

Resettlement Plan

Lao PDR: Sustainable Tourism Development Project

SIPHANDONE WETLAND BIODIVERSITY CONSERVATION AND TOURISM

May 2008

Prepared by: Lao National Tourism Administration

The Resettlement Plan is a document of the borrower. The views expressed herein do not necessarily represent those of the ADB Board of Directors, Management, or staff, and may be preliminary in nature.

CURRENCY EQUIVALENTS

1USD = 9,100 Kip

ABBREVIATIONS

ADB	Asian Development Bank
AP	Affected persons
CTPC	Communications, Transport Post and Construction
DMS	Detailed Measurement Survey
DRC	District Resettlement Committee
GMS	Greater Mekong Subregion
GoL	Government of Lao PDR
IOL	Inventory of Losses
Lao PDR	Lao People's Democratic Republic
LNTA	Lao National Tourism Administration
LWU	Lao Women's Union
MCTPC	Ministry of Communications, Transport Post and Construction
PCU	Project Coordination Unit
PIB	Public Information Booklet
PIU	Project Implementation Unit
PRC	Provincial Resettlement Committee
RC	Resettlement Committee
RF	Resettlement Framework
RP	Resettlement Plan
SES	Socioeconomic Survey
VRC	Village Resettlement Committee
WREA	Water Resources and Environment Administration

DEFINITION OF TERMS

Project Affected People (APs) includes any person, 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.

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 (EA) 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 subproject construction 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 subproject construction 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 labour 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.

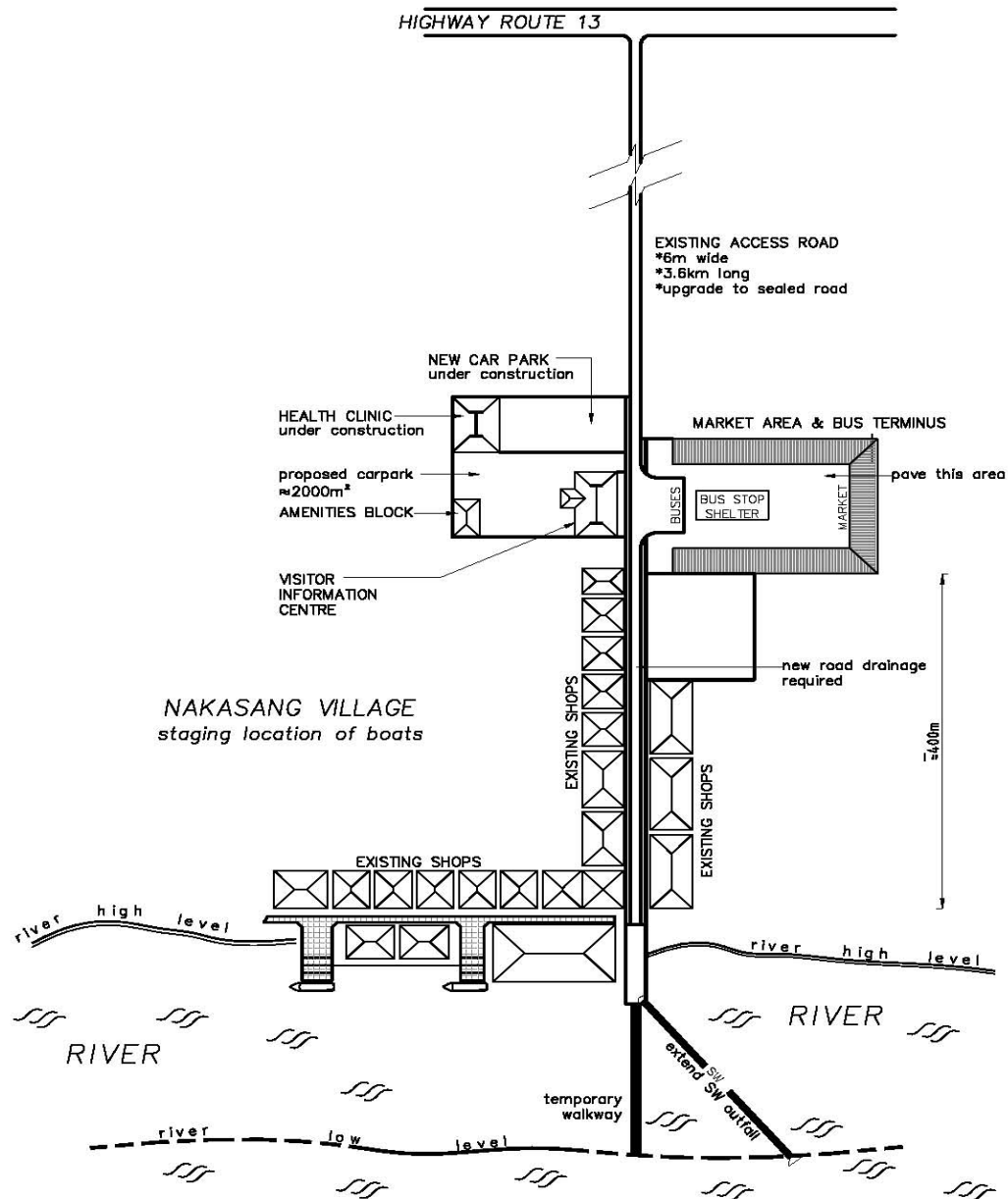
Severely Affected Person means a person who will (i) lose 10% or more of their productive assets, such as agriculture/aquaculture land holding, and/or (ii) physically displaced from housing and/or (iii) lose 10% or more of total income sources due to the Project.

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 and ethnic minorities.

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Figure 1: MAP OF THE PROPOSED ENGINEERING WORKS



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DRAWING SIPHANDON WETLANDS PROJECT
SCALE NIL DATE 16/10/2006



I. Introduction

A. Project

1. The regional Sustainable Tourism Development Project (the Project) will contribute to the implementation of the Greater Mekong Subregion (GMS) Tourism Sector Strategy and the provision of livelihood opportunities for GMS citizens. The Project outcome will be the development of a sustainable, culturally and environmentally sound pro-poor tourism approach for the GMS. It will have five outputs: (i) model sustainable tourism development projects protecting natural, cultural and urban heritage sites of importance to tourism are operational; (ii) pro-poor community-based and supply-chain tourism projects are developed and operational; (iii) community-operated facilities along the GMS economic corridors bringing economic benefits to local communities improved; (iv) human resource capacity of public and private tourism stakeholders are developed; and (v) efficient project management services are fully operational.

2. This Resettlement Plan (RP) covers the subproject under Output 1 in Champassak Province, Siphandon Wetlands. The subproject will include: (i) a preparation of a heritage-based tourism zoning plan and tourism structure and management plan for the wetlands area; (ii) upgrading of a 4 kilometer (km) access road that connects Route 13 to the boat landing at Nakasang Village; (iii) improvements to the existing pathways on Don Det and Don Kone Islands; (iv) environmental improvements at Ban Nakasang, Don Det and Done Kone, including the area along the riverbank and better waste management at the market and in the village; (v) construction of a visitor information and interpretation facilities on the Nakasang Village side of the Wetlands; (vi) construction of fully interpreted access trails at Nakasang, Don Det, Done Kone and other smaller islands; (vii) capacity development and livelihood support programs for local communities, especially women, youth and ethnic groups, to become site managers that engage local communities in managing and interpreting the natural heritage values of the wetland; (viii) implementation of a gender and ethnic groups development program; (ix) a public awareness program for wetland conservation and protection, HIV and AIDS, and other tourism-related awareness activities; (x) manual to guide the preparation and implementation of future GMS tourism subprojects aimed at protecting important natural sites; and (xi) monitoring and evaluation program.

3. The resettlement impacts will not be significant for this subproject, as fewer than 200 people will be physically displaced from housing or lose more than 10% of their productive (income-generating) assets. Per ADB's requirements, a short RP has been prepared for this subproject.

II. Scope and Scale of Resettlement

4. The subproject will involve civil engineering works as described below. The following will not require any land acquisition or resettlement:

- (a) **Access Road Upgrade:** A 4.0 km access road from highway 13 to the boat landing at Nakasang Village already exists but the pavement and drainage have not been engineered or constructed to adequate standard. Poor drainage and contamination of the pavement by clay makes the road impassable during wet periods. The Project will upgrade existing drains and pavement of the road. The upgraded road will be the same width as the existing one (approx. 6 meters) and all drainage is to be

upgraded within the existing road reserve and fences. No resettlement or land acquisition is required;

- (b) **Storm water Drainage:** Along both side of the final 400 meters (m) of the road before the river, storm water pipes will be extended and a Gross Pollution Trap of 10m x 10m will be constructed to remove solid wastes and sediment before discharge into the river. No resettlement or land acquisition is required;
- (c) **Track improvements to Don Det and Don Kone Islands:** A 3 m wide pathway that begins at Ban Houa and ends at Ban Dang Korn will be upgraded to include shoulder drains within the right of way. No resettlement or land acquisition is required;
- (d) **Cultural Interpretation center:** A Cultural Interpretation Center will be constructed in Nakasang village. The total area of land designated for the construction is 1,050 square meter (m²). The land is vacant and belongs to the district government. No resettlement or land acquisition is required;
- (e) **Parking Lot Don Det:** The parking area in Don Det will be upgraded with drains to handle storm water and a gravel pavement. The land to be used is four-sided measuring 120m x 12m x 35m x 85m and has a 0.5m buffer area between the fence and the road. The land is owned by Khong District. The district will need to inform the current users of the parking lot (a tour company) about the upcoming construction and suspend their lease with appropriate notice;

5. The following civil engineering works will cause some impacts:

- (a) **Parking Lot Nakasang Village:** A sealed parking lot with drainage will be constructed in Nakasang village. The lot is 20m x 68 m (1,360 m²) with a capacity of 50 cars and 6 buses. There is a fence separating the proposed parking lot from the adjoining site to the east where a health center is located. A small road to a nearby village lies west to the proposed lot. A 0.42 hectare (ha) plot of district owned land lies north of the proposed lot, which is vacant except for a small open-walled shed. The proposed land for the parking lot is owned by the district. There are four temporary structures on the lot, each about 2m x 3m (6 m²). Two of the four are collectively owned by the village and used as rest sheds. The remaining two are small shops that two merchants from the market use alternately with their space in the market to sell soup. There is also a 2m x 3m toilet that is collectively owned by the village. The two merchants will be compensated as outlined in the below section on the relocation of the market, and have reported that they will base themselves permanently in the new market once it is constructed. The two rest sheds and the toilet will be reconstructed as part of the amenities block to be built by the Project;
- (b) This parking lot will contain the temporary market (40 stalls, 25 currently occupied – see below) during reconstruction of the market. The parking

lot will be upgraded only after the temporary stall holders have vacated the space for transfer to the new market site;

- (c) **Riverbank:** A newly paved walkway approx. 70 m long with 2 access points to the river will be constructed along the river bank over the existing path. The new path will be 2 m wide including cross fall and drainage. Access to the river will be in the form of steps 3 m wide. The land is owned by the district and there are 3 structures along the river which will need to be relocated for this subproject. The structures are all shops though the owners also use them for residential purposes. They are built on stilts and suspended over the Mekong River watercourse – accordingly there are no land impacts and no trees affected;
- (d) All 3 households affected by the construction have expressed that they prefer access to a stall in the new market, of equal size to their present structures, so they can continue conducting commercial activity. There is adequate space in the market to accommodate them. The affected households also requested to receive USD5,000 to compensate for the replacement costs for their residences. This is assessed to be in accordance with current market prices. Each of the 3 households has been consulted to ascertain their willingness to transfer, the conditions proposed for the move, and the compensation. They have all confirmed their willingness to move under these conditions;
- (e) There are also two small fuel service stations, 1.5m x 1.5m on the riverbank containing a 200 liter drum of fuel. They are operated in the rainy season only. The fuel stations will be moved to the Nakasang parking lot;
- (f) The construction of the riverbank should start after the market has been reconstructed so that the 3 shops can relocate directly to the market and the 2 fuel stations directly to the parking lot;
- (g) **Reconstruction of Market:** The Nakasang market is 40m x 80m (3,200 m²). It contains 47 spaces for market stalls, of which 25 are currently occupied. In addition, 5 stall owners occupy the market seasonally. There are also 50 small non-permanent tables in the market where vegetables and food is sold in the morning by the stall holders. The current market is of poor quality with dirt pavement and no sanitary, water or storm water drainage. The land designated for the construction is owned by the district and is valued at 90,000 kip per m² based on current market prices. The land is currently being used as a market place. No land acquisition is necessary, but the stalls will be temporarily relocated for about 6 months to the parking lot while the market is being reconstructed. The reconstruction of the market will be done during the dry season, when the 5 stall owners that only occupy the market seasonally will not be affected;
- (h) A total of 25 stall owners will be temporarily affected from having to relocate while the new market is constructed. 7 of these households are poor and 2 of them are headed by women. 3 persons will have to move their shops from the riverbank to the new market. The detailed

information on the affected persons and scope of losses is presented in Appendix 3.

Table SAB2.1: Scope of Land Acquisition and Resettlement Impacts

Project site	Estimated Land Acquisition (m2)	Affected Households/ Shops	Affected population	Households to be relocated	APs losing 10% or more of productive assets	Other Impacts
Parking Lot Nakasang Village	1,360 m2 (District land)					Two rest sheds and public toilet will be rebuilt as part of the Project.
Market Area	3,200 m2 (District land)	25	126	8 (temporary)	0	Temporary relocation for 25 stall owners, 8 stallowners living in their stalls.
Riverbank	70m x 2m (District land)	3	15	3	0	Temporary relocation of shops to temporary market during reconstruction should be avoided. The 3 stallowners use the shops for residential purposes. 2 fuel service stations to be moved to parking area.
Total	4,700 m2 (District land)	28	141	8 temporary 3 permanent	0	

III. Socio-Economic Information

6. The Siphandone Wetland is in Champassak Province and is part of the biodiversity corridor that straddles Lao PDR, Cambodia and Thailand. It contains more than four thousand islands, and is home to more than 72,000 people. Poor communities living in and adjacent to the wetland depend on it for food security and earning income. Over the years, growing population and high fish prices have increased fishing and hunting activities, threatening Siphandone's biodiversity.

7. The main tourist access to the Wetland is via Nakasang, a village located about 4 km off Route 13, the main north-south highway in Lao PDR. There are 245 households in the village, with a total population of 1380 persons (640 female). 27 households were sampled for the PPTA socio-economic survey in Nakasang village. The results are summarized in the below tables. Detailed information on the Affected Persons is in Annex 3.

Table SAB2.2: Main source of income (%)

Cultivation	Raising/ catchin g fish	Live stock	Forestry	Business (inside and outside village)	Renting or selling land	Remittances
37	33.3	7.4	0	11.1	18.5	7.4

Table SAB2.3 Education:

Primary school	Secondary school	Illiterate
58.8	25.5	15.8

Table SAB2.3: Land ownership

Hectars	HHs (%)
0.35	3.70
1.00	22.20
1.20	3.70
1.50	3.70
2.00	7.40
3.00	3.70
5.60	3.70

IV. Legal Framework, Policies and Guidelines

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

A. Government Laws, Decrees, and Guidelines

7. 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)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

8. 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 (AP) to restore their living standards to levels equal to, if not better than, that they had before the Project.

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

- (a) Involuntary resettlement should be avoided where feasible;
- (b) Where population displacement is unavoidable, it should be minimized by exploring all viable project options;
- (c) 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;
- (d) APs should be informed fully and closely consulted in resettlement and compensation options;
- (e) 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;
- (f) 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;
- (g) 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 and ethnic minorities. Appropriate assistance must be provided to help them improve their socioeconomic status;

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

- (h) 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;
- (i) 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;
- (j) The full costs of resettlement and compensation should be included in the presentation of project costs and benefits; and
- (k) 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.

10. 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 Ethnic Groups Development Framework. Social analysis of a project or subproject will assess whether indigenous or ethnic groups 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 APs, 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.

11. 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 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 Operations Manual (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.

12. The ADB **Public Communications Policy** (ADB, 2005) seeks to encourage the participation and understanding of stakeholders and people affected by 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 APs and other stakeholders. The Executing Agency (EA) 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) the draft RP prior to loan appraisal; (ii) the final RP following its completion; and, (iii) the revised RP, following any revisions. 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

13. The recent changes in the GoL 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.

14. 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 (OM F2 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.

15. Both Lao Law and ADB policies entitle non-titled 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.

IV. Project Principles, Eligibility and Entitlements

A. Project Principles

16. The following principles were formulated to bridge the differences between ADB's and the Government's resettlement policies, and will apply to all civil works:

- a) Involuntary resettlement and impacts on land, structures and other fixed assets will be avoided or minimized where possible by exploring all alternative options;
- b) 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 neighbouring 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 labour 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 ethnic groups, 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 (RCs) 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; and
- p) Voluntary donation will not be applied for any assets.

B. Eligibility and Entitlements

17. **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.

18. **Entitlements.** The entitlement matrix in Table 2 summarizes the main types of losses and the corresponding nature and scope of entitlements. Following detailed design, DMS and socioeconomic surveys (SES) will be the basis for determining actual impacts, and replacement cost surveys will be carried out to determine actual replacement costs and rates.

Table SAB2.2: Entitlement Matrix

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 levelling) 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, without charge for taxes, registration and land transfer OR 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"> • Voluntary donation of land will not be allowed by the Project.
Totally Affected	Owners of	<ul style="list-style-type: none"> • Reconstruction/provision of new 	<ul style="list-style-type: none"> • Adequate time provided for APs to

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
Houses/Shops, and Secondary Structures (kitchen, rice bins) Partially Affected Houses/Shops but no longer viable (Will require relocation)	affected houses whether or not land is owned	structure of same size and value OR 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) labour cost to cover cost for dismantling, transfer and rebuild.	rebuild/repair their structures <ul style="list-style-type: none"> Affected houses and shops that are no longer viable are those whose remaining affected portion are no longer usable/habitable.
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 labour, 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 due to temporary relocation of shops and stalls	Owners of shops and stalls	<ul style="list-style-type: none"> Cash compensation equivalent to the average daily profit multiplied by the number of days of business disruption (2 days). First and last month of market fees waived during the temporary relocation period. Guaranteed stall of similar size in the new market Subsidy over 24 months to compensate for the increased stall rentals after the market is reconstructed: 1st year subsidy of 100%, 2nd year subsidy of 50%. 	The rates have been verified through interviews with informal shop owners to get an estimate of daily net profit.
Loss of business	Owners of	<ul style="list-style-type: none"> Cash compensation equivalent to 	The rates have been verified through

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
income during relocation or during dismantling/repair of affected portion (without relocation)	shops	the average daily profit multiplied by the number of days of business disruption (4 days).	interviews with informal shop owners to get an estimate of daily net profit.
Transition subsistence allowance	Relocating households – relocating on residual land or to other sites Severely affected APs losing 10% or more of their productive land	<ul style="list-style-type: none"> 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 and shops – to other sites	<ul style="list-style-type: none"> 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 labour 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	<ul style="list-style-type: none"> An additional allowance of 1 month supply of rice per person in the household. First priority in allocation of new stall in the reconstructed market. The contractors will make all reasonable efforts to recruit severely affected and vulnerable APs as labourers civil works 	The poorest will be those below the national poverty line as defined in the poverty partnership agreement with ADB

V. Relocation and Income Restoration Strategy

19. Compensation will be provided for loss of income from the temporary relocation while the market is being renovated. The district will waive the market fee and taxes for the first and the last month of their temporary location at the parking lot. The stall owners also will receive compensation for loss of income during the actual move, estimated to take 2 days. The 8 stall owners who live in their shops will be able to return to the new market and continue to live there, as agreed between the district, stall operators, market management and village leaders. In addition they will receive subsistence allowances equal to 16 kg of rice per household member for 6 months. The stall owners have stated that they need no transportation assistance for the move. All current stall owners will receive prioritization in the allocation of a new stall in the reconstructed market and a subsidy for the expected increases in market fees. The first year

after the move, the market fees will be subsidized 100%, the second year 50% and by the 3rd year the merchants will shoulder the fees themselves. The village leadership has conducted meetings and consultations involving all store and stallholders and consulted them on the conditions for the temporary move to the parking lot and the return of the occupants to the reconstructed market.

20. Compensation will be provided for the 3 households that will have to relocate their shops from the riverbank to the new market. They will be given a guaranteed stall in the reconstructed market and provided a \$5,000 cash compensation for their residences. In addition they will receive subsistence allowances equal to 16 kilogram (kg) of rice per household member for 6 months.

21. Screening forms to be used during RP finalization can be found in Appendixes 1 and 2.

VI. Vulnerability, Gender and Ethnicity

22. The Project 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 assets are affected. Vulnerable households will be provided with additional cash assistance or appropriate income restoration measures in consultation with them and they will be given an additional allocation of 1 month supply of rice per household member. During the RP preparation, 7 poor households and 1 female-headed household were found (see Appendix 3 for list of affected persons and inventory of losses). They will also get first priority in the allocation of a stall in the newly constructed market. Separate consultations have been done with women and poor households and will be continued during the time of RP updating and implementation on specific resettlement concerns, such as compensation, relocation and rehabilitation of livelihoods.

VII. Institutional Framework and Implementation Arrangements

23. Responsibility for resettlement spans various levels of government and project contractors, and these include the Lao National Tourism Administration (LNTA), Water Resources and Environment Administration (WREA) at national provincial and district level, project implementation consultants, and specifically formed provincial, district and village RCs.

A. Lao National Tourism Administration

24. LNTA 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 PCU in Viet Nam and the Mekong Tourism Coordination Office, the PCU in Vang Vieng and the Provincial Implementation Units. The PCU will be headed by a project director and eight permanent staff, including a project manager, a financial controller, a tourism development specialist, a natural and cultural heritage specialist, an environment specialist, a social development specialist, a marketing specialist and a monitoring and evaluation specialist. It will be supported by international and national consultants.

25. LNTA 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, a tourism development and training specialist, a social development specialist, an environmental specialist, and a construction supervisor. The PIUs

will be responsible for implementing, coordinating, monitoring, and reporting activities at the Provincial level under PCU instruction and guidance.

26. LNTA 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 LNTA will appoint a Social Development Specialist who will be primarily responsible for resettlement for this Project. LNTA will provide overall guidance and technical support to the provincial and district RCs.

B. Resettlement Committees (RCs)

27. 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, District and Village level.

28. The Provincial Resettlement Committees (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 (VRCs) who will assist in all local activities.

29. The District Resettlement Committee (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.

30. In villages where resettlement is needed a 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 relocated people 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 record all grievances.

31. The DRCs and VRCs may not have experience in many of the requirements of the RP, and as such they require some training beyond simple instruction. A project implementation consultant will design and implement the necessary capacity building for the DRCs and VRCs.

C. Water Resource and Environment Administration

32. The WREA will review and approve the RP. WREA is also responsible for monitoring of resettlement activities. WREA will review all internal and external monitoring reports and undertake periodic inspections.

D. Project Implementation Consultants

33. The Project will contract an international resettlement specialist for 2 person-months to support the PCU in handling resettlement issues. The consultant will also be responsible for training the local social development consultant and the PCU social development specialist in resettlement planning, implementation, monitoring, and evaluation. The resettlement consultant will have experience in both planning and implementation of resettlement plans in Lao PDR.

34. In addition to the resettlement specialist, one international and one national social and gender specialist will be mobilized for 6 person-months and 18 person-months, respectively. The specific tasks of these consultants include:

- (a) Ensuring that due diligence is carried out for all subprojects;
- (b) Operationalize the gender strategy; develop capacity building training modules and conduct workshop and capacity building training on resettlement activities for the RCs, Women's Union, Youth Union;
- (c) 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;
- (d) 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;
- (e) Monitor grievance process for the women from the affected households;
- (f) Develop disaggregated monitoring indicators by gender (together with Monitoring & Evaluation specialist);
- (g) Prepare progress report on gender strategy as part of the quarterly progress report on resettlement;
- (h) Ensure that representatives of ethnic groups are included in the RCs;
- (i) Ensure that appropriate consultation process is carried out for ethnic groups AP households;
- (j) Ensure that ethnic groups AP households receive capacity building training/workshop on resettlement related activities;
- (k) Ensure that ethnic groups AP households receive fair compensation and land title or land use certificates where applicable;
- (l) Ensure that ethnic groups AP households have access to fair grievance process;
- (m) Provide inputs to gender specialist and M&E specialist on disaggregated monitoring indicators by ethnic groups; and
- (n) Prepare progress report on ethnic groups specific actions as part of the quarterly progress report on resettlement.

VIII. Consultation, Grievance Redress and Disclosure

A. Consultation and Disclosure

35. During RP preparation, several consultations were undertaken with the APs and authorities. On October 17, 2006 a meeting was held by the LNTA together with the village chief, the leader of the Village Mass Association, representatives of the LWU, village elders and youth, and affected persons. The District Governor of Khong District and the District Tourism Officer also attended. To follow up on these consultations, confirm findings and collect further information, additional consultations were done on March 3, 2008. Participants included LNTA, representatives from Champasak Provincial Tourism Department, Kong District Tourism Office, village chief, elders, committee members and affected persons. The consultation meetings have involved the following discussions:

- (a) Proposed infrastructure improvements;
- (b) Relocation issues;
- (c) Entitlement and compensation;
- (d) Objectives of the census and Inventory of Losses and socio-economic surveys; and
- (e) Need for active participation of the community.

36. Consultation and social survey shows that APs agree that their businesses be relocated to the proposed new market sites. However, the APs requested that the following requests will be made available to them:

- (a) To properly allocate new stalls to the APs;
- (b) To be compensated for the impacts of the relocation, in cash or in kind at market rates;
- (c) Assistance during relocation; and
- (d) Continue the consultation process to enable them to plan ahead and be ready during the actual relocation.

37. Further consultation with the APs will be carried out as soon as the PIUs are mobilized 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, 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.

38. The PIUs will be responsible for the disclosure of the RP to the APs prior to submission to ADB in a form easily understandable to them. 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. The RP has been translated and distributed to the provincial and district authorities. A PIB has been prepared (Appendix 3). The PIB has been translated and disclosed to the affected people. The draft RP will be posted on ADB's website before appraisal and the final RP upon ADB Board approval of the Project.

B. Grievance Redress

39. 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.

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

- (a) **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 VRC or project staff (whichever is first contacted) is responsible for keeping a written record of the grievance;
- (b) 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 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;
- (c) **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;
- (d) **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 LNTA;
- (e) **Step 4 – Central Level.** LNTA will ensure to review and resolve all complaints within 10 days;
- (f) 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 LNTA will be responsible for forwarding the complaint and ensuring its process in the courts;

- (g) All legal and administrative costs incurred by APs and their representatives are to be covered by the Project;
- (h) The RCs will provide quarterly reports to the LNTA 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; and
- (i) If APs are still not satisfied with the resolution of their complaints at the Project and central level they may also (or permit representatives to on their behalf) raise their concern or complaint with the ADB Southeast Asia Department, Social Sector Division, through the ADB Resident Mission office in Vientiane

IX. Monitoring and Evaluation

41. 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.

42. These two monitoring objectives will be addressed through two mechanisms: (a) internal monitoring by the LNTA and RCs, and (b) external monitoring and evaluation by an independent monitor.

A. Internal Monitoring

43. 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.

44. Primary responsibility for internal monitoring lies with LNTA as the project executing agency. LNTA 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 collected to ensure sex and ethnicity disaggregation.

45. The indicators that will be monitored regularly will include any of the following, if applicable:

Table SAB2.4: Monitoring and Evaluation Indicators

Type	Indicator	Examples of Variables
INPUTS INDICATORS	Staffing and Equipment	<ul style="list-style-type: none"> • Number of project dedicated LNTA staff • Confirmation of RCs • Number of PRC and DRC members and job function • Adequate equipment for performing functions (including grievance recording) • 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 • 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
	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 • 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

46. 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 will 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 sex and ethnicity.

47. These indicators and the mechanisms used to measure them are detailed in Table 9 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.

48. 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 LNTA and other projects encountering resettlement.

Table SAB2.5: External Monitoring Indicators, Methods and Schedule

Indicators	Variables	Mechanism for Assessment	Timing of Assessment
RP Implementation	<ul style="list-style-type: none"> • 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 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 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 SES of a sample of APs • Comparison with original SES 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 and project completion
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 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 	<ul style="list-style-type: none"> • Review records of grievances and redress • Random sample of interviews with APs 	<ul style="list-style-type: none"> • Every monitoring mission

Indicators	Variables	Mechanism for Assessment	Timing of Assessment
	<ul style="list-style-type: none"> Adequacy of implementation schedule to undertake required tasks Occurrence of unforeseen problems 	<ul style="list-style-type: none"> Interviews with implementing agencies at each level 	
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 monitoring mission

X. Budget

49. The estimated budget for resettlement for the subproject in Siphandone is **US\$24,777**. Adequate budgetary support will be fully committed and made available to cover the costs of land acquisition and resettlement within the agreed implementation period. 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. 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.

Table SAB2.6: Estimated Budget for Siphandone Wetland Subproject

Resettlement and Land Acquisition Costs	Units	Units costs, Kip	Total cost, Kip	Total cost, USD ^a
Physical losses				
Construction of new stalls	28		0	0
Reconstruction of fuel stations	2	4,500,000	9,000,000	1,000
Relocation, structures at riverbank	3	45,000,000	135,000,000	15,000
Income losses				
Four days of income loss for 28 stall owners during relocation, based on average daily income from market	28	varies (20,000-900,000 LAK)	7,078,184	786
Waiver of first and last month district fees and taxes during temporary relocation	25	varies (10,000 – 80,000 LAK)	1,710,000	190
Subsidy for higher stall rentals after reconstruction of market: 1 st year waived, 2 nd year 50% subsidy	28	Varies (10,000 – 80,000 LAK per month)	17,235,000	1,915
Allowances				
Subsistence allowance for HHs that live in shops and will be relocated (16 kg of rice per HH member for 6 months)	53 persons (38 in market, 15 riverbank)	316,800	16,790,400	1,866

Resettlement and Land Acquisition Costs	Units	Units costs, Kip	Total cost, Kip	Total cost, USD^a
Additional allowances for poor and female headed households – additional 1 month (16kg) of rice per HH member	28 persons	52,800	1,478,400	164
Total Base cost			188,289,000	20,921
Implementation costs				
Internal Monitoring (5%)				1,046
External Monitoring				(20,000) ^c
Administration Costs (2%)				418
Contingencies (10%)				2,092
GRAND TOTAL			222,993,000	24,777

^a Exchange rate: 1USD = 9000 LAK

^b The budget does not include the cost of construction new stalls as these are included in the civil works. However, the Project will ensure that each of the APs are allocated one of the stalls free of charge.

^c Included in overall project budget

XI. Implementation Schedule and Timeframe

Tasks	Schedule
Establish PIUs	Quarter 1, 2009
Undertake consultation and participation programs	Quarter 3 2009 – Quarter 3 2012
Establish Compensation and Resettlement Committees at all Levels	Quarter 1, 2009
Carry out joint verification of Assets and detailed measurement survey	Quarter 3, 2009
Update compensation rates and apply Project entitlements	Quarter 3, 2009
Update RP and obtain ADB concurrence	Quarter 4, 2009
Present Compensation Payment to APs	Quarter 4, 2009
Assist in developing new land for APs	Quarter 1, 2010
Start of civil works	Quarter 3, 2010
Internal and external monitoring	Continuous

Attachment 1

Lao National Tourism Administration

INVOLUNTARY RESETTLEMENT CATEGORIZATION²

A. Introduction

1. Each sub-project is assigned an involuntary resettlement category depending on the **significance** of the probable involuntary resettlement impacts.

B. Information on sub-project

a. Name of subproject: _____

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 sub-project 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?			

² To be prepared by the PIU and verified by the District and Village Resettlement Committees.

Involuntary Resettlement Effects	Yes	No	Remarks
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 the project 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:

Attachment 2

Table 1: Affected Persons – Riverbank

Affected Person Information						Permanent home and land ownership (not affected)		Land holdings (not affected)	Temporary Impacts		
Affected Person Name	Sex	No. People in HH (# male, #female)	Poor ³ (Y/N)	Ethnic Group ⁴	Female Household Head (Y/N)	Village	House size	Plan-tation/agriculture Land (m2)	Land (Sqm)	Structure (Sqm)	Business Income Kip ⁵ /month
Mr. and Mrs. Tae Boulaphanh	M/F	3M/2F	N	Lao	N	Nakasang	12m x 16m	10,000 m2	N/A	48	2,100,000
Mr. Kout Viset	M	2M/4F	N	Lao	N	Nakasang	12m x 16m	20,000 m2	N/A	101	20,000,000
Mr. Sikort Dammanivong	M	3M/1F	N	Lao	N	Ta Paen	6m x 8m	3,000 m2	N/A	80	1,980,000

⁴ All affected persons are from the majority Lao ethnic group.⁵ Exchange rate at time of assessment: 9,000 LAK/1USD

Table 2: Affected Persons Nakasang Market⁶ (note all are Lao ethnic group)

Affected Person Information						Data on Permanent Home Location and Land Ownership			Impacts on Merchants to be Moved Temporarily			
Affected Person Name	Sex	No. People in HH (# male, #female)	Poor (Y/N)	Female Households Head (Y/N)	Total monthly fees in market	Village	House Size	Plan-tation/ agriculture Land (m2)	Land (Sqm)	Structure (Sqm)	Average Daily Income from Market (note this is 10% of gross revenue reported, as discussed and agreed with merchants)	Additional Household Income Month
1. Taeng Khamsavat	F	2M/3F	N	N	50,000	Ha Ki Kouay	8 x 12m	1 ha	0	48	40,000	0
2. Van Keobounpanh	M	2M/2 F	Y	N	40,000	Nakasang	Lives in shop	0	0	18	20,000	0
3. Mai Bouttivong	F	1 F	N	Y	40,000	Non Aen	12 x 17 m	2.5 ha	0	48	20,000	0
4. Taotong Khamvongsa	M	2M/2F	Y	N	40,000	Nakasang	Lives in Shop	0	0	24	20,000	0
5. Vin Souvanjoumkham	F	1M/2F	N	N	40,000	Don Som	12 x 15m	2.5 ha	0	24	30,000	50,000
6. Fawn Pouangkalangsi	M	5M/4F	N	N	10,000	Loppakdi	Lives in shop	2 ha	0	36	40,000	0
7. King Phangsi	M	1M/2F	N	N	40,000	Nakasang	Under const.	0	0	24	50,000	0
8. Sa Sakone	F	3M/3F	N	N	70,000	Nakasang	8x10m	0.5 ha	0	24	20,000	0
9. Tongyen Vongkhapsao	F	2M/2F	N	N	25,000	Nakasang	7 x 10m	1 ha	0	24	20,000	0
10. Somphet Nitmounhak	M	7M/4F	N	N	25,000	Nakasang	9 x 8m	1.5 ha	0	24	20,000	0
11. None Oudomdet	F	2M/4F	N	N	35,000	Nakasang	9x 12m	0	0	24	30,000	0
12. Niem Vilaphanh	F	5M/2F	N	N	25,000	Loppakdi	7 x 12m	1 ha	0	48	20,000	0

⁶ All are Lao Ethnic Group

Affected Person Information						Data on Permanent Home Location and Land Ownership			Impacts on Merchants to be Moved Temporarily			
Affected Person Name	Sex	No. People in HH (# male, #female)	Poor (Y/N)	Female Households Head (Y/N)	Total monthly fees in market	Village	House Size	Plan-tation/ agriculture Land (m2)	Land (Sqm)	Structure (Sqm)	Average Daily Income from Market (note this is 10% of gross revenue reported, as discussed and agreed with merchants)	Additional Household Income Month
13. Paeng Souksakoune	M	3M/1F	N	N	40,000	Pieng Di	8 x 9 m	0	0	24	30,000	0
14. Khamman Sihavong	F	1M/5F	N	N	15,000	Pieng Di	12 x 8 m	2.5 ha	0	24	10,000	0
15. Phetsamone Phonesavat	F	4M/2F	Y	N	20,000	Nakasang	Lives in shop	0	0	24	10,000	0
16. La Photisane	F	2M/1F	Y	N	10,000	Nakasang	Lives in shop	0	0	24	80,000	0
17. Chansada Louangchansada	F	1M/2F	Y	Y	0	Nakasang	Lives in shop	0	0	24	10,000	0
18. Heuang Phot	F	4M/7F	N	N	40,000	Nakasang	12 x 9 m	2 ha	0	24	20,000	100,000
19. Hamyai Khampaseuth	M	5M/2F	N	N	40,000	Nakasang	6 x 6m	4 ha	0	27	30,000	0
20. John Orphanith	M	3M/1F	N	N	50,000	Nakasang	8 x 11m	0.5 ha	0	24	30,000	0
21. Bounhieng Phoumsoupa	F	1M/3F	N	N	80,000	Nakasang	12 x 8 m	0	0	24	30,000	0
22. Bounhieng Khammai	M	2M/0F	Y	N	0	Nakasang	Lives in shop	0	0	24	30,000	0
23. Mii Manichan	F	1M/3F	N	N	50,000	Nakasang	8 x 12 m	0	0	24	30,000	300,000
24. Joy Phoumsoupha	M	2M/1F	Y	N	20,000	Nakasang	Lives in Shop	0	0	18	15,000	0
25. Chankeo Pimpisone	F	3M/3 F	N	N	50,000	Nakasang	12 x 15 m	2.5 ha	0	24	20,000	0

Attachment 3

Resettlement Plan
Public Information Booklet
Sustainable Tourism Development Project
Lao National Tourism Administration
Nakasang Village, Champassak province

What is the Sustainable Tourism Development Project?

The proposed Sustainable Tourism Development Project will develop sustainable, culturally and environmentally sound pro-poor tourism approaches in Laos and Vietnam. In the Siphandone wetlands the Project will: (i) prepare a heritage-based tourism zoning plan and tourism structure and management plan for the wetlands area; (ii) upgrade a 4 km access road that connects Route 13 to the boat landing at Nakasang Village; (iii) improve the existing pathways on Don Det and Don Kone Islands; (iv) environmental improvements at Ban Nakasang, Don Det and Done Kone, including the area along the riverbank and better waste management at the market and in the village; (v) construct a visitor information and interpretation center on the Nakasang Village side of the Wetlands; (vi) construct fully interpreted access trails at Nakasang, Don Det, Done Kone and other smaller islands; and (vii) provide training and livelihood support programs for local communities, especially women, youth and ethnic groups. The Lao National Tourism Administration (LNTA) 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 acquire some district owned land for the improvement of the riverbank, the reconstruction of the market and the reconstruction of the Nakasang parking lot. The people operating their businesses in these areas will be temporarily affected by the construction.

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, structure-for-structure) 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:

- (i) 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;
- (ii) 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?

- (i) Avoid, if not minimize, land acquisition and relocation, and impacts on sources of livelihoods of people;
- (ii) Restore the standard of living of affected households;
- (iii) Replace and compensate lost assets at replacement cost, on top of providing allowances and income restoration support, as warranted;
- (iv) Inform and consult the affected households about the Project, impacts, options for compensation and assistance, and grievance redress mechanism;
- (v) Protect social/cultural institutions;

- (vi) 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;
- (vii) 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
- (viii) 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 period the census of affected persons (regardless of tenure status) and the inventory of losses (IOL) were conducted in March 2008, to 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?

Project entitlements listed in Table 1 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.

Table 1-Summary Project Entitlements

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 levelling) 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 OR 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"> • Voluntary donation of residential land will not be allowed by the Project
Totally Affected Houses/Shops, and Secondary Structures (kitchen,	Owners of affected houses whether or not land is owned	<ul style="list-style-type: none"> • Reconstruction/provision of new structure of same size and value OR cash compensation at replacement cost for the entire structure equivalent 	<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

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
rice bins) Partially Affected Houses/Shops but no longer viable (Will require relocation)		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.	remaining affected portion are no longer usable/habitable.
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 labour, 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 due to temporary relocation of shops and stalls	Owners of shops and stalls	<ul style="list-style-type: none"> Cash compensation equivalent to the average daily profit multiplied by the number of days of business disruption (2 days). First and last month of market fees waived during the temporary relocation period. Guaranteed stall of similar size in the new market Subsidy over 24 months to compensate for the increased stall rentals after the market is reconstructed: 1st year subsidy of 100%, 2nd year subsidy of 50%. 	The rates have been verified through interviews with informal shop owners to get an estimate of daily net profit.
Loss of business income during relocation or during dismantling/repair of affected portion (without relocation)	Owners of shops	<ul style="list-style-type: none"> Cash compensation equivalent to the average daily profit multiplied by the number of days of business disruption (4 days). 	The rates have been verified through interviews with informal shop owners to get an estimate of daily net profit.
Transition subsistence allowance	Relocating households – relocating on residual land or to	<ul style="list-style-type: none"> 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 	

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
	other sites Severely affected APs losing 10% or more of their productive land	at current market value for 3 months per household member <ul style="list-style-type: none"> 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 and shops	<ul style="list-style-type: none"> Provision of dump trucks to haul all old and new building materials and personal possessions. Provision of assistance (manpower) to dismantle structures, if needed. 	APs may also opt for cash assistance. The amount (cost of labour 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, disabled, and indigenous peoples	<ul style="list-style-type: none"> An additional allowance of 1 month supply of rice per person in the household. First priority in allocation of new stall in the reconstructed market. The contractors will make all reasonable efforts to recruit severely affected and vulnerable APs as labourers civil works. 	The poorest will be those below the national poverty line as defined in the poverty partnership agreement with ADB.

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

An affected person (or household) may bring his/her complaint before any member of an established Village Resettlement Committee (VRC), either through the Village Chief, a project staff or directly to the VRC, in writing or verbally. The VRC will meet personally with the aggrieved person (or household) and will have 15 days to resolve the complaint. If the affected person (or household) is not satisfied with the action taken by VRC on his/her complaint, the aggrieved person (or household) may bring the case, either in writing or verbally, to any member of the District Resettlement Committee (DRC). The DRC has 15 days to resolve the case. If the affected person (or household) is not satisfied with the action taken by DRC on his/her complaint, the aggrieved person (or household) may bring the case, either in writing or verbally, to any member of the Provincial Resettlement Committee (PRC). The PRC has 15 days to resolve the case. If the affected person (or household) is not satisfied with the action taken by PPC on his/her complaint, the aggrieved person (or household) may bring the case to a court of law for adjudication. All legal and administrative costs incurred by an affected person/household and their representatives are to be covered by the Project.

What is the tentative schedule for implementing resettlement?

Tasks	Schedule
Establish PIUs	Quarter 1, 2009
Undertake consultation and participation programs	Quarter 3 2009 – Quarter 3 2012
Establish Compensation and Resettlement Committees at all Levels	Quarter 1, 2009
Carry out joint verification of Assets and detailed measurement survey	Quarter 3, 2009

Update compensation rates and apply Project entitlements	Quarter 3, 2009
Update RP and obtain ADB concurrence	Quarter 4, 2009
Present Compensation Payment to APs	Quarter 4, 2009
Assist in developing new land for APs	Quarter 1, 2010
Start of civil works	Quarter 3, 2010
Internal and external monitoring	Continuous

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 LNTA 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 VRC, DRC, and PRC, and from the office of the Provincial Implementation Unit.

Who might be contacted for any inquiries about the Project?

Mr. Thaviphet, Lao National Tourism Administration. Phone number:

Provincial/District/Village

Asian Development Bank (Manila, Philippines)

Social Sector Division, Southeast Asia Department, Tel. +63-2-632-4444

Asian Development Bank, Lao Resident Mission

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