labor and distance from relocation site) to be determined during implementation
Severe impacts on vulnerable APs (Relocating APs and those losing 10% or more of their productive assets)	Severely affected vulnerable APs such as the poorest, or households headed by women, the elderly, or disabled, and indigenous peoples	• An additional allowance of 1 month supply of rice per person in the household. • Eligible to participate in income restoration program • The contractors will make all reasonable efforts to recruit severely affected and vulnerable APs as laborers for road construction and road maintenance works	The poorest will be those below the national poverty line as defined in the poverty partnership agreement with ADB

IV. RELOCATION AND INCOME RESTORATION STRATEGY

20. Households that have to relocate will participate in identifying and selecting options to relocate on their existing plots, or to move to plots provided by the district or to receive cash compensation and to make their own arrangements for relocation. In the case that any businesses have to relocate, they will be assisted to find viable new sites. Households who are severely affected through the loss of 10% or more productive assets will be provided with replacement land or assisted to purchase replacement land. APs will also be provided with farm inputs to increase productivity on remaining land and/or replacement land. Appropriate livelihood restoration programs will be designed and implemented during project implementation in consultation with APs. APs will not be displaced until the village allocates land within the same or neighboring village.

V. VULNERABILITY, GENDER AND ETHNICITY

21. The Resettlement Framework recognizes that certain social groups may be less able to restore their living conditions, livelihoods and income levels; and therefore, at greater risk of impoverishment when their land and other assets are affected. The Project will identify any specific needs or concerns that need to be considered for the indigenous peoples groups and other vulnerable groups such as landless, poor, and households headed by women, disabled, elderly or children without means of support. A gender strategy and indigenous peoples specific actions, as required will be included in the Resettlement Plan.

A. Indigenous Peoples Specific Actions

22. To ensure that the indigenous peoples APs receive full benefit of resettlement activities related to land acquisition and compensation the following specific activities will be integral to the RP.

- (i) In villages with indigenous peoples, one man and one woman representative from each indigenous peoples group will be included in each of the resettlement committee (District and Village level).
- (ii) During the final DMS both men and women, and female-headed indigenous peoples households will participate in the DMS, and will be accompanied by a DRC or VRC member who will provide translation as needed to ensure APs understand and are in agreement with the DMS results.
- (iii) Compensation will be given to both men and women from indigenous peoples households.
- (iv) Where indigenous peoples households are required to rebuild or relocate, rehabilitation options and sites will be acceptable to the household and ensure they are able to continue their existing livelihood and lifestyle, and remain within their community (if they so choose).
- (v) Where land is allocated or use rights assigned, registration will be in the name of husband or wife if the affected land was acquired prior to marriage and joint registration in the names of both husband and wife for indigenous peoples APs if the land was acquired by both husband and wife.
- (vi) All public information and consultation meetings in indigenous peoples villages will include local translation in indigenous peoples languages so that information and exchange of views is facilitated for all men and women APs. Village meetings will be held to raise AP awareness and understanding of resettlement related issues such as project timing, entitlements, compensation determination and payments, grievance process, support for relocation/ rebuilding etc., and specific women focus groups will also be held to cover the same issues.
- (vii) Rehabilitation measures for businesses will ensure that indigenous peoples households and/or female headed households as well as other APs are treated equitably in terms of assistance to find and/or allocation of replacement land, and in the provision of allowances (including business income loss, transition and vulnerability allowances).
- (viii) Where indigenous peoples households live within villages of another ethnicity, resettlement committees will pay special attention to their compensation and transition. External monitoring will also review these cases.
- (ix) Monitoring of RP preparation, consultation and awareness, implementation, and AP rehabilitation and satisfaction will all be undertaken using ethnicity disaggregated data.

- (x) Internal monitoring will ensure consultation incorporates translation to indigenous peoples languages in minority villages and for minorities living in villages of other ethnicity.
- (xi) Both male and female indigenous peoples members will be able to participate in the jobs that are created during road construction and maintenance in the Project area.

E. Gender Strategies

23. A number of strategies will be adopted to ensure gender-sensitive resettlement and rehabilitation measures and, to engage women actively in the planning and implementation of the resettlement program as well as other programs. The resettlement committees, resettlement and gender specialists will be directly involved in all aspects of the development and implementation of the gender strategy, to ensure that these measures are adequately implemented.

24. The strategies for APs that will relocate from, or rebuild on residential and/or commercial land they occupy in the subproject areas will be made gender-sensitive in the following ways:

- (i) The resettlement committees will make concerted efforts to consult with female APs (household heads and women in AP households). This will be done through individual and women focus group discussions. The role of local Lao Women's Union (LWU) representatives will be crucial in facilitating these consultations and ensuring women's specific needs are met.
- (ii) In addition to village forums, specific women's focus group meetings will be held to raise awareness and understanding of resettlement related issues such as project timing, entitlements, compensation determination and payments, grievance process, support for relocation/rebuilding etc.
- (iii) Women will be consulted specifically to establish criteria for replacement land or improvements to existing lands, particularly in relation to the planning of available lands and maintenance of the household utility areas, as well as issues relating to access to community services and facilities such as schools, health facilities and markets, as well as their economic activities.
- (iv) Consultations with APs regarding arrangements for secure tenure will ensure that women including women-headed households and other female household members understand clearly what their options and obligations are; and, that the views of women are considered in making decisions.
- (v) New land registrations will be made in both spouse's names if the land acquired by the Project was acquired by husband and wife during marriage, or in the case of female headed households, in the women's name.
- (vi) Compensation payments will be signed off by both spouses, or in the case of female headed households, by the women.
- (vii) The civil works contracts will include employment targets for the poor, and women from the Project affected villages and local area. They will also include commitments to gender equity including: i) ensuring that no child labor or trafficked labor will be used; ii) no discrimination against the employment of qualified women; and iii) no differential wages paid to men and women for work of equal value.
- (viii) Special measures will be taken in disseminating information to and consulting with women to ensure that they understand clearly the policies, entitlements and

other procedures of the resettlement program, and are able to make informed decisions.

- (ix) The LWU in affected villages will monitor vulnerable APs, including female headed households for signs of stress or health impacts due to resettlement activities. If noted, these will be reported to the resettlement committees and PIC for assistance.
- (x) The resettlement information system for the Project will ensure that all databases and monitoring indicators are disaggregated by gender.
- (xi) The PIC will provide training for all resettlement committees to build capacity in resettlement administration and to enhance gender and ethnicity sensitivity in resettlement management.

25. Women who are heads and/or members of AP households as well as other women in the communities will be encouraged and assisted to participate fully in the planning and implementation of the Project resettlement program, by drawing on their knowledge, skills and interests. Actions contained in the RP aim to facilitate this participation including, among others:

- (i) Female members of resettlement committees will be supported in their roles through local exchanges with women in resettlement committees from other road sections to learn from the experiences in other villages.
- (ii) Female APs (heads and/or members of AP households) will be involved with local officials in the identification, review and selection of replacement land for individual residential and/or commercial land, as well as for resettlement sites. Women will also be consulted about resettlement site development such as the location of water supply points.
- (iii) Women will be consulted in the plan for relocation or replacement of village affected structures, such as rice mills and water points, particularly as women and children are the main collectors of water.
- (iv) Female APs and other women in local communities will be involved in the planning of local resettlement activities through close coordination with the community mobilizers, and will be assisted by them to develop plans for their own households, including, as necessary, coordinating technical, construction and relocation advice and support from the village and the district officials.
- (v) Female APs and other women in local communities will be involved in other initiatives to address the social and environmental impacts of the Project, such as: a) road safety education (due to increased traffic and vehicle speeds); and b) prevention programs for HIV/AIDS/STI and trafficking of women and children.

VI. PREPARATION AND IMPLEMENTATION OF RPs

26. This chapter provides the guidelines for screening and RP preparation and implementation.

A. Screening

27. Resettlement screening for subprojects will be carried out as soon as the rural access roads are finally selected for inclusion in the Project. The concerned resettlement committees and project implementation consultants (PIC) will determine the requirements for preparation of resettlement plans. The Resettlement committees and PIC will use the screening and categorization form in Appendix 1 to determine the nature and significance of resettlement effects.

The screening criteria based on the degree of resettlement impacts are:

- (i) Not significant (Category B) - as a result of the subproject, fewer than 200 people will be physically displaced from housing or lose less than 10% of their productive (income-generating) assets. A short resettlement will be required; or
- (ii) No resettlement effect (Category C) - the subproject does not require temporary or permanent land acquisition, and there are no impacts involving the loss of land, structures, crops and trees, businesses or income. No resettlement plan is required.

B. RP Preparation

28. If resettlement impacts are unavoidable and preparation of a resettlement plan is therefore required, a short RP will be prepared using the following procedures:

- (i) Undertake a census of all APs.
- (ii) Undertake detailed measurement survey (DMS)² of all losses of all APs. At the same time, inform potential APs (without discrimination) of the subproject, its likely impacts, and principles and entitlements as per the RF.
- (iii) Undertake a socioeconomic survey (SES)³ of at least 10% of all APs, 20% of severely affected APs and indigenous peoples population.
- (iv) Undertake a replacement cost survey for various types of affected assets as a basis for determining compensation rates at replacement cost. Determine the losses in accordance with the entitlement matrix.⁴
- (v) Provide project and resettlement information to all persons affected in a form and language that are understandable to them, and closely consult them on compensation and resettlement options, including relocation sites and economic rehabilitation.
- (vi) Prepare the draft RP with time-bound implementation schedule, procedures for grievance mechanism and monitoring and evaluation, and a budget.
- (vii) Finalize the subproject RP and translate in local language.
- (viii) Disclose the draft and final RP in accordance with ADB's policy on public communications⁵ to the affected communities and on ADB's website. The draft RP will be disclosed to APs prior to submission to ADB for approval. The final RP will be disclosed after approval.

Table 4 : Surveys for RP Preparation

Detailed Measurement Survey (DMS)	<p>The census and detailed measurement survey (DMS) of lost assets will collect data on the affected assets from 100% of APs following detailed engineering design. The data collected during the DMS will constitute the formal basis for determining AP entitlements and levels of compensation. For each AP, the scope of the data will include:</p> <ul style="list-style-type: none"> • Total and affected areas of land, by type of land assets; • Total and affected areas of structures, by type of structure (main or secondary); • Legal status of affected land and structure assets, and duration of tenure and ownership; • Quantity and types of affected crops and trees; • Quantity of other losses, e.g., business or other income, jobs or other productive assets;
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² Data will be gender and indigenous peoples disaggregated.

³ It will include gender analysis and data will be gender and ethnic minority disaggregated.

⁴ If there are new categories of APs and/or losses identified during the DMS (other than those described in the entitlement matrix), the entitlements will be derived in accordance with ADB's policy and guidelines.

⁵ ADB, 2005, Public Communications Policy. Manila.

	<p>estimated daily net income from informal shops;</p> <ul style="list-style-type: none"> • Quantity/area of affected common property, community or public assets, by type; • Summary data on AP households, by ethnicity, gender of head of household, household size, primary and secondary source of household income viz-a-viz poverty line, income level, whether household is headed by women, elderly, disabled, poor or indigenous peoples; • Identify whether affected land or source of income is primary source of income; and • AP knowledge of the subproject and preferences for compensation and, as required, relocation sites and rehabilitation measures.
Socioeconomic Survey	<p>At a minimum, the socioeconomic survey (SES) will collect information from a sample of 10% of affected people and 20% of severely affected APs, disaggregated by gender and ethnicity. The purpose of the socioeconomic survey is to provide baseline data on APs to assess resettlement impacts, and to be sure proposed entitlements are appropriate, and to be used for resettlement monitoring. The scope of data to be collected includes:</p> <ul style="list-style-type: none"> A. Household head: name, sex, age, livelihood or occupation, income, education and ethnicity; B. Household members: number, livelihood or occupation, school age children and school attendance, and literacy, disaggregated by gender; C. Living conditions: access to water, sanitation and energy for cooking and lighting; ownership of durable goods; and D. Access to basic services and facilities.
Replacement Cost Survey	<p>The replacement cost survey (RCS) will be done in parallel with DMS and SES activities by collecting information from both secondary sources and primary sources (direct interviews with people in the affected area, material suppliers, house contractors), and from both those affected and those not affected. The government rates will be adjusted, as necessary, based on the findings of a RCS. Compensation rates will be continuously updated to ensure that APs receive compensation at replacement cost at the time of compensation payment.</p>

C. RP Implementation

29. Land acquisition, compensation and relocation of APs cannot commence until the RP has been reviewed and approved by ADB. Commencement of civil works may commence in sections where there are no resettlement impacts. All resettlement activities will be coordinated with the civil works schedule. ADB will not allow construction activities in specific sites until all resettlement activities have been satisfactorily completed, agreed rehabilitation assistance is in place, and the site is free of all encumbrances.

VII. INSTITUTIONAL FRAMEWORK

30. Responsibility for resettlement spans various levels of Government and Project contractors, and these include the Department of Roads, Environmental and Social Division (DOR-ESD), Provincial Department of Communications, Transport, Post, and Construction (DCTPC), District CTPC, Project implementation consultants, and specifically formed provincial, district and village resettlement committees. The role and functions of each of these organizations is detailed in this section.

A. Ministry of Communications, Transport, Post and Construction

31. The Ministry of Communications, Transport, Post and Construction or MCTPC will be the executing agency and will be responsible for the overall technical supervision and execution of the Project. DOR will be the Implementing Agency and will be responsible for the direct supervision and execution of the Project. The Project Monitoring Division (PMD) of DOR, which is responsible for managing all of DOR's projects, will carry out the functions of a project management unit. No separate project management unit will be established.

32. DOR will appoint a full-time and dedicated Project Manager, who will be responsible for the day-to-day management of the Project. The Project Manager will be supported by a full-time and dedicated Deputy Project Manager, who will be appointed from the Xayabury Province

DCTPC. A full-time and dedicated Deputy Project Manager for the Korea-financed components will be appointed from the Luang Prabang Province DCTPC. In the event that suitable candidates for Deputy Project Manager are not available from the Xayabury and Louangphrabang Province DCTPCs, then that position will be filled by an officer from DOR.

33. The Project Manager and Deputy Project Manager will (i) prepare the overall project implementation plan, (ii) provide overall construction supervision, (iii) carry out public awareness campaign on HIV/AIDS, (iv) monitor and supervise all project management activities, (v) carry out procurement together with the PMD, (vi) organize monitoring and evaluation activities, (vii) prepare necessary project progress and project completion reports to be submitted to MCTPC and ADB; and (viii) ensure full compliance with ADB's resettlement, environment and other safeguards and policies.

34. The Project Manager and Deputy Project Manager will receive support from other MCTPC staff and the project implementation consultants.

B. Department of Roads-Environmental and Social Division

35. The Department of Roads-Environmental and Social Division (DOR-ESD) is responsible for the overall coordination of organizations involved in resettlement and for RP preparation and updating, supervision and management of RP implementation. DOR-ESD will be overall responsible for ensuring RP updating and implementation activities are consistent with those described in the RP. DOR-ESD will also be responsible for internal quarterly monitoring of resettlement activities. The DOR-ESD will appoint a Chief Resettlement Officer (CRO) who will be primarily responsible for resettlement for this Project. DOR-ESD will provide overall guidance and technical support to the provincial and district resettlement committees.

36. ESD has undertaken significant training and capacity building as components of various technical assistance projects. In 2004, the ADB TA 3557 – Strengthening Social and Environmental Capacity in the Department of Roads provided training in resettlement and social impact assessment. Additionally, under the Swedish International Development Agency or SIDA Road Maintenance Project capacity development for the DOR-ESD has also been provided in environmental and social safeguards.

C. Resettlement Committees

37. Article 34 of the Regulations for Implementing Decree states that local authorities will assist the Project in various resettlement planning and implementation activities. In the project area, this support will be formalized into Resettlement Committees established at the Province, District and Village level.

38. The DCTPCs in both Luang Prabang and Xayabury already formed the Provincial Resettlement Committees (PRC). These committees draw membership from all relevant provincial authorities, including the DCPTC, DAF, Department of Finance and Investment, Urban Planning, LWU, etc. The PRCs 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 (VRC) who will assist in all local activities.

39. The District Resettlement Committee or DRC will be composed of local authorities, representatives of mass organizations, village elders/traditional leaders and APs. District governor chairs the DRC while members are from the District's CTPC, Agriculture and Forestry, Lao Women's Union, Lao Front for National Construction; and APs (including women APs) and indigenous people representatives.

40. In villages where resettlement impacts are severe (relocation of houses and land improvements required) a Village Resettlement Committee (VRC) will also be formed. The VRC will include APs (apart from the Village Chief and Deputy Chief) and women (in addition to the LWU representative). VRCs and DRCs responsible for villages with AP indigenous peoples populations will include traditional minority leaders, both men and women in their committees. The main responsibilities of the DRCs and VRCs will be to facilitate various activities including: (i) facilitation of public information and consultation by ensuring village and AP awareness at all stages of project planning and implementation; (ii) assisting in the identification of alternative land for relocating APs; (iii) assisting in the identification of productive land (paddy, teak plantation) or land that can be developed to make it productive for APs losing productive land / source of income; (iv) leading the organization of village level support (labor and materials) for relocatees and those rebuilding onsite and for APs requiring assistance to develop land to make it productive; (v) assisting in the identification of special needs of vulnerable APs and providing timely assistance; (vi) assisting/overseeing implementation of the DMS and confirmation of the results; and (vii) provide first point of contact in the Grievance Mechanism, and records all grievances.

41. Neither the DRCs nor the VRCs have experience in many of the requirements of the RP, and as such they require some training beyond simple instruction. The project implementation consultant will design and implement the necessary capacity building for the DRCs and VRCs.

D. Science, Technology And Environment Agency

42. As per Decree 192/PM, the Department of Environment of Science, Technology and Environment Agency (STEa) will review and approve the RP. STEa is also responsible for monitoring of resettlement activities. STEa will review all internal and external monitoring reports and undertake periodic inspections.

E. Project Implementation Consultant

43. A Project Implementation Consultant (PIC) will assist the DOR in the implementation of the Route 4 road improvement by ensuring the civil works contractor complies with the terms of the contract, including social safeguards such as resettlement.

44. The PIC will also be responsible for ensuring the contractor adheres to the RP, and as such will be resourced with staff to facilitate this compliance. The PIC will employ a domestic resettlement specialist (12 person-months) to oversee this compliance and three local community mobilizers (a total of 30 person months) who will work with APs to facilitate all aspects of the RP. An international resettlement specialist (6 person-months) will also be engaged to provide training, assist in the preparation of new RPs and updating and implementation of the RP for Route 4. The international and domestic consultants and community mobilizers will work closely with the APs, concerned local authorities and resettlement committees, PMU and ESD staff, and contractors.

45. The resettlement consultants will have experience in both planning and implementation of resettlement plans in Lao PDR. The role of the resettlement consultants will be to:

- (i) Review and assess the (a) capacity of ESD, RCs at all levels to prepare and implement the RP and (b) trainings and capacity buildings provided during the PPTA. Design and implement necessary training and capacity-building interventions. Identify capacity building exchanges for women in VRCs
- (ii) Review and assess the consultation and disclosure programs undertaken during RP preparation for Route 4 and prepare and implement a consultation and disclosure program for rural access roads during RP preparation and implementation to ensure continuous and active involvement of APs, local officials and resettlement committees, vulnerable APs, and other stakeholders.
- (iii) Carry out census of APs and detailed measurement survey (DMS) of their assets, socio-economic and perception survey, replacement cost survey and revise rates as necessary. Assist in the preparation of an RP based on these activities.
- (iv) Ensure endorsement of the RP by MCTPC and disclosure of the RP to APs prior to submission to ADB for review and approval.
- (v) Carry out resettlement implementation in accordance with the RP agreed by the Government and ADB. Oversee the implementation of RP, i.e., from consultation, compensation, land clearance, improvement of replacement plots, physical relocation of APs, and temporary impacts during construction;
- (vi) Monitor the functioning of the grievance system;
- (vii) Monitor the civil works contractor's achievement of local employment targets, preferentially hiring the poor, vulnerable and women staff for unskilled positions as required under their contract.

46. The three community mobilizers will play a pivotal role in ensuring AP participation and consultation in the implementation phase of resettlement. Their specific roles will include those listed below, and will also be highly flexible in order to respond to the needs that arise at the local level.

- (i) Assist the DOR-ESD and resettlement consultants in undertaking any required additional surveys and RP preparation
- (ii) Act as a conduit for information transfer between the project and local stakeholders
- (iii) Provide an alternative conduit in the grievance system, channeling AP grievances to the relevant VRC or DRC
- (iv) Monitor rehabilitation of vulnerable APs and maintain liaison with LWU to ensure identify any problems experienced by vulnerable APs.
- (v) Liaise with APs and civil works contractor to plan for contractor support for AP relocation (e.g. planning and scheduling for heavy machinery support to APs to fill residential land on which they will move back)
- (vi) Assist the VRC with planning and implementing land replacement, land improvement, and community activities such as helping APs move their houses, in particular, ensuring that this process is inclusive of all APs and other residents especially women and indigenous peoples.
- (vii) Liaise with District Land Offices to facilitate the issuance of land titles or land use certificates to relocating APs, and also liaise with the LWU in each district and village to ensure the awareness and understanding of women APs and their eligibility for registration on land titles or land use certificates.

47. In addition to the resettlement specialists, one national gender specialist and one national indigenous peoples specialist will also be mobilized for 12 person-months and 12 person-months, respectively. In coordination with the resettlement specialist, the specific tasks of the national gender specialist include:

- (i) Operationalize the gender strategy; develop capacity building training modules and conduct workshop and capacity building training on resettlement activities for the District RC, Women's Union, Youth Union;
- (ii) Conduct workshop/training for men and women from AP households on: (i) village level consultation process; (ii) leadership skills; (iii) resettlement, rehabilitation and relocation-related issues.
- (iii) Ensure that men and women from indigenous peoples groups, affected women headed households are consulted effectively and have access to fair compensation and timely compensation;
- (iv) Monitor grievance process for the women from the affected households;
- (v) Facilitate registration of land title or land use certificates to eligible landholder (i.e., man or woman who acquired/inherited land prior to marriage) or joint registration in the name of husband and wife if the land was acquired during marriage;
- (vi) Ensure that men and women are paid equally for construction work for equal value; basic facilities (proper water and sanitation) are available in the labor camp and child care facilities (on site day care) are provided for women laborers by the Contractor;
- (vii) Develop disaggregated monitoring indicators by gender;
- (viii) Prepare progress report on gender strategy as part of the quarterly progress report on resettlement.

48. For the indigenous peoples specialist, in coordination with the resettlement specialists and gender specialist, specific tasks are as follows:

- (i) Ensure that representatives of indigenous peoples groups are included in the District RCs;
- (ii) Ensure that appropriate consultation process is carried out for indigenous peoples AP households;
- (iii) Ensure that indigenous peoples AP households receive capacity building training/workshop on resettlement related activities;
- (iv) Ensure that indigenous peoples AP households receive fair compensation and land title or land use certificates where applicable;
- (v) Ensure that indigenous peoples AP households have access to fair grievance process;
- (vi) Provide inputs to gender specialist on disaggregated monitoring indicators by ethnic groups;
- (vii) Prepare progress report on indigenous peoples specific actions as part of the quarterly progress report on resettlement.

VIII. CONSULTATION, GRIEVANCE REDRESS, AND DISCLOSURE

A. Consultation and Disclosure

49. Consultation with the affected people will be carried out as soon as the PICs are mobilized so that their needs and preferences can be incorporated into the design

arrangements where practicable. They will also participate in the various RP processes: DMS, RCS, identification of sites, hand over of entitlements, monitoring of impacts and benefits, and discussion and settlement of grievances. The scope of information to be provided to APs includes: (i) description of 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.

50. The Resettlement committees and PICs will be responsible for the disclosure of the resettlement plan to the APs prior to submission to ADB. ADB will upload the final resettlement plan on ADB's resettlement website. Monitoring reports on any resettlement will also be uploaded on ADB's website.

B. Grievance Redress

51. Article 13 of Decree 192/PM requires the Project to establish an effective mechanism for grievance resolution. Lao legal requirements for this mechanism are further described in Part VI of the Decree's Implementing Regulations, and in detail in the Technical Guidelines.

52. The objectives of this mechanism are to ensure AP satisfaction with implementation of the RP, and in effect provide for on the ground monitoring by APs of the adequate implementation of the RP.

53. Decree 192/PM determines that the prime responsibility for grievance resolution is the Project proponent, i.e., MCTPC. As they are responsible for carrying out Project works which are likely the source of grievances (such as the DMS, establishing replacement costs, determining other allowances) they are best placed to respond to and resolve grievances in the most timely and acceptable method. However, should APs remain dissatisfied, they may bring up their complaints through other avenues as described below.

54. At the central level (DOR), a task force will be established to receive and resolve complaints/grievances or act upon reports from stakeholders on misuse of funds and other irregularities, including grievances due to resettlement and environmental issues. The task force will (i) make public of the existence of this Grievance Redress Mechanism, through public awareness campaign, (ii) review and address grievances of stakeholders of the Project, in relation to either the Project, any of the service providers, or any person responsible for carrying out any aspect of the Project; and (iii) proactively and constructively responding to them. The DOR-ESD will be responsible for the resettlement and environment-related grievances.

55. The resettlement committees at the district and provincial levels, composed of concerned departments, local officials, village chiefs, AP representatives, women representatives, mass organizations will also act as grievance officers. Hence, a separate grievance redress committee at each district will no longer be established for this Project.

56. 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 resettlement consultants and Community Mobilizers (CM) 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 resettlement consultants/CM and addressed through consultations in a transparent manner aimed at resolving matters through consensus. All meetings between the village officials, resettlement consultants/CM 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 VRC or resettlement consultants/CM (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 decision, or complainants are not satisfied with the Project's decision, the complaint will be forwarded to the District Resettlement Committee. APs and local mass organizations may forward their grievance directly to the DRC, or with the assistance of the CMs. It will be the role of the CM 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 CMs. It will be the role of the CM 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 DOR Task Force on Grievance Redress.

Step 4 – Central Level. DOR Task Force on Grievance Redress Mechanism will ensure to review and resolve all complaints within 10 days.

57. The complaint, as a last resort, will be lodged with the Court of Law and 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 DOR-ESD will be responsible for forwarding the complaint and ensuring its process in the courts.

58. All legal and administrative costs incurred by APs and their representatives at the GRC are to be covered by the Project.

59. The resettlement committees will provide quarterly reports to the DOR-ESD on grievances received, including names and pertinent information about the APs, nature of complaint, dates the complaints are lodged, and resolution of the same. Grievances not resolved will also be recorded, detailing negotiations and proposals which could not be agreed on, and the date of these negotiations.

60. In addition the grievance mechanism described above, APs may also (or permit representatives on their behalf raise their concern or complaint with the ADB Southeast Asia Department, Infrastructure Division, through the ADB Resident Mission office in Vientiane if APs are still not satisfied with the resolution of their complaints at the Project and central level.

IX. MONITORING AND EVALUATION

61. Monitoring and evaluation of the RP allows project owners to ensure smooth progress of RP implementation, which is on the critical path for civil works, 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.

62. These two monitoring objectives will be addressed through two mechanisms: (a) internal monitoring by the DOR-ESD and PRCs and (b) external monitoring and evaluation - by an independent monitor.

A. Internal Monitoring

63. The role of internal monitoring and evaluation is to ensure that resettlement institutions are well-functioning during the course of project implementation, and that 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.

64. Primary responsibility for internal monitoring lies with DOR as the project implementing agency, and will be coordinated by its DOR-ESD. DOR-ESD will be responsible for overseeing the formation, function, and activities of each of the implementing agencies, and through quarterly monitoring reports, summarize this progress. The DOR-ESD will ensure that information on resettlement progress flows from PRCs, DRCs, VRCs and resettlement staff working with the resettlement consultants. All monitoring data will be collected to ensure gender and ethnicity disaggregation. The quarterly progress reports will also include resettlement audit statements to show disbursement of loan funds for resettlement.

65. The indicators that will be monitored regularly will include:

Table 1: Monitoring and Evaluation Indicators

Type	Indicator	Examples of Variables
INPUTS INDICATORS	Staffing and Equipment	<ul style="list-style-type: none"> • Number of project dedicated DOR-ESD staff • Formation of each PRC, DRC and VRC • Number of PRC and DRC members and job function • Adequate equipment for performing functions (including grievance recording) • Training undertaken for all implementing agencies • External monitor contracted and mobilized • Construction Contractor meeting local employment targets for unskilled labor
	Finance	<ul style="list-style-type: none"> • Loan funds disbursed to APs in a timely manner (compensation for non-land assets and allowances) • Loan funds disbursed to develop relocation sites, improvement of land to make it productive; administration costs; external monitoring • Government funds disbursed to APs in a timely manner (land acquisition)
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 at indigenous peoples villages and for individual minority APs in villages of other ethnicity • Consultations and participation undertaken as scheduled in the RP • 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 cultivation land acquired • Area of residential land acquired • Fishponds 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

Type	Indicator	Examples of Variables
	Trees and Crops	<ul style="list-style-type: none"> • Number and type of private trees acquired • Number and type of government/community trees acquired • Number and type of crops acquired • Crops destroyed by area, type and number of owners
	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 houses demolished • Number of porches/kitchens dismantled • Number of replacement houses built by APs on the same plot • Number of replacement houses built by APs on other plots they own • Number of replacement houses built by APs on allocated plots • Number of replacement businesses constructed by APs • Number of owners requesting assistance for additional replacement land • Number of replacement land purchases effected • Number of land titles and land survey certificates issued • Number of vulnerable groups provided additional assistance
	Reestablishment of Community Resources	<ul style="list-style-type: none"> • Number of community buildings repaired or replaced • Number of seedlings supplied by type

B. External Monitoring

66. While internal monitoring focuses on the implementation of scheduled tasks, external monitoring provides an independent avenue to verify these results, and also to take a more qualitative assessment of the success of these measures to meet their intended objectives. As such, the external monitor is required to ascertain whether APs have been able to restore their living standards and their livelihoods, and have not become worse off due to the project. All monitoring data will be collected so as to allow disaggregation by gender and ethnicity.

67. These indicators and the mechanisms used to measure them are detailed in Table 2 below. Importantly, the external monitor will be required to review plans for and implementation of the Contractors involvement in providing civil works support for replacement land improvement.

68. The external monitor will come from an independent organization, such as an academic or research institute or consultancy in Laos, with experience in resettlement monitoring and social assessment. They will be contracted by MCTPC and commence in advance of resettlement implementation, so as to assess the process of the DMS and RP updating and develop the formats for their annual monitoring missions. In the first year, the external monitor will report quarterly, and then semi-annually for a further year or until resettlement objectives are met, the final report being a post-evaluation report to be prepared 6 months following completion of resettlement activities. These reports will be provided to the DOR-ESD, STEA and to the ADB for uploading on ADB's resettlement website.

69. Most importantly, the external monitor's reports will include any identified issues and recommendations for rectifying outstanding matters. The monitor will also highlight any

significant successes and commendable approaches or methods used in the project which may provide a learning opportunity to the DOR-ESD and other resettlement projects.

Table 2: External Monitoring Indicators, Methods and Schedule

Indicators	Variables	Mechanism for Assessment	Timing of Assessment
RP Implementation	<ul style="list-style-type: none"> Resettlement staffing Compensation Disbursements Land and assets acquired Preparation of replacement land Loan funds disbursement Government funds disbursement Public information and consultation AP asset replacement 	<ul style="list-style-type: none"> Review of internal monitoring reports Review Contractor plans and actions Interviews with and observation of implementing agencies at each level Random sample of interviews with APs 	<ul style="list-style-type: none"> Every annual monitoring mission
Restoration of Living Standards and Livelihoods	<ul style="list-style-type: none"> Compensation at replacement cost Compensation with no depreciation or fees/taxes Adequacy and suitability of replacement land Adequacy of moving costs Adequate timing for asset acquisition/replacement Tenure security of APs 	<ul style="list-style-type: none"> Interviews with APs – stratified sample for those relocating, and those being allocated land, indigenous peoples and women Review of internal monitoring reports Review of revised compensation costs and materials costs Interviews with Provincial Lands Departments for land records 	<ul style="list-style-type: none"> Every annual monitoring mission
	<ul style="list-style-type: none"> Changes in AP income levels, and sources of income Changes in AP access to services and utilities AP participation in community organizations AP participation in associated social action programs related to the project Vulnerable groups rehabilitation 	<ul style="list-style-type: none"> Replicate socioeconomic survey of a sample of APs (with some revisions for new social programs) Comparison with original socioeconomic survey and with later results Village level focus group discussions, including women and indigenous peoples Interviews with vulnerable APs 	<ul style="list-style-type: none"> At the commencement of resettlement implementation (Year1), and project completion (Year 2)
AP Satisfaction	<ul style="list-style-type: none"> AP awareness of resettlement procedures and entitlements AP awareness and use of grievance system AP satisfaction with the resettlement process 	<ul style="list-style-type: none"> Review records of grievance lodgment and redress Random sample of interviews with APs Community meetings Focus Groups discussions with various categories of APs 	<ul style="list-style-type: none"> Every annual monitoring mission
Effectiveness of Resettlement Planning	<ul style="list-style-type: none"> Accuracy of DMS for AP and asset loss recoding and planning Adequacy of budget for implementation Adequacy of implementation schedule to undertake required tasks Occurrence of unforeseen problems 	<ul style="list-style-type: none"> Review records of grievance lodgment and redress Random sample of interviews with APs Interviews with implementing agencies at each level 	<ul style="list-style-type: none"> Every annual monitoring mission

Indicators	Variables	Mechanism for Assessment	Timing of Assessment
Resettlement Impacts	<ul style="list-style-type: none"> • Re-occupation of cleared land • Migration to the project area 	<ul style="list-style-type: none"> • Village chief meetings • Random AP interviews • Observation 	<ul style="list-style-type: none"> • Every annual monitoring mission

X. BUDGET

70. The budget will cover compensation costs, allowances and rehabilitation measures, administration costs, and contingency. Land acquisition will be part of the Government's counterpart fund. The Ministry of Finance will be responsible for the disbursement of funds to each of the relevant Project Provincial Governor's Offices. These funds will be managed by the Provincial Resettlement Committee (which includes the Governor's Office) and disbursed to APs in accordance with the agreements reached and the resettlement schedule. The Government will ensure timely provision of counterpart funds for resettlement to meet any unforeseen obligations in excess of the resettlement budget estimates in order to satisfy resettlement requirements and objectives.

71. ADB loan funds will be utilized for compensation for non-land assets, provision of necessary allowances, special assistance to be provided to vulnerable APs, development of individual replacement plots, administration costs, and external monitoring. The Resettlement Plans will identify key activities for which funds will be used, any disbursement milestones and auditing requirements that will facilitate appropriate and timely delivery.

Appendix 1

Lao: Transport Network Improvement Project
INVOLUNTARY RESETTLEMENT CATEGORIZATION

A. Introduction

1. Each Rural Access Road (RAR) is assigned an involuntary resettlement category depending on the **significance** of the probable involuntary resettlement impacts.

B. Information on Rural Access Road

- a. **Name of RAR:** _____
- b. **Location:** _____
- c. **Technical Description:** _____
- _____
- _____

C. Screening Questions for Resettlement Categorization

2. Initial screening for involuntary resettlement is to be conducted following detailed design.

Involuntary Resettlement Effects	Yes	No	Remarks
Does the RAR include upgrading or rehabilitation of existing physical facilities?			
Will it require permanent land acquisition?			
Is the ownership status and current usage of the land known?			
Are there any non-titled people who live or earn their livelihood at the site or within the COI / Right of Way?			
Will there be loss of housing?			
Will there be loss of agricultural plots?			
Will there be losses of crops, trees, and fixed assets?			
Will there be loss of businesses or enterprises?			
Will there be loss of incomes and livelihoods?			
Will people lose access to facilities, services, or natural resources?			
Will any social or economic activities be affected by land use-related changes?			

D. Involuntary Resettlement Category

3. After reviewing the answers above, the Resettlement Committee and Resettlement consultants agree subject to confirmation, that the project is a:

- ☐ Category B, Not Significant* IR impact, a short Resettlement Plan is required and will be submitted to ADB by _____ 2008.

* Not Significant - Less than 200 people will experience major impacts which are defined as being physically displaced from housing or losing 10% or more of their productive assets (income generating).

- ☐ Category C, No IR impact, no resettlement report is required.

If Category B: Please provide information on Affected Persons	
1. Any estimate of the likely number of households that will be affected by the Project?	
<input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> N/A. If yes, approximately how many? _____	
2. Are any of them poor, female-heads of households, or vulnerable to poverty risks?	
<input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> N/A. If yes, please briefly describe their situation.	
3. Are any APs from indigenous or ethnic minority groups?	
<input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> N/A. If yes, please briefly describe their situation:	

Prepared By:	Verified by:
Signature:	Signature:
Name:	Name:
Position:	Position:
Date:	Date:

Additional Notes: (sketch map or pictures)



Appendix 2

VOLUNTARY CONTRIBUTION FORM FOR STRIPS OF RESIDENTIAL LAND (Sample)

Date: _____

I am fully aware that I/We will be affected by the _____ project and that the Project staff and local authorities have informed me/us of my/our right to receive compensation at replacement cost for all my/our affected assets, i.e., land, house, structures, trees and crops.

The total compensation payment that I/we will be receiving is _____ kip.

However, I/We voluntarily donate a strip of my/our residential land (_____ sq.m) because the impacts on my/our land will be minor. Furthermore, I/we confirm that:

- ☐ My/Our residential land is not less than 300 sq.m. (Total residential land is _____sq.m);
- ☐ the strip of land that will be donated is not more than 5% of my/our total residential land;
- ☐ there are no houses, structures or fixed assets on the land to be donated; and
- ☐ the equivalent amount in cash of the land that will be donated is _____ kip.

I hereby certify that the information stated herein

- ☐ was read and explained to me carefully by the project staff and local authorities
- ☐ I read it myself.

Name and Signature (or thumbmark) : _____

Village : _____

Date : _____

If land being donated is conjugal property, spouse to sign below:

Name and signature/ thumbmark of spouse : _____

Witnessed By : _____
Signature over printed name Position/Organization

Name & Signature of Village Chief : _____ Date:_____

Name & Signature of Project Staff : _____ Date: _____