

# Land Acquisition and Compensation Plan

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November 2018

Lao PDR: Greater Mekong Sub-region Corridor  
Towns Development Project

Kaysone Phomvihane Wastewater Houay Longkong  
Channel Pumping Station Subproject

Prepared by the Provincial Department of Public Works and Transport, Savannakhet Province, Lao PDR for the Asian Development Bank. This is an updated version of the draft originally posted in July 2012 available on available on <http://www.adb.org/projects/43319-022/documents>.

### **CURRENCY EQUIVALENTS**

(as of 13 March 2017; <http://www.bol.gov.la/english/index1.php>)

Currency unit	–	kip (LAK)
LAK1.00	=	\$0.00012
\$1.00	=	LAK8,200

### **ABBREVIATIONS**

AH	–	Affected Household
AP	–	Affected Person
CSCS		Construction Supervision Consulting Services
DONRE	–	Department of Natural Resources and Environment
DMS	–	Detailed Measurement Survey
DRC	–	District Resettlement Committee
EA	–	Executing Agency
EMP	–	Environmental Management Plan
EMMP	–	Environmental Management and Monitoring Plan
GAP	–	Gender Action Plan
IA	–	Implementing Agency
IEE	–	Initial Environmental Examination
IP	–	Indigenous People
IR	–	Involuntary Resettlement
LFNC	–	Lao Front for National Construction
LWU	–	Lao Women's Union
MONRE	–	Ministry of Natural Resources and Environment
MPWT	–	Ministry of Public Works and Transport
PAFO	–	Provincial Agriculture and Forestry Office
PDPWT	–	Provincial Department of Public Works and Transport
PMU	–	Project Management Unit (of EA)
PMSCD	–	Project Management Support and Capacity Development
PRC	–	Provincial Resettlement Committee
PSA	–	Poverty and Social Assessment
RP	–	Resettlement Plan
ROW	–	Right-of-Way
SMMP	–	Social Management and Monitoring Plan
TOR	–	Terms of Reference
VRC	–	Village Resettlement Committee

### **WEIGHTS AND MEASURES**

km	–	kilometer
kg	–	kilogram
ha	–	hectare

## GLOSSARY

Affected person	–	In the context of involuntary resettlement, affected persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Compensation	–	Means payment in cash or in-kind at replacement cost for an asset to be acquired by the Project.
Cut-off date	–	Means the date that a population record or census, preferably at the project identification stage, serves as an eligibility cut-off date in order to prevent a subsequent influx of encroachers or others who wish to take advantage of such benefits. The cut-off date will be the date when the detailed measurement survey and census is completed.
Land acquisition	–	Means 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 consideration.
Livelihood impacts or economic displacement	–	Means loss of income generating assets or access to income generating assets; or loss of income sources or means of livelihood, whether or not the affected persons must move to another location, and includes loss, or restriction, of access to protected areas resulting in impacts on the livelihoods of the affected persons.
Physical displacement	–	Means the physical relocation or shifting of a person from his/her pre-project place of residence and/or business.
Rehabilitation	–	Means assistance provided to seriously affected people due to the loss of productive assets, incomes, employment or sources of living that require to be compensated in order to improve, or at least achieve full restoration of living standards to pre-project level. 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.
Replacement cost	–	Means the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets is not taken into account). Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the replacement cost standard.
Significant impact	–	(i) physically displaced from housing, and/or (ii) having 10% or more of their productive, income generating assets (livelihood, employment, business, and/or access to community resources) lost. Affected people experiencing

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- significant impacts are referred to as being “severely affected”.
- Vulnerable groups – This is a distinct group of displaced persons who are likely to be more adversely affected than others and who are likely to have limited ability to re-establish their livelihoods or improve their status and comprise of (i) households living below the national poverty rate established by the Lao PDR, (ii) female headed households with dependents living, (iii) households with disabled member (iv) elderly headed households with no other means of support, (v) landless and (vi) indigenous people or ethnic minorities (who often have traditional land rights but no formal titles).

#### **NOTE**

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

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## EXECUTIVE SUMMARY

1. This Resettlement Plan (RP) for the HouyLongkongsubproject updates the relevant parts of the RP for KaysonePhomvihane, dated July 2012 after completion of the detailed engineering design (DED) and the Contractor's marking of the limit of construction.
2. The subproject involves rehabilitation of wastewater channel with concrete lining and access road on both sides for a total length of 820m. It also includes rehabilitation of the outlet part of the channel next to the Mekong river, construction of pumping station and installation of pump and flood gates. Four (4) stairs, access the bottom of the channel; and two (2) foot bridges, crossing the channel, will be constructed at different locations. The contract was signed in March 2018 and the construction phase is expected to have a duration of two years.
3. The 2012 RP went through a process of public consultation and was disclosed on the ADB website in July 2012.
4. The update of the RP includes resettlement surveys following the completion of the DED undertaken in 2018 and following the Contractor's marking of the limit of construction. The cut-off date was established on August 31, 2016. The identification of impacts and affected persons was conducted in collaboration with the village heads, by the Project Implementation Team (PIT), the Project Management Unit (PMU), and supported by the Construction Supervision Consultants (CSC). The socio-economic survey was conducted by the Project Management Support and Capacity Development (PMSCD) Consultants in August 2018 while the Detailed Measurement Survey was conducted by the CSC in October 2018.
5. The HouyLongkong Subproject will affect three villages along the channel. The rehabilitation of HouyLongkong channel will directly affect 4 households (AHs), of which 2 are headed by women. In total, there are 48 affected people (APs), of which 29 are female and 19 are male.

**Table 1. Affected households and persons**

Affected household			Affected people		
Female headed	Male headed	Total AHs	Female	Male	Total AP
2	2	4	29	19	48

Source: Resettlement Surveys, 2016-2018

6. One (1) of the affected households are vulnerable according to the definition of vulnerability, with one household member with physical disability.
7. The HouyLongkong Subproject will affect a total of 1,397 m<sup>2</sup> of unproductive land belonging to four (4) households.
8. The channel improvements will not affect structures, trees, crops nor business.

**Table 2. Impacts and losses**

Type of IR Impact	Affected Households (AH)
A. Loss of land or use of land ( undeveloped)	4
B. Assistance,	
B.1: Impacts on vulnerable APs	1 ( 1 AP)

9. The identification of impacts was conducted in consultations with the affected persons and the village heads. Consultations and communications with affected households and stakeholders will continue in the implementation of the Resettlement Plan and consultations are planned on the entitlements, compensation unit rates, presentation of identified IR impacts and

compensation, dissemination of the Grievance Redress Mechanism, and a consultation to present the construction programme.

10. The Grievance Redress Mechanism operates at various levels including through Village Resettlement Committees, District Resettlement Committees, and Provincial Resettlement Committees, and finally the national court. The committees have been formed and training in grievance redress has been conducted. Each level has 15 days to process the complaint, and if not solved within the given period it will be transferred to the higher level.

11. The complainant may also have access to the mechanism through the project website and directly with the PMU. The PMU has appointed a Grievance Point Person to represent the PMU in the Provincial Resettlement Committee and to ensure the management and monitoring of the mechanism. The PIT is represented in the District Resettlement Committee.

12. According to the Constitution (1991), land in Lao PDR is a national heritage and the State ensures the right to use, transfer, and inherit it in accordance with the laws. The Law allows expropriation of land by the Government when it is in the public interest and requires the existing user to be compensated. The same law also provides protection of the rights of land users. Decree 192, as amended by Decree 84 dated 5 April 2016, provides a framework for resettlement planning in Lao PDR. The Decree defines principles, rules, and measures to mitigate adverse social impacts and to compensate for involuntary acquisition or repossession of land and fixed or movable assets.

13. The Project is implemented according to national laws and the principles in ADB's SPS (2009). This requires the project to (i) avoid resettlement impacts wherever possible; (ii) minimize impacts by exploring project and design alternatives; (iii) enhance, or at least restore, the livelihoods of all APs in real terms relative to pre-project levels; and (iv) improve the standards of living of the affected poor and other vulnerable. It covers both physical displacement and economic displacement.

14. APs will continuously be informed and consulted on compensation alternatives, as well as their rights and options. APs will be invited to participate actively in the identification of mitigation and rehabilitation measures.

15. The entitlements specify compensation for land. APs are entitled to complete replacement cost for all affected property. The compensation will be paid out in cash or in-kind. Vulnerable AHs are further entitled to allowances and special measures. Vulnerable people are defined in Decree 192 as i) divorced/widowed female headed households with dependents and low income; ii) households with disabled or invalid persons, iii) households with persons falling under the generally accepted indicator for poverty, and iv) elderly households with no means of support.

16. The Government of Lao PDR is responsible for providing the budget for the compensation and livelihood restoration. The budget has been updated after the detailed engineering design was completed. Construction will not begin until compensation has been paid out to the affected households.

17. The PMU established under the IA, the PDPWT, is responsible for implementing and monitoring the environmental and social safeguards. The PIT team is responsible for overseeing the project implementation on district level and will ensure that social and environmental safeguards are implemented in a timely manner.

18. The RP will be finalized, following the consultations with affected persons. The RP will be submitted to ADB for review and approval. A "no objection" for the RP will be received from ADB prior to implementation of the subproject. Compensation in road sections must have been paid out to all APs before the IA/PMU can issue a notice of possession to the Contractor.

19. The PMU/PIT is responsible for the internal monitoring, but the project will also be monitored by the Construction Supervision Consultants (CSC) that will assist the PMU with the monitoring and evaluation. The CSC will review and evaluate the achievements of the resettlement objectives. The two main elements of the resettlement monitoring are that: (i) the resettlement activities have been undertaken in accordance with the RPs and, (ii) APs have at least been able to restore their livelihoods.

20. The cost of the resettlement plan for the Houy Longkong Subproject has been estimated at USD 31,907. The table below shows the total estimated cost of mitigating the IR impacts including 10% contingency.

**Table 3 Breakdown of Compensation; Huoay Longkong Channel Improvement Subproject**

Item No	Item	Unit	AH	No	Rate US\$	Total US\$
<b>1</b>	<b>Land</b>					
1.1	Undeveloped land, linking to Main Road; Phonsavanh Village	m <sup>2</sup>	1	973.306	24.4	23,749
1.2	Undeveloped land, Existing Earth Road; Saphan Tai Village	m <sup>2</sup>	3	424	12.2	5,170
2	Vulnerable/w/ Physical handicapped	AP (in AH)	1	3 months	29	87
	<b>Subtotal</b>					<b>29,006</b>
3	Contingency (10%)					2,901
	<b>TOTAL</b>					<b>31,907</b>

Source: Resettlement Surveys, October 2018



## **I. INTRODUCTION**

21. This Resettlement Plan (RP) for the HouyLongkongsubproject updates the relevant parts of the RP for KaysonePhomvihane, dated July 2012 after completion of the detailed engineering design (DED). Following the Contractor's marking of the limit of construction, the resettlement impacts have been assessed and finalized.

22. The RP, 2012 was prepared under the PPTA in conjunction with Feasibility Studies (FS) for the subprojects. During the preparation of the PPTA, field studies were completed including screening and scoping of involuntary resettlement (IR) impacts with the conclusion that, there will be IR impacts as a result of the subprojects. RPs to mitigate IR impacts were prepared in compliance with the ADB's Safeguard Policy Statement (SPS) Safeguard Requirement Involuntary Resettlement and Lao PDR national law - Decree 192 - governing resettlement and compensation and its accompanying Technical Guidelines, revised and updated in March 2010.

23. To update the RP, the PMU supported by the Construction Supervision Consultants (CSC) has reviewed the DED and undertaken field visits to complete the inventory of loss of assets, identify affected persons and IR impacts.

### **A. Objectives of the Resettlement Plan**

24. In respect of resettlement planning, the over-riding objective is to avoid IR wherever possible; to minimize IR impacts by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all affected persons (APs) relative to pre-project levels; and to improve the standards of living of poor APs and other vulnerable groups.

25. The basic objectives of the RP are to: (i) serve as a binding document to ensure a fair and disclosed process for participation, identification and mitigation of IR impacts, and payment of compensation and assistance to APs; (ii) guide the EA in clearly identifying, compensating, and restoring the livelihoods of APs; and (iii) provide direction for the IA in updating/finalizing, implementing and monitoring the RP.

26. The RP identifies measures to ensure that APs are (i) informed about, and consulted on, the project and subprojects and agree in principle with the Project; (ii) informed about their options and rights pertaining to IR impacts; (iii) consulted on, offered choices among, and provided with suitable compensation and/or resettlement alternatives; and (iv) provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.

27. The scope and contents of the RP include:

- Section 1 – introduces the project and establishes the objectives of the RP;
- Section 2 – describes the subprojects and provides the engineering and technical details that have been used in the assessment of IR impacts;
- Section 3 – presents the socio-economic information and profile of APs derived from the census and IOL undertaken for the subproject;
- Section 4 – provides the assessment of IR impacts and losses by type for the subproject;
- Section 5 – describes the means and results of consultation and information disclosure undertaken during preparation of the RP;
- Section 6 – sets out the mechanism for resolving grievance and complaints;

- Section 7 – sets out the legal and policy framework for mitigating IR impacts and requirements for compensation and livelihood restoration;
- Section 8 – provides the entitlements, assistance and benefits to be provided under the project;
- Section 9 – establishes the costs estimate (budget) and financial plan;
- Section 10 – describes the institutional arrangements for the project and for resettlement plan preparation, finalization and implementation;
- Section 11 – provides the implementation schedule; and
- Section 12 – describes the process for monitoring and evaluation and sets out indicators.

## **B. Status of Resettlement Plan Update**

28. When the preliminary socio-economic survey was conducted in August 2018 by the PMSCD, the Houay Long Kong channel and adjacent areas were inundated hence no benchmarks were indicated on site. As floodwater receded, the PMU assisted by the Construction Supervision Consultant (CSC) conducted the Detailed Measurement Survey (DMS) in October 2018. The DMS used available DED drawings, including cross-sections, plan, and profiles and Cadastral map provided by District Office of Natural Resources and Environment (DONRE). Following the Contractor's fixing of the channel's centerline and limit of construction on site, the survey Team composed of Representatives from: (1) Project Management Unit (PMU); (2) Provincial Department of Public Works and Transport (PDPWT); (3) Urban Development Administration Authority (UDAA); (4) DONRE; and (5) Head of respective villages conducted actual measurements of affected private assets. Owners of private lands also participated in the said activity. The DMS was completed in 15 October 2018.

29. This updated RP uses the compensation unit rates based on the "Decision by the Provincial Governor on the Determination of Rates for Land and Structures within the 4 districts of Savannakhet" issued in 14 February 2018 by the Provincial Governor of Savannakhet contained in document No. 0385/Savannakhet Governor.

## II. DESCRIPTION OF THE SUBPROJECT

30. The scope of the HouyLongkong subproject is summarized below:

<b>HouyLongkong</b>	<ul style="list-style-type: none"> <li>▪ Rehabilitation of wastewater channel with concrete lining and access roads on both sides with a total length of 820 m;</li> <li>▪ Rehabilitation of the outlet part of the channel next to Mekong river</li> <li>▪ Construction of pumping station and installation of pump</li> <li>▪ Construction and installation of flood gates</li> <li>▪ Construction of four (4) stairs; and</li> <li>▪ Construction of two (2) foot bridges</li> </ul>
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33. The duration of project phases is 2 years for the construction phase and 1 year for the Defects Liability Period.

31. The length and width of sections are presented below.

**Table 4. Length and width of the HouyLongkong**

Item	Channel			Cross				
	Station		Length	Channel	Footway	Motor	Drainage	Total
	Km	Km	( m )	( m )	( m )	( m )	( m )	( m )
1	0+000	0+400	400	8.48	6.6			15.08
2	0+400	0+685	285	12.44	6.6			19.04
3	0+685	0+820	145		-			
Total Length			830					

**Figure 1.HouyLongkong**



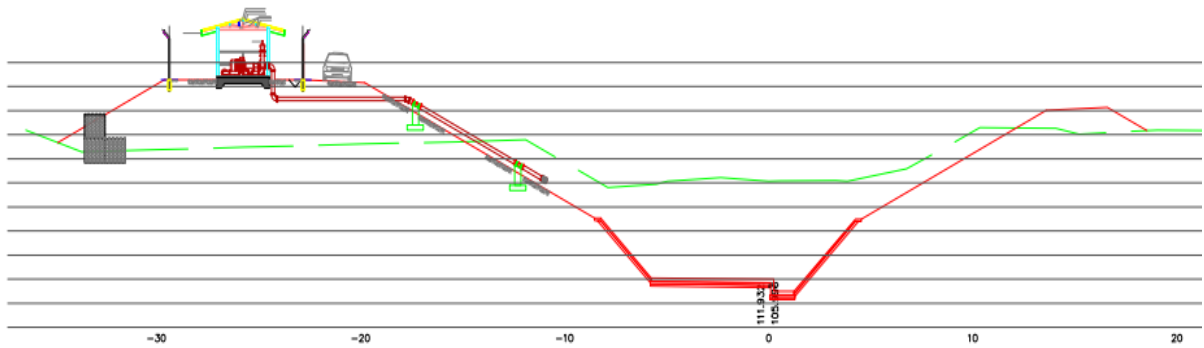
[illegible]

**TYPICAL CROSS-SECTION No. 2.2**  
**TYPE B ( 0+400-0+685 )**  
**SCALE 1:100**

The diagram illustrates a cross-section of a road and its embankment. The total width of the road surface is 12440 mm. The road has a 3% downward slope on the left and a 3% upward slope on the right. The embankment on the left has a 1:1 slope. The road surface is composed of a Sub Base (CBR ≥ 25%, Thickness 150 mm) and an Embankment (CBR ≥ 4%). The road is bordered by Guide Posts @ 1500 mm. The road surface is made of Concrete Class 25 Mpa (Thickness 250 mm) and Lean Concrete Class 10 Mpa (Thickness 100 mm). A Geotextile Sheet is shown under the road surface. The road is bordered by a Reinforced Concrete Class 25 Mpa (Thickness 150 mm) and Lean Concrete Class 10 Mpa (Thickness 100 mm) wall. The wall is supported by Sand Compaction (Thickness 200 mm). The road is bordered by a Reinforced Concrete Class 25 Mpa (Thickness 150 mm) and Lean Concrete Class 10 Mpa (Thickness 100 mm) wall. The wall is supported by Sand Compaction (Thickness 200 mm). The road is bordered by a Reinforced Concrete Class 25 Mpa (Thickness 150 mm) and Lean Concrete Class 10 Mpa (Thickness 100 mm) wall. The wall is supported by Sand Compaction (Thickness 200 mm).



**Figure 4. Typical cross-section of Huoay Long Kong Pumping Station**



### **TYPICAL CROSS-SECTION**

33. The concrete lining of the channel starting from existing culvert in Phokadouath road, Sta 0+000 up to Sta 0+400, will use the typical cross section No.1.1 (Figure 2) with 3 meters base width and 3 meters side road on both sides.

34. The concrete lining from Sta 0+400 up to Sta 0+ 685 will have a wider base width of 7 meters and 3 meters side roads on both sides as shown in Figure 3, typical cross section 1.2.

35. The pumping station will have an area of about 300 m<sup>2</sup>.

#### **A. Engineering and Technical Details Used in the Assessment of IR Impacts**

36. To assess IR impacts Plan and Profiles of drainage channel as well as cross sections prepared for every 10 meters of the drainage channel were reviewed. DONRE provided a cadastral map, which facilitated identification of lot boundaries and lot owners. The Plan and Profiles indicates location of fences, buildings, access roads, and trees at the time of surveying for preparation of the design. Based on the cross sections prepared for every 10 meters of the channel sections, the Contractor marked the channel's centerline and construction limit on ground with wooded stakes. With these stakes, spaced per 10 meters on both sides of the channel, affected assets were measured and owners' identified.

37. The initial results of the DMS revealed significant impacts on private land at the south side of the channel where the pumping station is planned to be constructed. The PMU decided to shift the location of the pumping station towards the north side of the channel to take advantage of available public land. The PIT conducted a re-assessment, which resulted in substantial reduction of affected private land at the south side of the channel.

### III. SOCIO-ECONOMIC INFORMATION AND PROFILE

#### A. Impact Areas and Affected Households

38. The HouyLongkong Subproject will affect land of 4households. The number of affected people is 48people. An overview of the affected households is presented in the table below.

**Table 5. Affected Households and People in Houay Long Kong Subproject**

	Affected household			Affected people		
	Female headed	Male headed	Total	Female	Male	Total
Total	2	2	4	29	19	48

Source: Socio-economic Survey, August 2018

39. Two (2) out of the four (4) affected households are headed by a woman. This means that 50% of the affected households are femaleheaded,equalin number than her male counterpart.

40. The following description of the characteristics of the affected households is based on the information provided during the socio-economic survey undertaken by the PMSCD in August 2018. Information is presented based on gender of head of household, or vulnerability or poverty level, where those factors are relevant.

#### B. Characteristics of Affected Households

##### 1. Size and Composition of Households

41. The average household size has 9.6 members, with the smallest households consisting of seven members and the largest household is comprised of 21 members.

42. 50% of the households have between seven and ten members' and25% each for households having 11 to 15 and 16 to 21 household members.

43. There are 2female headed households among the affected households in Houay Long Kong. This corresponds to 50% of all affected households.

44. The average household size for the female-headed households is 14people compared with 10 people for male-headed households. The smallest female household is eleven- person household and the largest female-headed household has 21 members. The size of the female-headed households are on average bigger than the size male-headed households. A widow heads a single individual heads one of the female household and the other one.

45. There are 2male-headed affected households in Huoay Long Kong. Each household is comprised of 10 members.

**Table 6. Household Size by Sex of Household Head**

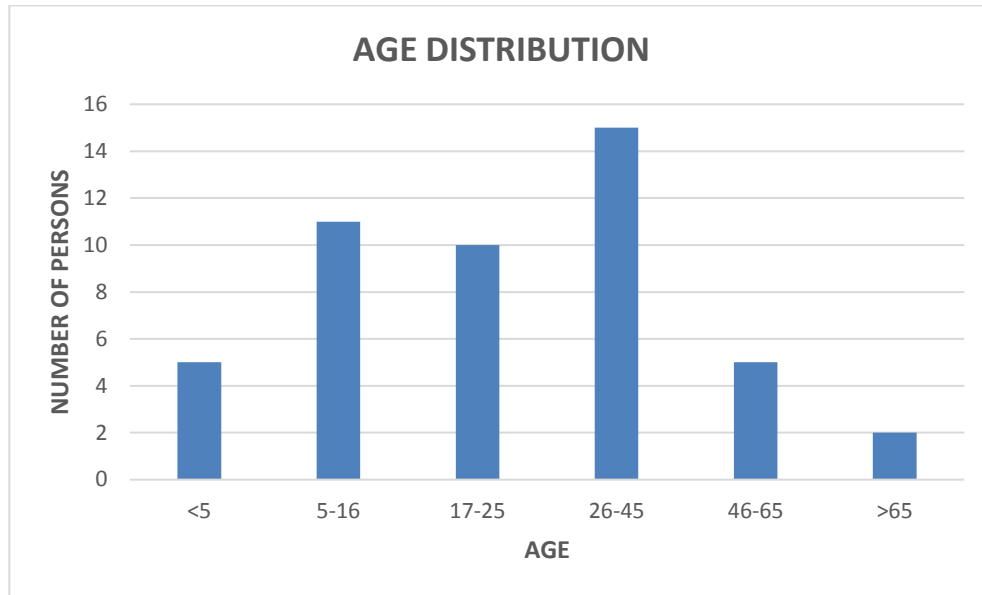
	7-10	11-15	16-21
<b>Female</b>	0	1	1
<b>Male</b>	2	0	0
<b>Total</b>	2	1	1

Source: Socio-economic survey, August 2018

46. The overall age distribution of the people that make up the affected households is 23% being 16 years old or younger, 20% being between 17 and 25 years, 31% aged between 26 and

45 years, 10% aged between 46 and 65 years, and 4% being 66 years or older. The single largest age cohort is the 26 to 45-year group with 15 individuals while the average age of the affected persons is 27 years old. The chart below illustrates the age distribution of the affected people.

**Graph 1. Age distribution of affected people inHuoay Long Kong**



Source: Socio-economic Survey, August 2018

47. All of the households attested that they belong to Lao ethnic group.
48. All households have stated that they own the residential land they are living on.

## **2. Age, Marital Status and Education of Head of Household**

49. About 75% of the households are headed by a person aged between 61 and 75 years old. Only one (25%) household head age>75 years old.

50. A married couple heads most AHs (50%), while a single person heads the remaining AHs by the virtue of being single (25%), or widowed (25%). Disaggregating civil status by the gender of household head, the survey shows that all male-headed households are married. For the female-headed households, one (25%) household is headed by a widow and the other one (25%) is headed by a single female.

51. The head of households in Huoay long Kong are relatively well educated with 50% of the respondents having a higher high school education; One (1) household head has primary education, though the other one (1) household head has no formal education at all.

## **3. Livelihoods, Poverty and Vulnerability**

### **a. Income Levels and Poverty**

52. The average household income is 9.8 million kip per month and the average monthly income per capita is 1,022,318 kip. The income of the affected households is shown in below:

**Table 7. Monthly Household and Per Capita Income**

Name of HH Head	HH Size	Monthly Income	
		HH	Per Capita
Ms. Phimsa	7	5,700,000	814,286
Ms. Malaythong	21	8,100,000	385,714
Mr. Bounthoua	10	12,257,000	1,225,700
Mr. Somsanith	10	13,200,000	1,320,000

Source: Socio-economic survey, August 2018

53. In 2009, the poverty line was established based on data from the Fourth Lao Expenditure and Consumption Survey as 240,000 kip per person per month for urban households and 180,000 kip per person per month for rural households. For this project, we are using the urban poverty line of 240,000 kip per person per month.

54. The distribution of households across the income groups shows that none of the affected households (AHs) falls below the national poverty line. For male headed households, the average monthly household income is 12.7 million kips or 636,425 kips per capita higher than his female counterpart having an average monthly household income of 6.9 million kips or 246,429 per person. The average per capita monthly income of female-headed households is slightly higher than the urban poverty line.

#### **b. Vulnerability**

55. Vulnerable households, per SPS 2009, include those who might suffer disproportionately from the loss of fixed and movable assets, other assets and production base, or face the risk of being marginalized from the effects of resettlement, and specifically include:

- Households with persons falling under the generally accepted indicator for poverty as defined by the Ministry of Labor and Social Welfare (already discussed above), or the landless with no sustainable income;
- Divorced or widowed female headed households with dependents and low income;
- Households with disabled or invalid persons;
- Landless without a sustainable income and
- Elderly households with no means of support.
- indigenous people or ethnic minorities (who often have traditional land rights but no formal titles).

56. Based on the socio-economic data collected from households, none of the affected households has income below the urban poverty line.

57. There is 1 widowed female head of household and also considered as elderly (defined as above 70 years of age). However, this household has an income above poverty line and has household members who are earning income to support the household, hence, cannot be considered as vulnerable.

58. One household has a disabled household member and is considered vulnerable.

59. There are no landless affected households nor ethnic minorities.

In total, only 1 household can be considered as vulnerable households, having a PWD member in the household, according to the definition of vulnerability stated above.

**Table 8. Vulnerability of Households**

Category of vulnerability	No. of AHs
Households falling below poverty line	0
Low income AHs headed by single female headed HH (excl. HH below poverty line)	0
Households with disabled members (excluding HH below poverty line)	1
Elderly with no means of support	0
Landless with no sustainable income	0
Total	1

Source: Socio-economic survey, August 2018

## C. Gender issues

### 1. Gender Issues and Disaggregation of IOL Data

60. The assessment of gender-specific resettlement issues and gender mainstreaming strategy adopted for the Project is based on Lao law and is consistent with the Country Gender Strategy, requiring gender equitable participation and opportunity. Gender issues must be considered in the various stages of the project cycle, Decree 192 specifically addresses gender issues in resettlement in Article 15 where it states, “Collecting gender disaggregated data is the first and most crucial step for ensuring that the needs and concerns of women are addressed in the resettlement plan.”

61. Gender has a significant imprint on the resettlement process. Levels of education, access to information, additional work burdens, and limited public representation may result in women suffering disproportionately, compared to men, in resettlement. Therefore, it is important to identify and take into account the different needs of women and men. In order to deal with the practical impacts of local gender norms and roles, resettlement planning needs to provide for basic needs for women in addition to those of men.

62. The surveys have been conducted on the principle of equality in land rights. Household and farming assets, in general, belong to both the female and the male heads of household. However, in some cases, only one spouse owns the land, or in female-headed households, the ownership can be in the name of the oldest male. In respect of providing new title to land, if the lost land was originally in the name of one spouse only, the replacement title will be provided in the name of both spouses automatically to protect the partner’s right to be equally acknowledged.

### 2. Gender Awareness in Training Delivery

63. Gender sensitive approaches require people to receive appropriate training, awareness of, and capacity to, mainstream gender issues into daily activities. Gender training and awareness raising will be conducted during project implementation to assist the resettlement process for the project.

64. Providing this training and awareness raising early at the commencement of project implementation will ensure that implementers are better able to identify and address the different needs of women and men in the resettlement and livelihood restoration and development process.

65. Gender training has been provided continuously during the project, and will continue to do so. There is a general need to improve skills on gender mainstreaming, and focus has been

put on strengthening the capacity on gender of core institutions involved in project implementation, government partners, and local NGO representatives. The aim is to increase the awareness on gender and other social considerations, and to increase stakeholder capacity and involvement in gender mainstreaming.

### 3. Gender Specific Resettlement Issues

66. Gender specific issues in resettlement were identified in the Resettlement Plan from 2012. The relevance of gender issues to the affected household has changed as we have identified the female-headed households and their socio-economic profile.

67. It should be kept in mind when comparing across gender, that the female headed AHs is a much smaller group than the male-headed AHs. Since the samples are not of the same size, one observation in the samples will not stand for the same proportion.

**Table 9. Summary of Gender Specific Resettlement Issues**

Gender Issues Identified	Relevance to Affected Households
Lack of land ownership and property rights can limit women's equal access to compensation. Compensation, resettlement, and rehabilitation are often based on legal ownership of land and property. Women may not have legal rights to land and property, even though they may have enjoyed usage rights or been dependent on the land. Hence, they may not be eligible for compensation and other benefits that are available.	The entitlement matrix ensures that all people losing land and resources are eligible for compensation, regardless of gender or whether they have legal title to land they are using or not. Socio-economic data on AHs has been disaggregated by gender to discern the differences between households headed by women and men, in order to identify specific measures for vulnerable groups of women. All female headed AHs state that they own their property.
Low levels of training and education may limit the livelihood opportunities among women. Choices for exploring alternatives and livelihood options for women may be limited because of low levels of skills and education. Planning occupational and livelihood options for women is important to mitigate and minimize resettlement impacts.	The resettlement survey indicates lower education levels for women than men among the heads of households. Among the female-headed households, one HH attended primary school and the other female household head has no formal education.  For HHs with more than a 10% impact on their productive assets or that are physically relocated to another plot, special livelihood restoration measures will be made which include efforts for improve the households' skills to diversify their sources of income. But so far, the subproject will not affect productive lands.
Involuntary relocation could increase the burden on women. Generally, women are responsible for livelihood activities for the household as well as cash generating activities, the survey undertaken for the poverty and social assessment indicates larger numbers of women being engaged for more hours per day in non-paid work.	The project will have no effects on productive agricultural land. No households will physically relocate to another plot as a result of the subproject.
Social impact of dislocation tends to affect women more than men. Breakdown of community and other social networks as a direct result of physical relocation can affect women more than men because many women rely and depend on the community and other social networks for support, such as taking care of children. Relocation can be traumatic if these networks are under pressure.	No households will have to physically relocate as a result of the subproject.

#### IV. INVOLUNTARY RESETTLEMENT IMPACTS AND LOSSES

##### A. Land: Impact and Losses

68. The HouyLongkong Subproject will affect a total of 1,397.1 m<sup>2</sup> of undeveloped land belonging to 4 households.

69. The impacts to land are mostly along the left side of the channel where the existing river has meandered and eroded river easement.

**Table 10 Impact and Losses of Land**

Impact		Affected households		
Land category	Area (m <sup>2</sup> )	AH	<10% of productive assets	>10% of productive assets affected
Undeveloped land	1,397.1	4	-	-
<b>Total</b>		4		0

Source: Detailed Measurement Survey, October 2018

##### B. Impact on Crops and Trees

70. The subproject will not affect crops nor trees with commercial value.

##### C. Impact on Structures

71. The improvement of the Huoay Long Kong channel will not affect main structures (house, store, etc.) nor secondary structures (fence, awnings, etc.). However, at least two (2) signboards need to be relocated outside of the subproject's corridor on impact. The relocation of these signboards will be done by the Contractor.

##### D. Livelihood Impacts

72. Livelihood impacts includes the following types of impacts:

- Registered and non-registered businesses that have to relocate or close permanently or temporarily due to the project implementation.
- Formal and informal employees in these businesses or that lose their job due to the implementation of the project.
- Severely affected persons or households where 10% or more of productive assets are affected by the project.

73. The subproject will have no impact on the livelihood of people living within the subproject area.

74. One household has a disabled member.

## **V. CONSULTATION, PARTICIPATION AND DISCLOSURE**

### **A. General**

75. General consultations have been undertaken at various stages of the project. A summary of those undertaken during the PPTA are reported in the 2012 RP.

76. With respect to the resettlement process, consultation with, and participation of, APs is essential to ensure a comprehensive relocation and rehabilitation program that suits the needs and priorities of the APs. In this respect the objectives of consultation are:

- To share fully information on the proposed project, its components, and its activities, with the APs;
- To obtain information about the opinions, needs and priorities of APs, as well as their reactions to proposed mitigation measures, compensation and livelihood restoration activities;
- To encourage the participation of APs in resettlement activities such as the IOL, identification of livelihood restoration activities, and monitoring of resettlement plans;
- To inform APs and host communities about various options of relocation (if required) and rehabilitation measures available to APs and local authorities concerned;
- To obtain the cooperation of APs and communities in activities required to be undertaken for project planning and implementation;
- To establish a clear, easily accessible and effective complaints and grievance procedure; and
- To ensure transparency in all activities related to land acquisition, resettlement, compensation, and rehabilitation.

### **B. Consultation undertaken during Resettlement Plan Preparation**

77. The 2012 RP reports that the IOL was conducted in a participatory manner, with the head of the household and spouse of the household head assisting in identification of affected assets and other IR impacts. In addition to discussions held with each AH during the undertaking of the IOL, consultations by way of meetings in affected areas were undertaken specifically to discuss IR impacts of the subprojects and mitigation measures.

78. The 2012 RP reports that the following points were raised during consultations with AH along the road sections:

- There is a general support for the project. The existing drainage system is old and damaged, drains are full of solid waste and very little clearing or maintenance work is done. In a number of sections, the drains overflow onto surrounding land and the open drains create bad smells. The drainage system needs to be upgraded;
- The existing drainage channel has a 2 m wide designated reserve and upgrading and lining the channel will not create any impacts on the adjacent land.
- Overall, the AHs noted that the potential IR effects are acceptable provided that adequate compensation is provided for land and assets.

79. The update of the IOL following the finalization of the detailed design has been conducted in a similar participatory manner by the PIT teams and the village chiefs supported by the PMU and the CSC and in consultation with the AH to identify potentially affected assets and IR impacts.



80. The cut-off date was notified in the affected villages in 31 August 2016.

### C. Planned and Ongoing Consultations

81. Consultations and communications with affected households and stakeholders will continue in the implementation of the Resettlement Plan. Consultations with affected households on the following topics are planned:

- Entitlement Matrix
- Compensation unit rates
- Presentation of identified IR impacts and compensation
- Grievance Redress Mechanism dissemination
- Construction programme

82. The HouyLongkong subproject will have impacts on land in three villages. Two consultations for the villages is planned to take place before the construction will commence.

83. The number, location, content, and expected outcome of consultations are presented in the table below.

**Table 11. Consultations**

No.	Timing	Location	Content	Outcome
1.	Following approval of the RP	Village offices	<ul style="list-style-type: none"> <li>• Entitlement Matrix</li> <li>• Compensation unit rates</li> <li>• Presentation of identified IR impacts and compensation</li> <li>• Grievance Redress Mechanism dissemination</li> </ul>	<ul style="list-style-type: none"> <li>• APs understands entitlements</li> <li>• APs can raise comments on compensation unit rates</li> <li>• APs are informed of anticipated IR impacts</li> <li>• APs understand the GRM and their access to it</li> </ul>
2.	Prior to construction	Village offices	<ul style="list-style-type: none"> <li>• Consultation to present construction programme</li> </ul>	<ul style="list-style-type: none"> <li>• APs are informed of construction programme, timing of clearances, etc.</li> <li>• Reiteration of the GRM and their access to it</li> <li>• APs becomes familiar with the Contractor company</li> </ul>

84. The first consultation will cover the top four topics stated in the list above. The background and purpose of the project will be further explained, as well as the anticipated impacts and the measures that will be made in order to address those impacts. This will help the local community understand the project and how it will affect and benefit the community. The consultation will include a full session dedicated to the compensation rates and payment of compensation. This will include full disclosure of the detailed compensation rates for loss in land, crops, structures, and livelihood, as well as a thorough description of the entitlement matrix, which defines what the project is required to compensate. This will lead to clear expectations of what will be lost and how it will be compensated. The methods of payment of compensation will also be clarified including the options for choice between cash compensation and in-kind compensation. The GRM will be described thoroughly in order for the community to get knowledge of the grievance process and how people can raise any issues and concerns to the resettlement committee. It is important that all affected households are aware of the grievance mechanism and its functions, so all the problems the villagers are experiencing with the project are reported and dealt with.

85. The second consultation will provide detailed information of the construction programme. This includes time frames for the construction, any dismantlement of structures and re-construction. The consultation will also clarify any question which the community might have in relation to the project, the grievance redress mechanism, and the contractor.

86. All consultative meetings will highlight the ADB rules and regulations for resettlement, and provide information on ADB's Safeguards Policy Statement.

87. Public Consultation for the Houay Long Kong Subproject was held on the 1 August 2018 at the Phonsavanh village Meeting Hall. A total of 27 participants were present, including 8 females and 19 males. The participants are comprised of the Four (4) Ahs and other HHs residing near the river channel. The following items were on the agenda:

1. Project background and purpose consultation
2. Grievance Redress Mechanism
3. Leaflet, Signpost contact & feedback form
4. Resettlement compensation procedure.
5. Purpose and plan for the two-year construction
6. Traffic Management Plan

88. The following issues were raised by the participants:

- Installation of Hydraulic Gate: The villagers agree and appreciate the inclusion of the hydraulic gate in the project as it will protect the entry of high waters from Mekong river and prevent flooding of the Houay Long Kong channel.
- Roads along the channel: PMU explained that the channel will have 3 meters of unpaved roads on both sides. The villagers commented that the roads might be too narrow for a two-way traffic. PMU representative explained that cars have dimension of 1.2 meters so that two cars can drive at opposite direction but should be at a slower speed.
- Location of bridges: The villagers asked the exact location of the foot bridges. PMU explained that the exact location of the two bridges have not been identified.
- On Compensation of affected assets: Clarification was made that all affected lands will be compensated based on the unit prices determined for different zones, and it will be based on land price valuation from PoNRE. There was also clarification on the methodology of payment. It will be different from the past project. All compensation will be directly transferred to affected persons through their bank accounts and no cash payment will be made. Bank Transfer to AH's bank account system is safe and protected from corruption. PMU also requested all affected person to cooperate with resettlement team for provide accurate information and participate during the measurement of affected areas in the field.
- Villager also appeal to the contractor that when they start working in the village, they should have authorization from the village officials and they must obey and follow strictly the rules and law of village authority. The village authorities should be notified when Contractors are entering and leaving the village.

#### **D. Disclosure**

89. The RP (or its summary), overall implementation schedule and any updates made on these documents will be available in central offices of MONRE, MPWT, and provincial and district government offices.

90. In addition, the RP will be disclosed on the project website and by ADB on the ADB website.

91. The 2012 RP has been disclosed on ADB's website, July 2012. Following the update, the following documents will be submitted to ADB for disclosure on ADB's website:

- The final RP endorsed by the Government after the census of APs has been completed;
  - Any RP revisions, RP updates, or corrective action plans prepared during project implementation, if any; and
  - The resettlement monitoring reports.
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## VI. GRIEVANCE REDRESS

92. This section described the Grievance Redress Mechanism (GRM) that will be applied under the project with respect to resettlement issues. It updates the GRM that was presented in the RP 2012 considering the Decree 192 and accompanying Technical Guidelines as well as project developments since the project preparation stage.

93. With respect to the update of the Grievance Redress Mechanism, the main points that have been considered are as described below:

- The Decree 192 and the Technical Guidelines specifies that Grievance Committees should be established, while these are generally referred to as Resettlement Committees in common use in Lao PDR and in the RP 2012. The two are here used interchangeably.
- The 2012 RP specifies that the Village Resettlement Committee (VRC) is the first point of entry for an AP or claimant. However, VRCs are not required under the Decree 192 and its Technical Guidelines, which require committees established at district level with village representatives. As it is customary in Lao PDR that APs will lodge grievances at the village level to village authorities, this RP has maintained the organization with grievance redress at village level through VRCs.
- District and Provincial Resettlement Committees have been established May 2015, while the Village Resettlement Committees were established in August 2017. These committees will as is customary in Lao PDR at the same time function as the Grievance Redress Committees. Considering the requirements to the Grievance Redress Committees as per Decree 192 and the Technical Guidelines, the committee representatives needs to revised to also comprise village heads, representatives of affected households, other than village heads, village elders, NGO representatives, and document that they are adequately constituted to deal with gender issues. The committees established have representatives of the armed forces and of the police, which is not required in the regulation.
- The PMU will appoint a Grievance Point Person to ensure that Village Resettlement Committees are properly instructed on grievance procedures and documentation requirements, to ensure PMU participation in the District and Province Committees, and to ensure registration and reporting on grievance redress.
- The Project has established a project website<sup>1</sup> and will make it possible for claimants to lodge grievances via the website. These grievances will be received centrally at the PMU. The PMU may also receive complaints/grievances centrally in written or other form. Depending on the nature and content of such grievances/complaints they may be referred to the VRC, DRC, or the PRC.

94. If an AP, AH or group is not satisfied with, or has a complaint about, an aspect of the resettlement or compensation package, or if for any reason the compensation does not materialize according to the procedures set out in the RP and as agreed between the AP and implementing agency, he or she has the right to make a claim through the GRM at no cost to APs. The claimant is at no point obliged to follow the GRM procedure and can at any point directly address the national court system according to Lao laws.

95. The steps in the grievance redress procedure setup to manage resettlement related complaints and grievances are as described below.

Step One - the typical first step is for the AP or a group of households to approach the village chief / village authorities and present the grievance. With the establishment of village resettlement committees (VRC) the grievance will be addressed through the VRC

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<sup>1</sup> The project website has the address: [www.svk-gms-ewec.org](http://www.svk-gms-ewec.org)

that will convene a meeting within a reasonable timeline in keeping with the Decree 192. The meeting will be held in public and will be open to other APs and villagers to discuss the grievance and mediate. Meeting minutes will be prepared and signed by participants and any decisions, conclusions, as well as disagreements will be noted. A copy of the meeting minutes will be forwarded to the PMU (GPP) for recording of the grievance.

96. If the complaint or grievance cannot be resolved at village level, or if the claimant is not satisfied with the decision, the claimant or the VRC on his/her behalf may refer the case to the district level.

Step Two - the next step is to present the grievance or complaint at the district level. This will be to the district resettlement committee (DRC). At district level, the grievance should be addressed within the timeframe set in the Lao regulation. The DRC will convene a meeting with participation of the PMU representative as well as claimant. Meeting minutes and report on the discussion and decisions made by the DRC will be in writing and signed by the committee members. The DRC will keep a log of all grievances and decisions.

97. If the DRC cannot resolve the matter or the AP is not satisfied with the proposal of the DRC, the AP may take the case to the next level.

Step Three - the third step is for the case to be presented to the Provincial Resettlement Committee (PRC). At the provincial level the EA and/or PMU along with the IA would be primary witnesses in order to both: (i) respond to the claimants' grievance in terms of prior activities undertaken, etc; and, (ii) ensure that the claim is reviewed within the context of the existing policy, regulations, procedures and entitlement limits, and that the compensation awarded does not go beyond established matter of practice. The findings of the committee will be obligatory. The PRC must maintain a public book showing all complaints and grievances received and the decisions made. The PRC cannot award compensation in excess of what is established as a matter of practice, or not within budgets within which they are operating. The PRC must respond to any complaint or claim in line with the timeframe established in the Lao PDR regulations.

98. If the above action does not yield satisfactory results, the claimant may present their case to the courts. The claimant is at no point obliged to follow the GRM procedure and can at any point directly address the national court system according to Lao laws.

Step Four - The fourth step is access to the court system. In the first instance, the case or grievance will be presented to Provincial Court. It will be in the interest of the EA and IA, PRC, and affected parties to resolve issues before they are brought to the Provincial Court. If the grievance can still not be resolved, or the AP is not yet satisfied with the findings, the second instance is for the claimant to present the case at National Court.

99. The EA will be responsible for meeting the administrative and legal costs that will be incurred in the resolution of complaints and grievances. Following Decree 192, APs are exempt from administrative and legal fees and that costs for pursuing cases in the court of law must be borne by the project.

100. Grievances related to resettlement issues received centrally by the PMU through the project website or through other ways will depending on the nature and content of these grievances/complaints be referred to the VRC, DRC, or the PRC.

## VII. LEGAL AND POLICY FRAMEWORK

101. The policy framework for land acquisition and resettlement in Lao PDR comprises the following principal laws, decrees, and regulations: the Constitution (1991), the Land Law (1997, amended 2003), the Road Law (1999), Decree 192/PM on Compensation and Resettlement of Development Projects (July 2005), the Regulations for Implementing Decree 192/PM issued by the Science, Technology and Environment Agency (November 2005) and the Technical Guidelines for Compensation and Resettlement of People Affected by Development Projects (updated on March 2010).

102. In respect of land ownership and use, the Constitution (1991) provides the following relevant articles: (i) Article 16 - the State protects and promotes all forms of state, collective, and individual ownership; and (ii) Article 17 - land in Lao PDR is a national heritage and the State ensures the right to use, transfer, and inherit it in accordance with the laws.

103. The Land Law (No. 01/97 1997, as amended by Law No. No. 04/NA October 2003), is the principal legislation by which the Government exercises its constitutional responsibility for the management, preservation, and use of land. The Land Law outlines land definitions, land titles and the responsible authorities, which vary for each category of land use or administration. The Law also specifies compensation entitlement in Articles 68– 72.

104. The Land Law allows for expropriation of land by the Government when it is in the public interest. Importantly, the Land Law requires the land user to be compensated, and this compensation is determined by an inter-agency committee. The articles of particular importance to resettlement are summarized below:

Article 3 - land within Lao PDR is the property of the national community (as stated in Article 17 of the Constitution) for whom the Government is the uniform central administrative representative throughout the country. Individuals can be assigned, and use, land, only non-forest land<sup>2</sup> can be held in private title or under a long-term lease which can be transferred;

Article 5 - provides for protection of the rights of efficient, regular and long-term land users;

Article 6 – states that individuals have the duty to preserve land in good condition;

Article 7 – prohibits individuals or organizations from squatting on land, and that any use of land must be approved by the State;

Article 13 – provides for Lao citizens to lease state land for a maximum period of 30 years (with extensions on a case-by-case basis);

Article 43 - land registration is to certify the legal use of land to individuals and organizations;

Article 52 - rights to the use of land can be achieved through delegation by the State, transfer, or inheritance;

Article 63 – termination of land use rights can be affected by voluntary liberation of rights by the possessor, or through expropriation by the State for use of the land in the interests of the public;

Article 71 – requires that when it is necessary to use an individual's land in the public interest, the State shall make appropriate compensation for losses, which could be in-

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<sup>2</sup> The Forestry Law (as updated by No.6/NA in December 2007) in Article 4 specifies that natural forests and forest lands are the property of the national community and represented by the Government in respect of administration and allocation for individual use. Individuals and organizations shall have the right to possess and use trees, natural forests and forest land only when authorized by the authoritative agencies.

kind compensation with land kept as reserve for such compensation (5% of total land is kept in reserve for such compensation); and

Article 72 – requires that in determining compensation, there must be a committee comprised of representatives of interested parties to determine the value of the losses.

105. The Land Law defines land title as the only document, which is evidence of permanent land use rights (Article 49). Land titles are issued by Land Management Authorities (Article 10).

106. In places where land titling has not been undertaken, APs may only have Land Certificates or Land Use Rights Certificates (Form 01), Land Tax Payment Receipts and/or Residency Certificates. Form 01 are considered evidence of land use right, but not considered as legal title. For the purposes of the project any such documentation will provide evidence that the user is the recognized or “rightful” user of land and they will be compensated as if they had a land title.

107. For agricultural and forest land, APs may also hold temporary Land Certificates, which according to the Land Law has a validity of three years. After which the land user can apply for long term use rights. APs may also hold Temporary Use Certificates issued by the District Agricultural and Forestry Office (DAFO). People without proof of ownership and/or certificates are considered “unregistered” users. These users differ from “illegal” users. In case of acquisition, those who hold the above documents as well as those who are granted customary land use rights or are considered unregistered users are entitled to receive compensation under the Land Law.

#### **A. Decree on Resettlement and Compensation**

108. Decree 192/PM on the Compensation and Resettlement of Development Projects was adopted in July 2005 (now amended by Decree 84 issued on 5 April 2016), and together with its Regulation on Implementation (November 2005) and Technical Guidelines (as updated in March 2010), provides a comprehensive framework for resettlement planning in Lao PDR. The Decree applies<sup>3</sup> to projects that require acquisition of land or land use rights or rights to possess fixed or immovable assets, or require changes in land use or restrictions on the use of resources that affect livelihoods.

109. The main provisions of the Decree aim to: (i) help integrate social dimensions in development projects; (ii) address measures to mitigate adverse social impacts, with a particular focus on vulnerable groups; and (iii) provide for a comprehensive approach in addressing social issues in development projects. The Decree also aims to ensure that mitigation measures, including compensation, relocation, and economic restoration of APs are carried out in accordance with the provisions and stipulations of the Constitution.

110. The Decree defines principles, rules, and measures to mitigate adverse social impacts and to compensate for involuntary acquisition or repossession of land and fixed or movable assets, including change in land use, restriction of access to community or natural resources affecting community livelihood and income sources.

111. The Decree comprises six parts and 19 articles, as described below.

Part I sets out the objective and fundamental principle for compensation, and relocation of project affected people. It also provides instructions and measurement procedure for mitigation and compensation for all potential negative socio-economic impacts of affected persons (APs) within or in the vicinity of the project areas;

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<sup>3</sup> The Decree 192/PM (2005) has been replaced by Decree 84/PM (2016).

Part II establishes eligibility and defines the right of affected person in receiving compensation;

Part III defines the requirement and procedures for compensation assistance measures during relocation, resettlement and livelihood restoration;

Part IV defines resettlement and compensation components which states and emphasizes the significant of local culture and tradition, community participation in the process, grievance measure and budget considerations;

Part V refers to enforcement procedures for both violator and complier; and

Part VI sets out the implementation procedure as well as establishing the institutional framework and responsibility for implementation.

112. The articles of Decree 84 with most relevance to creation of IR impacts under this project are noted below.

- Article 5. Compensation principles confirm that both unaffected residents and affected persons (APs) have rights that must be protected.
- Article 8. Compensation principle states that in case the APs do not have title over the affected land, then the project will not pay compensation for it, but they will receive compensation for structures, trees and crops based on the estimated compensation cost.
- Article 9. Estimation of replacement cost for Compensation principles state that the project owner will coordinate with the local government resettlement and compensation committee to estimate replacement cost for land, crop, structures, livestock and income loss. The committee should consult with the APs to choose compensation options based on market price.
- Article 11. The implementation of Resettlement Plan states that the RP should be implemented within 12 months. If the RP implementation is delayed, the project should update RP and re-estimate replacement cost based on prevailing market price.
- Article 15. Rehabilitation of the livelihood of APs should satisfy the following: (i) provision of agriculture productive land plus creation of new job comparable to the previous job lost; (ii) living standard of APs should be better after the project; (iii) Special assistance to be given to vulnerable households in order to reduce poverty and improve their living standard.
- Article 16. The project owner provides additional transition allowance for relocating AHs for a period of 3 years or more based on the resettlement committee's consideration. The additional assistance includes (i) food, and (ii) compensation for income loss during the period of relocation.

113. The Regulation (2005) and Technical Guidelines (March 2010) provide the framework for implementation of Decree 192 as amended by Decree 84 and specifically provide guidance for project developers in addressing social issues through comprehensive social assessment, and preparation and implementation of RPs.

## **B. ADB Safeguard 2: Involuntary Resettlement**

114. The ADB's SPS (June 2009) requires ADB-assisted projects to (i) avoid resettlement impacts wherever possible; (ii) minimize impacts by exploring project and design alternatives; (iii) enhance, or at least restore, the livelihoods of all APs in real terms relative to pre-project levels; and (iv) improve the standards of living of the affected poor and other vulnerable. It covers both physical displacement and economic displacement.



115. The key principles of the ADB safeguard policy on IR are as follows:

Screen the project early on to identify past, present, and future IR impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks;

Carry out meaningful consultations with affected persons, host communities, and concerned NGOs. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women, children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase;

Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible;

Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required;

Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing;

Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status;

Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets;

Prepare a RP elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.

Disclose a draft RP; including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.

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Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant IR impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation;

Pay compensation and provide other resettlement entitlements before physical or economic displacement;

Implement the RP under close supervision throughout project implementation; and

Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

### **C. National Law and ADB Policy Gap Analysis**

116. This section compares and analyses gaps between the Lao national resettlement regulations and the ADB safeguards for involuntary resettlement. Where gaps are identified, occur between Lao National Law and ADB's policy, the one with higher standards will apply.

117. The Decree 192, similar to ADB's Safeguard Policy 2: Involuntary Resettlement, requires that APs are compensated and assisted to improve or maintain their pre-project incomes and living standards, and are not worse off than they would have been without the project.

118. Both Lao Law and ADB policies entitle APs to compensation for affected land and non-land assets at replacement cost. However, the definition of severely affected APs varies between ADB's policy at 10% and the Government's Decree 192/PM (Article 8) at 20% of productive and/or income-generating assets affected. Following the RP 2012, the definition of severely affected as people losing 10% or more of their productive or income generating assets will be adopted as part of the Project's resettlement policy.

119. Also, 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.

120. 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.

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

## VIII. ENTITLEMENTS, ASSISTANCE, AND BENEFITS

122. The resettlement policy and principles concerning entitlements, assistance, and benefits for the project was developed at the PPTA stage and presented in the 2012 RPs. The Entitlement Matrix, presented at the end of this section has been updated taking into consideration the impacts of the subproject on private assets and affected persons as determined during the DMS conducted by CSC in October 2018.

### A. Objectives

123. The over-riding objective of resettlement planning is to ensure that all APs will be compensated for their losses at replacement cost, and provided with livelihood impact mitigation and rehabilitation measures to assist them to improve, or at least maintain, their pre-project living standards. Consistent with national law and ADB's policy, the objectives of the RP are (i) to avoid IR impacts wherever feasible; (ii) to minimize impacts where displacement (physical or economic) is unavoidable by choosing alternative viable project options; and (iii) where IR impacts are unavoidable, to enhance, or at least restore, the livelihoods of all APs in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups.

### B. Resettlement Policies and Principles

124. The resettlement policy is based on those formulated for other similar projects in Lao PDR which have been accepted by Government and ADB,<sup>4</sup> and the entitlements set out in Technical Guidelines on Compensation and Resettlement of People Affected by Development Projects (as revised in March 2010). The principles for mitigating IR impacts that will apply to the project are set out below.

- APs will be systematically informed and consulted on compensation and/or resettlement options, including relocation options/sites, and socio-economic rehabilitation measures, the acquisition of lands, assets and possible impacts on their livelihoods. They will be informed of their rights and options and be invited to participate actively in the identification of mitigation and rehabilitation measures;
- The APs are to be identified and recorded as early as possible in order to establish their eligibility;
- Eligible APs are entitled to compensation and livelihood rehabilitation measures sufficient to assist them to improve or at least maintain their pre-subproject living standards, income earning capacity and production levels;
- In the consultation process, representatives of local governments, village heads, other community leaders and civil society organizations such as non-government organizations (NGOs) will be included. The customs and traditions, as well as the religious practices of all APs, will be respected and protected;
- Lack of formal legal rights to assets lost will not deprive any AP from receiving compensation and entitlements. Distinctions should not be made between APs "with" and "without" formal legal title;

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<sup>4</sup>The entitlement matrix includes a wider range of impacts than those likely to be incurred by the priority subprojects that are the subject of this RP because the entitlement matrix is for the Project and covers impacts created by subprojects being implemented in the other two towns and which must also be covered by the entitlement matrix.

- The institutions of APs, and, where relevant of their hosts, are to be protected and supported. APs are to be assisted to integrate economically and socially into host communities so that adverse impacts on the host communities are minimized and social harmony is promoted;
- Particular attention must be paid to the needs of vulnerable APs. This group of APs may include those without legal or recognizable title to the land or other assets, households headed by females, the elderly or disabled, and other vulnerable groups. Appropriate assistance must be provided to help them improve their socio-economic status;
- An independent grievance redress mechanism, linked with existing traditional formal and informal systems (and cognizant of any cultural requirements), will be established to resolve IR related disputes and complaints from APs; All activities associated with resolving grievance shall be free of charge.
- Compensation rates for physical assets, i.e. land, houses, crops/trees, buildings and other structures, and non-physical assets such as lost income from productive assets or jobs, will be calculated at replacement cost and included in the RP, these costs will be updated and adjusted as required at the time of compensation and consultations with the affected people on the compensation rates will be held. This updated RP uses the compensation unit rates based on the “Decision by the Provincial Governor on the Determination of Rates for Land and Structures within the 4 districts of Savannakhet” issued in 14 February 2018 by the Provincial Governor of Savannakhet contained in document No. 0385/Savannakhet Governor. Refer chapter IX.B for a description of how the replacement cost has been established;
- APs who stand to lose only part of their physical assets will not be left with a proportion inadequate to sustain their current standard of living. Such a minimum size will be identified and agreed upon during the resettlement planning process;
- If the IR impacts are considered to be minor and do not undermine the livelihoods of APs, cash compensation at replacement costs will be offered. For severely affected people (i.e. those APs experiencing significant impacts) additional measures to ensure livelihood restoration, on top of compensation payments, will be identified in conjunction with APs;
- The full cost of IR will be included in the project cost and adequate budgetary support shall be made available during implementation;
- Land acquisition will be completed, compensation in full provided, the livelihood income restoration programs commenced, and the subproject areas cleared of all obstructions before the commencement of civil works; and
- Finally, physical works for subprojects with IR impacts will not commence before a RP has been prepared and approved. The general process of which includes:
  - Consultation – with APs and relevant stakeholders, and whenever necessary, assistance of relevant institutions to ensure effective consultations. Consultations should assess whether there is broad community support for the subproject;
  - Undertake a participatory IOL that will be updated during a detailed measurement survey (DMS) following the detailed design;
  - When necessary, identification of livelihood restoration programs acceptable to the local community to be put in place to help people improve, or at least restore, incomes to pre-project levels;
  - Determination of replacement cost – for APs losing assets (land, physical assets, means of livelihood, or social support systems), they will be compensated and assisted by replacement land, housing, infrastructure, resources, income sources, and services, in cash or in kind depending on the type of loss to ensure

that their economic and social circumstances will be at least restored to the pre-project level. Compensation will be at replacement cost;

- Preparing a cost estimate and budget – including the costs of compensation, relocation and rehabilitation, social preparation and livelihood restoration programs. The budget will also include the costs for planning, management, supervision, monitoring and evaluation, physical and price contingencies, and implementation;
- Inclusion of a monitoring system - appropriate reporting and monitoring and evaluation will be established as part of the resettlement management system.

### **C. Affected Persons and Eligibility**

125. The definition of APs and AHs for the project is as per Decree 192 and ADB's SPS which includes any person, household, entity or organization, affected by a project, who in the context of acquisition of assets, or change in land use, would have their: (i) standard of living adversely affected; (ii) right, title or interest in all or any part of a house, land (including residential, commercial, agricultural, plantations, forest, and grazing land), water resources, or any other moveable or fixed assets acquired or possessed, in full or in part, permanently or temporarily adversely affected; (iii) business, occupation, place of work or residence areas adversely affected with or without displacement; or (iv) community resources adversely affected.

126. Under Decree 192, all individuals and entities residing, or making a living, within an area to be acquired for a subproject - as of the formally recognized cut-off date - would be considered as eligible for entitlement to compensation, resettlement and livelihood restoration/rehabilitation assistance. People who are not living within the subproject area, but have land and/or buildings or other assets in the subproject area, are also considered to be entitled to compensation, resettlement and rehabilitation assistance.

127. The APs eligible for compensation and assistance under the project include the following:

- Those APs whose land is affected (permanently or temporarily) by a subproject, whether they own or have title to the land or not including; (a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country); (b) those who do not have formal legal rights to land at the time the census, but have a claim to such land or assets - provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan; and (c) those who have no recognizable legal right or claim to the land they are occupying (non-titled users);
- Those APs whose houses or structures are in part, or in total, affected temporarily or permanently by a subproject;
- Those APs whose businesses are affected in part, or in total, (temporarily or permanently) by a subproject;
- Those APs whose livelihoods, employment or hired labor is affected, temporarily or permanently, by a subproject; and
- Those APs whose crops (annual and perennial) and/or trees are affected in part, or in total, by a subproject.

128. By definition, it is these APs and/or AHs who are entitled to compensation and rehabilitation. However, acquisition, or restrictions placed on use, of particular land or assets may affect more than one AH. For example, when the land is owned by one AH but used to gain

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a livelihood by another different AH (who is usually paying some type of rent to the owner) then there are two eligible AHs for this one asset. Thus, eligibility is based on: (a) ownership; and (b) use.

## **D. Entitlements**

129. The Entitlements that will apply for the subproject are set out below. These include basic entitlements for land as well as special measure for vulnerable people.

130. The entitlements to compensation and assistance to be provided under the project are consistent with those accepted by the Government in other ODA projects developed in Lao PDR in recent years.

131. As set out above, absence of legal or formal title to land is not a bar to compensation. Both male and female APs will be equally consulted and their rights recognized. Negotiations and compensation payments will be with/to both male and female head of each household. APs who do not have formal legal rights or customary or recognizable rights to land are not eligible for compensation for land acquired under the project, but will receive compensation for assets attached to land and other assistance as required. Poor and vulnerable households will be eligible for further assistance to fully mitigate project impacts.

### **1. Basic Entitlements**

132. Compensation for land, wherever possible and practicable, will be based on the principle of "land-for-land" of equal size and/or productive capacity, as satisfactory to APs. However, at the request of APs, compensation for loss of land can also be paid in cash equivalent to the current market value of lost land.

133. Where a significant loss (more than 10%) of productive land is compensated in cash, a reasonable plan for the expenditure will be prepared towards income generating activities and financial/money management training offered. Cash compensation for significant loss of productive land is however not provided to vulnerable AHs in order to prevent the AHs from becoming food insecure.

134. If the head of household is married, land title for new land will be issued in the names of both the husband and wife.

135. APs will not be charged for taxes, registration, land transfer costs, or any other transaction costs.

136. Any assets (structure, crops, trees etc.) requiring removal by a subproject will be compensated at replacement cost, which will include the cost of harvest foregone, and replacement cost for any structures (including houses, shops/stalls etc.) requiring removal. The value of any timber or fruit from trees or items from structures that can be salvaged (bricks, wood, timber, corrugated iron etc.) will not be deducted from the compensation the AP is entitled to. APs will also be given advance notice to harvest crops and trees.

### **2. Special Assistance and Allowances**

137. In addition to compensation at replacement cost for lost and affected assets, APs will be entitled to additional measures to assist in restoring, rehabilitating, and if possible, improving, their standard of living and well-being.

138. As set out in Articles 7 and 8 of Decree 192, such additional assistance may come in the form of:

### **i. Relocation Assistance and Transition Support**

139. Any APs to be displaced and/or affected due to the loss of income and livelihood shall be provided the following assistance until their income levels and living conditions can be stabilized:

- a) transport allowance or assistance in-kind to transfer to the new site (or place of their choice);
- b) food allowance, in cash or in-kind (to be provided on a monthly basis), to compensate for income lost, during the transition period;
- c) suitable development assistance after displacement until AHs are able to restore their incomes and living standards, or reach the targeted level of household incomes on a sustainable basis.

### **ii. Economic Rehabilitation**

140. APs will be entitled to assistance to ensure economic rehabilitation/restoration and livelihood development support in cases where compensation for lost assets alone would not be adequate to restore income and/or livelihoods to pre-project livelihood levels. Rehabilitation measures should focus on vulnerable groups and will be available to:

- a) all APs severely affected by the project due to loss of 10% or more of productive income generating assets (loss of agricultural, industrial or commercial land), means of livelihood, employment or business, and access to community resources;
- b) all households physically relocating to another plot as a result of the project;
- c) for displaced persons whose land-based livelihoods are affected due to the project, preference shall be given to land-based resettlement strategies, or where land is not available, options built around opportunities for employment or self-employment;
- d) for displaced persons whose businesses are affected due to the project, in addition to compensation for lost land, structures, and income, assistance shall be given to finding replacement sites for business as appropriate.

141. Adequate assistance, in addition to compensation for affected assets and other allowances, shall be provided to enable such APs to achieve household income targets set above the national poverty line. The assistance, restoration measures, and allowances that will apply to the Project are also included in the entitlement matrix below.

## **3. Special Measures for Poor and Vulnerable People**

142. SPS 2009 defines vulnerable groups to include:

- Divorced or widowed female headed households with dependents and low income;
- Householdswith disabled or invalid persons;
- Households with persons falling under the generally accepted indicator for poverty as defined by the Ministry of Labor and Social Welfare<sup>5</sup>, or the landless;
- Elderly households with no means of support; and
- Indigenous peoples or ethnic minorities

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<sup>5</sup>The most recent official poverty rate was defined by Prime Ministerial Decree in October 2009. The poverty line in urban areas is set at 240,000 kip per person per month.

143. Decree 84 requires that where a project is likely to adversely affect households living in poverty and other vulnerable groups, the RP should specify measures, additional to the compensation entitlements, aimed to improve their status to bring them up to an acceptable level above the poverty line.

144. The PSAs and RPs have identified the households defined as vulnerable as per the foregoing categories.

145. The various entitlements for losses anticipated under the project are set out in the following entitlement matrix.

#### **4. The Entitlement Matrix**

146. The Entitlement Matrix is presented overleaf. It has been updated based on the Entitlement Matrix included in the 2012 RP.



**Table 12 Entitlement Matrix**

Impact	Application	Definition of AP	Entitlement	Expected Results
<b>A. LOSS OF LAND OR USE OF LAND</b>				
A.1: PERMANENT loss of RESIDENTIAL or HOMESTEAD land	Land other than productive land belonging to households and/or families	Owner or occupant	(i) For non-relocating households - cash compensation for the affected portion of the land; For relocating households – cash compensation at replacement cost is conditioned on confirmation that the AHs have obtained new residence or replacement land equivalent to the size or productive value of the land lost, to be prepared suitable for house and other buildings with construction at the expense of the Project; (ii) Cash compensation for difference in area/size of land lost and new plot issued; (iii) Replacement land with title in name of husband and wife will be given to the AH; (iv) Registration and/or land transfer fees will be paid by Project;	Compensation provided or suitable replacement land provided; Security of tenure through title to land (in names of both husband and wife);
A.2: PERMANENT loss of AGRICULTURAL or GARDEN land	Productive land from which Aps or Ahs derive a livelihood through either cash income or subsistence	AHs and affected owners (incl. village administration) who lose productive (cash and imputed income generating) land assets	(i) If preferred by the APs, cash compensation for the lost portion of the land at current market value. Where a significant loss (more than 10%) of productive land is compensated in cash, a reasonable plan for the expenditure will be prepared towards income generating activities, e.g. inputs to intensify production on the remaining land. (ii) For those APs not opting for cash, compensation will be through provision of “land for land” of equal productive capacity and in a location satisfactory to the AP. Land will be cleared, leveled and otherwise prepared for cultivation at the expense of the project; (iii) If crops or trees are lost, then compensation for loss of crops and trees will be in cash at market values and compensation for loss of net income	Compensation provided or suitable alternative land identified and prepared for the APs

Impact	Application	Definition of AP	Entitlement	Expected Results
			from subsequent crops that cannot be planted as per Item B, compensation for structures will be as per Item C. (iv) AHs with loss of more than 10% of their productive land will receive livelihood restoration support in accordance with E4, including financial management training.	
		AHs and affected legal users of land (renters or lease holders), non-titled land users who lose productive land they are using	(i) No compensation for land; but suitable alternative land identified and negotiated for use by APs; (ii) Any impacts on the use of the land, or income or livelihood derived from land affected by the loss will be compensated up to the value, or according to the utility, of that loss; (iii) If AH has paid rent or lease charges in advance, the Project will reimburse the AH for the period of rent or lease foregone, without deductions. If the AH is charged a penalty for early lapsing of the rent or lease agreement, this will be paid for by the Project; and (iv) If crops or trees are lost, then compensation for loss of crops and trees will be in cash at market values and compensation for loss of net income from subsequent crops that cannot be planted as per Item B, compensation for agricultural structures will be as per Item C.	Suitable alternative land identified and negotiated for use by APs; Land will be prepared for cultivation at Project cost
<b>B. LOSS OF CROPS AND TRESS</b> (Lumpsum rates with reference to District and PAFO/DAFO rates established for cash payments according to value of crops/trees)				
B.1: Loss of garden, productive trees, crops, perennials, non-productive trees, and/or ornamental shrubs and plants	Crops, productive trees, non-productive trees, and ornamentals removed.	Owner /user of garden and fields	(i) Compensation for annual crops at farm gate price of typical/expected harvest. (ii) Compensation for perennials at farm gate price of typical/expected harvest times years before maturity of replacements. (iii) Compensation for affected fruit/nut/other productive trees shall be based on average annual value of the produce multiplied by five years; compensation for non-fruit bearing young trees at replacement cost.	Damaged or lost crops, trees, ornamentals, etc. compensated. APs given advance notice to harvest.

Impact	Application	Definition of AP	Entitlement	Expected Results
			(iv) Compensation for timber trees at replacement cost. (v) Compensation for ornamental shrubs and plants at replacement costs.	
<b>C. LOSS OF STRUCTURES AND FIXED ASSETS</b>				
C.1: Partial or total removal of structure (house or any other building or structure)	Structures (residential, commercial or other)	Owner of structure (whether custom owners or having legal title to land or not)	(i) For non-relocating households: compensation in cash for all affected structures at 100% of the full replacement cost for materials and labour. The amount will be sufficient to rebuild the structure at current market prices; (ii) Compensation and assistance will be provided in the form of cash without any deductions for depreciation or salvageable materials. The calculation of rates will be based on the actual affected area and not the useable area; (iii) For relocating households: a replacement house of equivalent or better size and standard at the resettlement site, and compensation in cash for additional structures affected and not provided at the new site; (iv) Transport/relocation allowance, as per Item E.	APs compensated for structures and fixed assets at replacement cost
<b>D. LIVELIHOOD IMPACTS</b>				
D.1: Livelihood impacts incl. impact on small business or shops	Loss of income and business/other productive assets	Owner of the registered business	(i) Provision of alternative business site of equal size and location with good accessibility to customers and satisfactory to the AP; OR (ii) Cash compensation at full replacement value, if suitable replacement land is not available; (iii) Cash compensation for lost business structure reflecting full replacement cost of the structures, without depreciation or deductions for salvaged building material (as per Item	Livelihood restoration; Support during business re-establishment

Impact	Application	Definition of AP	Entitlement	Expected Results
			C); (iv) Cash compensation for the loss of income during the transition or re-establishment period, based on net monthly income and up to a maximum of 12 months; and (v) Transport/relocation allowance, stabilization allowances as per Item E.	
		Owner of non-registered business	(i) Cash compensation based on minimum wage per month in the district during the transition or re-establishment period and up to a maximum of 12 months. (ii) Compensation for structures at full replacement cost. No deduction shall be made for depreciation or salvageable materials (as per Item C); and (iii) Transportation allowance to move assets to new site, and livelihood Stabilization as per item E.	Livelihood restoration; Support during business re-establishment
D.2: Livelihood impacts incl. impact on waged employees working in small business or shops	Loss of income	Employees or hired labor identified in the resettlement surveys	(i) Informal employees (full time employment) - cash compensation based on minimum wage per month in respective district in the period without job. The compensation will be provided initially for 3 months. Subject to approval by the Resettlement Committee, extension up to 12 months is possible in cases where the affected person is not able to find alternative employment. (ii) Informal employees (part time employment) – cash compensation based on minimum wage per month in respective district for 1 month; (iii) Formal employees - cash compensation based on net monthly wages in the period without job. The compensation will be provided initially for 3 months. Subject to approval by the Resettlement Committee, extension up to 12 months is possible in cases where the affected person is not able to find alternative employment. (iv) Project will encourage businesses	Support while AP seeks alternative employment or waits for business to re-establish

Impact	Application	Definition of AP	Entitlement	Expected Results
			to provide severance pay for employees; (v) Assistance in securing new employment including relevant skills training expenses if required, and priority for wage labour employment in Project activities at locally pertaining equitable wage rates. This will apply on a needs basis for those employees who are not able to secure alternative employment within 3 months.	
<b>E. ALLOWANCES, ASSISTANCE AND LIVELIHOOD RESTORATION</b>				
E.1: Relocation to the new site	Transport and relocation allowance	Relocating AHs and small business APs	All AHs relocating (residential or small business) shall receive a lump sum allowance equivalent to actual costs of relocation and shifting household or business assets to the new site (transport hires, labour etc)	AHs do not bear the cost of physical relocation
E.2: Transition at new site	Food (subsistence) allowance – AHs required to relocate to resettlement site or other	Relocating AHs and small business APs	(i) All relocating APs shall receive a food or subsistence allowance for a period of up to three months. In some cases, as determined in consultation with city/district officials, the allowance may be provided for longer; (ii) The grant shall be in cash equivalent to the most recent poverty line (240,000 kip per person per month for urban households) per person per relocating household; (iii) Entitlement to economic rehabilitation measures E.4	Support during initial transition, livelihoods restored, if not improved
E.3: Impacts on vulnerable APs	Any loss or impact	Vulnerable	(i) Cash grant equivalent to the value of the poverty line (240,000 kip per person per month) for a period of three months to head of affected households. In some cases, as determined in consultation with villages/district officials, the allowance may be provided for longer; (ii) Priority for employment in the Project construction work, if available; (iii) Significantly affected AHs may also participate in livelihood restoration and	Improved livelihoods of vulnerable APs

Impact	Application	Definition of AP	Entitlement	Expected Results
			development activities [refer item E.4 (iv)]	
E.4: Re-establishment of productive assets and livelihood base	Livelihood restoration package (allowance, access to services, training) – suitable development assistance (as per Decree 192)	Severely affected persons (whether relocating or not), losing 10 % or more of productive income generating assets. Households physically relocating to another plot.	<p>(i) All severely affected AHs are subject to a livelihood restoration programme to secure full restoration of livelihood to pre-project level.</p> <p>(ii) The AHs will receive an allowance to secure full restoration of livelihood to pre-project levels in the restoration period up to a maximum of 12 months that is at the minimum equivalent to the urban poverty line (240,000 kip) per person per month.</p> <p>(iii) The allowance shall partly or fully be used by the household to make livelihood investments to upgrade their livelihood in the way best suitable for each severely affected household to restore their livelihood to the pre-project level. These activities may involve trainings for alternative livelihood activities or enhancement of current livelihoods based on the individual preference of the affected household; on-farm activities such as change to more productive crops, aquaculture, upgrade of unused land to productive land, upgrade of productive land to higher yield, inputs to intensify production on the remaining land; off-farm activities such as support to start a business, employment in the construction works or other priority for employment in project-related jobs, occupational skills development, vocational training, or education.</p> <p>(iv) The AHs will be offered participation in financial/money management training.</p>	Livelihood restoration, integrated programs providing support and assistance to relocating and significantly AHs; Support during re-establishment of productive assets at new site, livelihoods restored, if not improved

\*Poverty line: 240,000 kip per month per person in the household

## **IX. BUDGETS AND FINANCIAL PLAN**

### **A. Requirements**

147. The RP includes a budget for implementation, which identifies where the funds will come from and an implementation schedule linked with the design and civil works. Construction civil works in Huay Long Kong Channel sections, will not commence until compensation has been paid to APs. The budget is required to identify the costs of resettlement including: compensation, describing the valuation of land and assets and how replacement value or cost will be achieved; livelihood restoration, where this is required; costs of implementing the plan (including administration charges and contingency); and, monitoring.

148. The budget for resettlement activities has been updated following the detailed design and reassessed following the Contractor's setting out. Through the PRC, the government will release sufficient budget for implementation of compensation, resettlement and livelihood restoration activities in an appropriate and timely manner.

### **B. Update of Compensation Unit Rates**

149. In line with ADB policy and Decree 192, land and assets lost as a result of the project development are compensated at replacement cost. The rates included in the 2012 RP were established on the basis of the published rates of the MPWT and Savannakhet provincial government, verified by replacement cost and market appraisal. Where the market appraisal identified significant differences between official rates and market rates, the 2012 RP proposed the rates to be adopted for approval by the MPWT, as EA.

150. To ensure that the compensation unit rates reflected current market rates and considered any changes to market prices since 2012, the PMU conducted an update of the compensation unit rates in cooperation with PITs in November and December 2016. The rates were developed with reference to the compensation categories of the 2012 RP that were established on the basis of published rates of the MPWT and Savannakhet provincial government, verified by replacement cost and market appraisal. A meeting was convened in the District with participation of 12 representatives of the DOPWT, the PMU, the Planning, Finance, and Agriculture District Offices, DoNRE, the Lao Women Union, the Head of Police, and the Village Administration. With reference to the unit rates of the original RP each participant commented on and defined the present rate with reference to the current market price for the items. Based on the rates identified by the participants, an average rate was established, which was presented in the proposal for unit rates, forwarded to the District Governor for approval.

151. The updated rates were recommended by the PWT to the District Governor for approval on 22 November 2016 and the District Governor signed 15 December 2016.

152. The compensation unit rates used in 15 December 2016 was further updated based on the issuance entitled "Decision by the Provincial Governor on the Determination of Rates for Land and Structures within the 4 districts of Savannakhet" issued in 14 February 2018 by the Provincial Governor of Savannakhet contained in document No. 0385/Savannakhet Governor.

153. Should the actual impact turn out to be more significant than those assessed the affected persons will have the possibility of claiming additional compensation if justified in the Entitlement Matrix. Should the affected person assess the compensation differently and higher than what has been calculated the person will have the possibility of claiming additional compensation if justified in the Entitlement Matrix.

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### **C. Source and Flow of Funds**

154. As part of the counterpart contribution, the Government of Lao PDR (EA) is responsible for providing the budget for the compensation and livelihood restoration.

155. According to the arrangements made during the PPTA and as presented in the 2012 RP, the finalized resettlement budget will be approved by Government of Lao PDR and released to MPWT as the EA who will transfer the funds for compensation and assistance to the project bank account held by the PDPWT/PMU.

156. Following receipt of the compensation funds, the PDPWT/PMU will release the funds for payment of compensation and purchase of in-kind compensation assets. Compensation payments will be in two different forms, namely cash compensation via bank transfer and in-kind compensation as described below.

#### **1. Cash Compensation via Bank Transfer**

157. Based on the final compensation calculation a compensation payment form will be prepared detailing the compensation, its elements and the corresponding amounts, and the total. The compensation form will require the affected household to sign for agreement to the compensation amount

158. When preparing the forms, each affected household will be interviewed and requested to designate a bank account if they have one. If not, one will be set up by the project and the details will be provided on the form. The bank accounts will be opened at a local branch. For married couples, payments will be made in the name of both spouses and with both signing the receipt of compensation.

159. Following the signature by the affected household, the form will be signed by the PMU as designated representative of the EA authorizing the payment and the transfer to the bank account of the affected person.

160. Documentary proof of the transfer will be obtained by the PMU and will be annexed to the compensation form when it is provided to the affected household for signing to verify that transfer is complete and that the full amount has been received.

#### **2. Compensation Payment via In-kind Compensation**

161. In case of in-kind compensation, a similar compensation form will be prepared clearly describing the affected property and the replacement property and annexing relevant documentation such as land title, etc. The compensation form will specify the handover date and the responsibilities of the affected household after the handover date. As for cash compensation via bank transfer, the affected household will be required to sign the compensation form for agreement to the compensation.

162. Following the signature by the affected household, the form will be signed by the PMU as designated representative of the EA authorizing the transfer of ownership to the affected person.

163. Documentary proof of the transfer of ownership will be obtained by the PMU and will be annexed to the compensation form when it is provided to the affected household for signing to verify that transfer is complete and that the full compensation has been received.



#### D. Cost of Mitigating IR Impacts of the HouyLongkongSubproject

164. The cost for compensation of lost assets (land, structures, and trees) and support measures for vulnerable households are presented below, including 10% contingency.

**Table 13 Breakdown of Compensation: HuoayLongkong Channel Subproject**

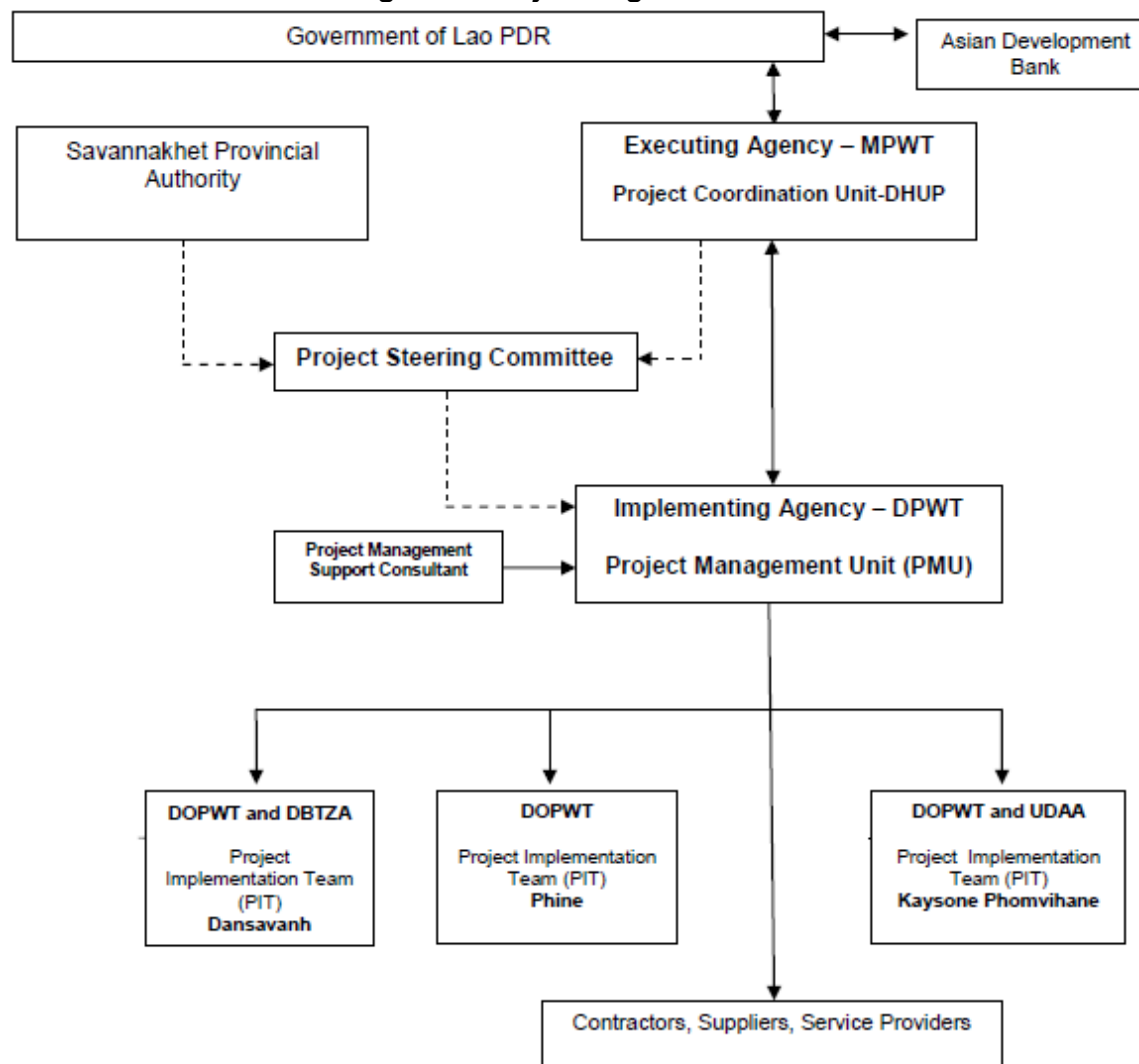
Item No	Item	Unit	AH	No	Rate US\$	Total US\$
<b>1</b>	<b>Land</b>					
1.1	Undeveloped land, linking to Main Road; Phonsavanh Village	m <sup>2</sup>	1	973.306	24.4	23,749
1.2	Undeveloped land, Existing Earth Road; Saphan Tai Village	m <sup>2</sup>	3	424	12.2	5,170
2	Vulnerable/w/ Physical handicapped	AP (in AH)	1	3 months	29	87
	<b>Subtotal</b>					<b>29,006</b>
3	Contingency (10%)					2,901
	<b>TOTAL</b>					<b>31,907</b>

Source: Resettlement Surveys, October 2018

## X. INSTITUTIONAL ARRANGEMENTS

165. The overall structure of the organizational and institutional arrangements for the project is given in the figure below.

**Figure 5: Project Organization Structure**



DBTZA = Dansavanh Border Trade Zone Authority, DHUP = Department of Housing and Urban Planning, DOPWT = District Office of Public Works and Transport, DPWT = (Provincial) Department of Public Works and Transport, LAO PDR = Lao People's Democratic Republic, MPWT = Ministry of Public Works and Transport, UDAA = Urban Development Administration Authority.

Source: Asian Development Bank.

----- Supporting/Strengthening lines

————> Reporting/Coordination lines

### A. Executing Agency: Ministry of Public Works and Transport

166. The MPWT is the EA for the Project. The MPWT is responsible for the planning and construction of public works and transport sector projects. At the central level, within the MPWT, the line departments, including the Department of Housing and Urban Planning (DHUP), play an important role supporting MPWT in terms of studies, planning, and macro management of housing, urban planning, urban development and urban water supplies activities. A project

coordination unit (PCU) will be established within the EA to coordinate project activities at the national level.

167. Following completion of the RPs, the MPWT is required to review and endorse the documents that will be formally approved by the Ministry of Natural Resources and Environment (MONRE) or as delegated to Department of Natural Resources and Environment (DONRE).

## **B. Project Management Unit**

168. The IA for the project is the PDPWT. A project management unit (PMU) will be established within the IA, and is responsible for assessment, implementation and monitoring of environmental and social safeguards. The responsibilities of the IA/PMU are summarized below:

- Overall responsibility for project implementation and coordination of project activities;
- Supervise the activities of the Project Implementation Teams organized within the District Authorities;
- Undertake procurement of goods, works and services including recruitment of consultants for project management support, capacity development and training, independent audit and safeguards monitoring;
- Develop and adapt a project performance management system in monitoring project activities using indicators and parameters in the design and monitoring framework;
- Obtain necessary approvals and clearances of environment and resettlement from MONRE prior to awarding of civil works contracts;
- Manage separate project financial records and accounts, and prepare financial reports; Supervise the implementation of social and environmental safeguards and including timely disclosure of safeguards documents;
- Supervise the implementation of the Consultation and Participation Plan, Gender Action Plan, and Stakeholder Communication Strategy;
- Supervise the implementation of the resettlement plans including adequate measures to mitigate adverse resettlement impacts;
- Ensure that environment management plans and gender considerations are incorporated in the detailed engineering designs and included in the civil works contracts;
- Undertake regular quality control inspection of project facilities;
- Manage the handover of project facilities to agencies responsible for operation and maintenance;
- Prepare and submit quarterly and annual physical and financial progress reports to the EA; and
- Undertake monitoring of compliance of social and environmental safeguards.

169. The PMU will be responsible for overall planning and implementation of environmental and social management (including RP) for the Project, as well facilitating consultation activities, and coordination with local authorities, AHs, NGOs/civil society organizations (CSOs) and other stakeholders. The PMU will monitor and report on the effectiveness of implementation of the EMMPs and RPs and coordinate activities during construction and post-construction aimed at improving the environmental and social performance of the Project.

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170. The PMU will prepare all documentation and reports concerning the environmental and social aspects of the Project including resettlement progress reports to be submitted to ADB and DONRE during the implementation period. The PMU will appoint resettlement specialists to support resettlement activities, including update of each RP.

171. The PMU will implement resettlement activities under the supervision of the PRC and retain qualified and experienced experts to verify the internal monitoring information (refer to Section 12) and the extent to which they have implemented according to the RP, Government policy and regulations and ADB's safeguard policies.

172. The PMU will appoint an experienced staff member to serve as EA/PMU representative on the PRC and to be the first point of contact for the PRC.

173. The PMU will also appoint a Grievance Point Person (GPP) that will receive all complaints and grievances arising in the course of implementation of any EMMP, SMMP or RP, and resolve them as far as it can with the concerned parties. If the complainant is not satisfied, the matter will be resolved through appeal and tracking through the grievance redress procedure.

174. The PMU will be responsible for updating and implementing the RPs, implementing required livelihood restoration activities/measures, as well as monitoring. They will also be responsible for managing the relocation process for those households requiring relocation as a result of any particular subproject. The resettlement specialists will report directly to the PMU and work closely with the Government staff as required, including PRC.

### **C. Project Implementation Team**

175. At the district level, project implementation teams (PIT) will be established to oversee the implementation of the project, including environmental and social safeguards, at the project towns.

176. The responsibilities of the PIT are summarized below:

- Coordinate the implementation of project activities at the district level;
- Ensure the implementation of the approved work plans and program of activities;
- Prepare and submit regular quarterly and annual physical and financial progress reports to the PMU;
- Oversee and coordinate civil works and construction activities;
- Ensure the implementation of social and environmental safeguards and including timely disclosure of safeguards documents;
- Ensure the implementation of the Consultation and Participation Plan, Gender Action Plan, and Stakeholder Communication Strategy;
- Ensure implementation of resettlement plans including adequate measures to mitigate adverse resettlement impacts;
- Coordinate implementation of environmental management plan, and submit regular monitoring reports to the PMU;
- Coordinate the updating of the resettlement plans and monitor implementation of resettlement activities; and

- Undertake monitoring of project activities based on the indicators and parameters in the DMF and prepare regular reports to the PMU on project achievements.

#### **D. Consultancy Support**

177. To assist and support the EA, IA, PMU and PIT, two consultancy packages are engaged for the purposes of implementation supervision and capacity building to ensure the effective implementation of all aspects of the Project including safeguards, land acquisition and resettlement, GAP, and social development planning and implementation. The consultancy packages comprise the Project Management Support and Capacity Development (PMSCD) consultant and the Construction Supervision Consulting Services (CSCS). Both consultancy packages comprise a team of international and national specialists, including resettlement specialists.

178. In respect of social safeguards, the principal tasks of the PMSCD are:

- To carry out formal and on-the job training on social preparation, social impact assessment, ethnic groups development, and gender and development;
- To assist and support PMU and PIT in implementation of all safeguards activities;
- To assist in the needs and demand assessments for mitigation of adverse effects on ethnic minority communities, identification of specific income restoration measures for ethnic minority households affected directly by land acquisition, and to then assist in the design of the most effective programs; and
- To brief and/or assist in the briefing of social organizations to a) increase their awareness of the project, b) increase their awareness of the project's grievance mechanism for resettlement and land acquisition issues so that they would be enabled to provide support to affected households.

179. Capacity building will be provided by the PMSCD consultant's safeguard specialists to PMU, PIT and all other members of the PMSCD consultant.

180. In respect of social safeguards and resettlement the principal tasks of the CSCS are:

- Review and if necessary update the Project's resettlement plan(s) and supervise their implementation during the construction period;
  - Ensure that resettlement activities are consistent with the Resettlement Framework;
  - The specialist shall provide advice on any resettlement issues and assist DPWT and other bodies in the processing and resolution of resettlement claims including Farmers;
  - Coordinating all social issues and ensuring that all subprojects comply with Government and ADB social safeguards and ADB SPS 2009 (ADB's Safeguard Policy Statement). Preparing and updating Resettlement Plans and new resettlement plans and Indigenous People Development Plans in consultation with DPWT;
  - Provide necessary guidance in the classification, and development of all social safeguards documents to DPWT, including the provision of training in the development and implementation of resettlement plans;
  - Co-ordinate valuation by the valuation committees and finalization of compensation packages;
-

- Monitor the work related to dealing with complaints and grievances, and provide updates to the resettlement plan as required to address any recurring problems or complaints;
- Establish procedures and systems for monitoring progress in resettlement implementation and recognizing and addressing any problem areas—the Specialist will also undertake internal monitoring;
- Train Program staff on resettlement-related matters. Conduct internal seminars and training programs to raise the awareness of Program implementation staff on resettlement issues;
- Coordinate and report grievance resolution committee activities;
- Manage aspects relating to communications and disclosure of resettlement aspects under the Project. Report each month to the Project Director regarding the progress of resettlement issues;
- Provide advice on the correct procedures to be followed and prepare a schedule of when actions should be taken relevant to the design and construction program.

## **E. Other Institutions Involved in Resettlement Activities**

### **1. Provincial, District, and Village Resettlement Committees**

181. The planning and implementation of the Project will be undertaken through consultation with, and advice from, provincial and district government agencies, through the establishment of resettlement committees at provincial and district levels. Resettlement committees will also be formed at village level. Consultations with the Provincial Land Department indicated that there is not a standing Provincial Resettlement Committee (PRC) in Savannakhet, but that rather project based PRCs are established. Therefore, a PRC for this project has been formed in May 2015. The PRC simultaneously functions as the District Resettlement Committee (DRC) for Savannakhet District. District Resettlement Committees have been formed for Phine and Sepone (Dansavanh) Districts in May 2015. The PMU is represented on the PRC and respective PITs are represented on the DRCs. Village Resettlement Committees for Savannakhet were established December 2015, while Village Resettlement Committees for Phine and Sepone (Dansavanh) were established in February 2017.

182. As required for the Project, the operational costs of the Resettlement Committees will be supported through counterpart funding.

#### **a. Provincial Resettlement Committee**

183. The PRC is chaired by the Vice-Governor of the Province. Other members include officials from the relevant departments such as Housing and Urban Planning Division, Provincial Lao Front for Consolidation, Lao Women Union (LWU), Provincial Department of Natural Resources and Environment (DONRE) and relevant District Governors, Grievance Point Person of the PMU.

184. The responsibilities of PRC will be as follows:

- Coordination of relevant Provincial Government organizations with PMU to ensure that RPs are properly implemented;

- Ensuring valuation of land and assets (crops, production, market values, etc.) for compensation for APs and resettled people;
- Participate in the determination of the market rate / replacement cost for the kinds of losses incurred and validate that the rates are acceptable to the APs;
- Participation in resolution of, and follow through, of claims or complaints lodged via the established grievance redress procedure. Function as the third step grievance redress organization. For grievances that cannot be resolved at this level, ensure referral to the Central Council.

185. The PRC will meet regularly and operate during the construction of the subprojects and for up to two years after completion of construction activities (to monitor impacts and take action where necessary).

#### **b. District Resettlement Committee**

186. The District Resettlement Committees (DRC) will be chaired by the Deputy District Governor in the respective Districts. DRC members include officials from relevant District Offices, particularly Public Works and Transport Office (PIT), the District Agriculture & Forestry Office, and representatives of the organizations LWU and LFNC.

187. The major responsibilities of the DRC are as follows:

- Organize public participation and publicize resettlement policies;
- Participate in the process of implement, inspect, monitor and record the resettlement activities within its town;
- Participate in the process of compensation payment;
- Report land acquisition compensation and resettlement situation to the PRC and the PMU;
- Coordinate and solve grievances during the resettlement process at District level and refer to the PRC if the issue cannot be solved at the District level. Resolve grievances as the second step grievance redress organization;
- Support the activities of the Village Resettlement Committees (VRCs) if needed.

#### **c. Village Resettlement Committee**

188. The Village Resettlement Committees (VRC) of the affected villages are composed of the Village Chiefs, Deputy Village Chiefs, representatives of Land, Property, and Tax of the Village Administration, and locally based organizations such as LWU and LFNC as well representatives of ethnic minorities if affected.

189. Their responsibilities are as follows:

- Coordinate with PRC and DRC, and PMU/PIT when required, in relation to conducting consultation, surveys and resettlement-related activities;
  - Participate in social, economic and project impact survey;
  - Organize the public consultation and publicize land acquisition compensation policies;
-

- Identify replacement land and conduct allocation of replacement land;
- Participant in compensation payment process;
- Report affected people's opinions and suggestions to the superior authorities at district levels and PIT;
- Report the progress of resettlement;
- Provide assistance to vulnerable people affected by land acquisition;
- Acting as "first step" grievance officers and ensure that grievances are resolved;
- Assisting APs during the negotiation and compensation activities;
- Certifying the list of APs.

#### **F. Ministry of Natural Resources and Environment**

190. The Ministry of Natural Resources and Environment (MONRE) is the central environment management agency, which has the mandate to co-ordinate environmental protection efforts of government ministries as well as provincial authorities. MONRE administers the environmental and social assessment system, in collaboration with relevant line agencies, through review of EA/SA reports and issue of a certificate of clearance for project development. MONRE is also responsible for overall guidance on the matters pertaining to inspection of, and compliance with, management and monitoring aspects of projects approved at the central level. At provincial level, these matters are handled by the Department of Natural Resources and Environment (DONRE).

191. In the IEE Certificate, 4973/MONRE, 30 July 2012, DONRE was delegated responsibility to monitor, minimize, and mitigate impacts of the project and made responsible for regular reports to MONRE.

192. MONRE (or as delegated to DONRE) will be an observer from the Government, to ensure that Lao PDR environmental policies are satisfied within the context of the project. If satisfied with the EA/SAs prepared, MONRE (or as delegated to DONRE) will provide Government clearance of the EMMPs and RPs prepared for each subproject to be developed under the project.



## **XI. IMPLEMENTATION ARRANGEMENTS**

### **A. Resettlement surveys**

193. Resettlement surveys were conducted on the basis of the detailed engineering design with the following objectives:

- To identify affected persons and households
- To identify the affected persons entitled for additional transitional assistance, etc.
- To identify the land and assets affected by the project

194. The resettlement surveys were conducted in Quarter 3 and 4, 2016 by the PIT teams and a re-check was conducted by the PMU/PIT in December 2016 and January 2017. These included Inventory of Losses (IOL) and socio-economic survey. Specific to Houay Long Kong subproject, the socio-economic survey was conducted by PMSCD in August 2018 while the DMS was conducted by CSC in October 2018. Following the Contractor's marking of centerline and limit of construction, the resettlement impacts have been reassessed and finalized.

195. Every household, including its members and the head of household along channel sections were registered in the socio-economic survey. For those affected by the project additional information was collected, including household income, productive assets, etc. for use in the assessment of entitlements.

196. The DMS included registration of assets and used a coding system for each household along the road sections, so each household was given a unique reference. The registration of assets used GPS and measure tape to determine size and location of land and assets, while use of land was identified during the site visit. Where representatives of the households were at home these were involved in the process of registering assets and land.

197. The DMS was conducted in close cooperation with the District Authorities and the Village Authorities.

198. The results of the survey will be presented for consultation (refer Consultation section).

### **B. Compensation Payments**

199. Compensation may be in the form of in-kind compensation, labor, or cash compensation. Land may be compensated in kind through land for land. The project has reviewed the various measures proposed in the 2012 RP and proposed various changes. Mostly, these changes have centered on clarifying and simplifying the compensation measures while maintaining the principles and the objectives.

#### **1. In Kind Compensation**

200. With respect to compensation for land, the project considered various compensation options. Compensation in kind (or land for land) is the preferred method of compensation in the ADB safeguards and in the Technical Guidelines of the Decree 192 where productive land is lost as a result of the project. However, the affected lands are generally unproductive and small in size both in absolute and relative terms. The project settled for cash compensation of land as the preferred option. Information on the amount and basis for cash compensation will be provided in the consultation informing of the Entitlement Matrix.

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## **2. Monetary Payments**

201. The measures for payments proposed in the 2012 RP have been reviewed and experience from other projects has also been drawn upon. Based on a review of experiences from other projects it is noted that cash compensation via bank transfers are largely appreciated by affected persons, including non-literates and especially by women. Other advantages of a bank transfer is the traceability and transparency as well as the possibility of double signature accounts to ensure that compensation payments are made to both spouses. On that basis, the project has opted to go for cash compensation via bank transfers.

202. Cash compensation payments will be made to a bank account registered in the name of the spouses (or head of household in case of single status) and requiring double signature/thumbprint. If the affected household does not have a suitable bank account, the project will facilitate the set-up of a bank account. Information on the requirement for a bank account will be made at the consultation meeting, so that affected persons can themselves prepare. The payment process will be documented through photographs collected during the signing of the agreement and receipt.

## **C. Implementation Plan**

203. The RP will be finalized following consultations with affected persons incorporating comments from APs and other stakeholders as relevant. The RP will be endorsed by the MPWT and will be submitted to ADB for review and approval. A “no objection” for the RP will be received from ADB prior to implementation of the subproject.

204. The IA/PMU will not issue a notice of possession to contractors until Head of the PRC has officially confirmed in writing that (i) payment has been fully disbursed to the APs and rehabilitation measures are in place (or are being put in place) as per the Final RP agreed between PMU and ADB.

205. Following preparation of the draft RP, tasks for the RP are divided into (i) updating and final preparation including RP approval and disclosure; (ii) RP implementation including processing and making payment of compensation and allowances and (iii) evaluation of implementation. Public consultation, internal monitoring and grievance redress will be undertaken intermittently throughout the project duration. The milestones include (i) approval of RP, (ii) signing of contract awards, (iii) letter to proceed for civil works construction; and, (iv) start of physical civil works. A post-implementation evaluation will be carried out after completion of RP implementation by the CSC consultant.

206. The compensations will be paid prior to displacement and commencement of civil works construction.

### Figure 6. Implementation Plan

[illegible]

## **XII. MONITORING AND REPORTING**

### **A. Objectives of Monitoring**

207. Monitoring is the continuous process of assessment of sub-project implementation in relation to agreed schedules and requirements. For social impact and resettlement components, the monitoring has two purposes:

- To verify that resettlement activities have been effectively completed including quantity, quality, and timeliness and complies with the plan; and
- To assess whether APs have been able to restore, or improve, their livelihoods to their pre-project status.

208. Regular monitoring of RP updating and implementation will be conducted by the PMU and PIT in cooperation with the PRC.

### **B. Internal Monitoring**

209. Internal monitoring of the implementation of the RPs will be the responsibility of the PMU and PIT. The main indicators that will be monitored regularly are:

- Public information dissemination and consultation procedures; Priority of APs regarding the options offered;
- Payment of compensation to APs in various categories, according to the compensation policy described in subproject RPs;
- Delivery of technical assistance including relocation and payment of allowances;
- If required, delivery of income restoration and rehabilitation assistance entitlements;
- Adherence to grievance procedures and outstanding issues requiring management's attention; and
- Coordination and completion of resettlement activities and permission to commence civil works in relation to the implementation schedule included in the RPs.

210. An electronic archive of resettlement monitoring information regarding the Project will be maintained and updated every month. A folder structure, description of content, and sample of forms are included in Appendix 7.

211. The internal monitoring reports shall include the following topics:

- The number of APs by category of impact, and the status of compensation payment and relocation/income restoration for each category;
- The amount of funds allocated for operations or for compensation and the amount of funds disbursed for each;
- The eventual outcome of complaints and grievances and any outstanding issues requiring action by management;
- Implementation problems; and
- Revised and actual resettlement implementation schedule.
- Gender specific concerns, issues, and inclusiveness.

212. The monitoring reports will be forwarded by the PMU to MONRE, MPWT, and ADB as part of regular Project reporting.

### **C. External Monitoring**

213. An Independent Monitor will be engaged for the CTD. The independent monitor will evaluate compliance with various safeguard management plans, and therefore will include environmental and social (resettlement) assessment specialists. For resettlement aspects, the general objective of external monitoring is to provide independent periodic review and assessment of achievement of resettlement objectives, the changes in living standards and livelihoods, restoration of the economic and social base of the affected people, the organizational effectiveness, impact and sustainability of entitlements, and the need for further mitigation measures if any.

214. External or independent resettlement monitoring verifies two things; (i) the resettlement activities have been undertaken in accordance with the RPs; and, (ii) that APs have at least been able to restore, if not improve, their livelihoods. In respect of resettlement monitoring, the independent review should start as soon as the RPs have been approved.

215. The types of indicators to be externally monitored include:

- General and overall compliance of resettlement activities with the RPs, including payment of compensation: (a) full payment to be made to all affected persons sufficiently before land acquisition; (b) adequacy of payment to replace affected assets; and (c) provision of income restoration assistance and restoration of livelihoods/productive assets;
- The level of satisfaction of APs with various aspects of the RPs will be monitored and recorded. The operation of the mechanisms for grievance redress, and the speed of grievance redress will be monitored;
- Public consultation and awareness of compensation policy: (a) APs should be fully informed and consulted about land acquisition, leasing and relocation activities; (b) the monitoring team should attend at least one public consultation meeting to monitor public consultation procedures, problems and issues that arise during the meetings, and solutions that are proposed; (c) public awareness of the compensation policy and entitlements will be assessed among the APs; and (d) assessment of awareness of various options available to APs as provided for in the RPs; and
- Throughout the implementation process, the trends of living standards will be observed and surveyed. Any potential problems in the restoration of living standards will be reported.

### **D. Monitoring by Consultants**

216. A CSC will be engaged for the project. The CSC will evaluate compliance with RPs and therefore will include social (resettlement) assessment specialists. For resettlement aspects, the general objective of monitoring is to provide periodic review and assessment of achievement of resettlement objectives, the changes in living standards and livelihoods, restoration of the economic and social base of the affected people, the organizational effectiveness, impact and sustainability of entitlements, and the need for further mitigation measures if any.

217. Resettlement monitoring verifies two things; (i) the resettlement activities have been undertaken in accordance with the RPs; and, (ii) that APs have at least been able to restore, if not improve, their livelihoods. In respect of resettlement monitoring, the review should start as soon as the RPs have been approved.

218. The types of indicators to be monitored include:

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- General and overall compliance of resettlement activities with the RPs, including payment of compensation: (a) full payment to be made to all affected persons sufficiently before land acquisition; (b) adequacy of payment to replace affected assets; and (c) provision of income restoration assistance and restoration of livelihoods/productive assets;
- The level of satisfaction of APs with various aspects of the RPs will be monitored and recorded. The operation of the mechanisms for grievance redress, and the speed of grievance redress will be monitored;
- Public consultation and awareness of compensation policy: (a) APs should be fully informed and consulted about land acquisition, leasing and relocation activities; (b) the monitoring team should attend at least one public consultation meeting to monitor public consultation procedures, problems and issues that arise during the meetings, and solutions that are proposed; (c) public awareness of the compensation policy and entitlements will be assessed among the APs; and (d) assessment of awareness of various options available to APs as provided for in the RPs; and
- Throughout the implementation process, the trends of living standards will be observed and surveyed. Any potential problems in the restoration of living standards will be reported.

219. Suggested indicators are included in the table below.

**Table 14 Indicators for Monitoring**

Aspect	Indicators
RP implementation	<ul style="list-style-type: none"> <li>• General and overall compliance of resettlement activities with the RP, including payment of compensation: (a) full payment to be made to all affected persons sufficiently before land acquisition; (b) adequacy of payment to replace affected assets; and</li> <li>• The level of satisfaction of APs with various aspects of the RP process.</li> </ul>
Consultation, participation, disclosure and grievance redress	<ul style="list-style-type: none"> <li>• Public information dissemination and consultation procedures conform to the process established in the RPs;</li> <li>• Participation of AHs in consultations;</li> <li>• Questions raised by stakeholders and affected persons have been addressed;</li> <li>• The disclosure of the updated and detailed plans to affected people for the cultural and language appropriateness of the disclosure methods, and whether APs know their entitlements and whether they have received all of their entitlements; and</li> <li>• Monitor the effectiveness of the grievance mechanism, types of grievances, if and how resolved, and satisfaction of APs with the process.</li> </ul>
Gender issues	<ul style="list-style-type: none"> <li>• The institutional and staffing mechanisms;</li> <li>• Collection and dis-aggregation of gender sensitive data;</li> <li>• Women's representation and participation in the detailed planning and implementation process;</li> <li>• Gender inclusiveness in programs and training to both men and women, rather than segregating awareness for women and training for men, although the programs implemented may be in gender separated groups;</li> <li>• Delivery of land titles in the names of both husband and wife;</li> <li>• Compensation has been delivered to both spouses; and</li> <li>• The effectiveness of resettlement and livelihoods programs for restoring and developing women's income and living standards.</li> </ul>
Vulnerable groups issues	<ul style="list-style-type: none"> <li>• Assessment of the adequacy of the measures taken to address concerns;</li> <li>• Effectiveness of communication methods used; and</li> <li>• Assessment of the appropriateness and effectiveness of various entitlements,</li> </ul>

	programs and activities and methods of delivery for various vulnerable households and groups, and the need for adjustment or additional measures.
Transparency	<ul style="list-style-type: none"> <li>How information is distributed and to whom, in order to make sure that all APs have the proper information and access to knowledge. Related to this is the functioning of decision-making bodies and how this information is properly recorded and made available to the population as a whole.</li> </ul>

## E. Evaluation

220. Evaluation is an assessment at a given point of time of the impact of resettlement and whether stated objectives have been achieved. An evaluation of the subproject RPs' process and impact should be undertaken 6 to 12 months after completion of all resettlement activities. The project's achievement in delivering full compensation before the commencement of construction will also be evaluated.

221. The resettlement monitoring to ADB during project implementation will follow the semi-annual reporting schedule for the Integrated Safeguard Monitoring Report.

## XIII. APPENDICES

## A. PHOTOGRAPHS OF AFFECTED HOUSEHOLDS

<div>Projectboundary</div> <div>Private boundary</div> 		<div>Projectboundary</div> <div>Private boundary</div> 	
Name of Owner	Mr. SomsanithSadettan	Name of Owner	Mr. BounthouaAlounsipheng
Village	Saphantai	Village	Saphantai
Location	Sta. 0+ 285 – 0+505	Location	Sta. 0+505 – 0+540
Area Affected	180.9 m <sup>2</sup>	Area Affected	233.6 m <sup>2</sup>
Total Land Area	6 ha and 3,136 m <sup>2</sup>	Total Land Area	33,257 m <sup>2</sup>
<div>Private boundary</div> <div>Project boundary</div> 		<div>Private boundary</div> <div>Project boundary</div> 	
Name of Owner	Ms. Phimpha (Widow)	Name of Owner	Ms. Malaythong (Single)
Village	Phonsavanh	Village	Phonsavanh



Location	Sta. 0+576 – 0+603	Location	Sta. 0+ 603 – 0+680
Area Affected	9.3 m <sup>2</sup>	Area Affected	973.306 m <sup>2</sup>
Total Land Area	2,134 m <sup>2</sup>	Total Land Area	4,298 m <sup>2</sup>

## B. MINUTES OF MEETING

### Minutes of Pre-construction consultation for WWM HLK Cannel

Date: 1 August 2018

Time: 80:30-12:00

Venue: Phonsavnh village Meeting Hall

Total Participants 27 Persons

Female: 8 persons

1. Mr. PhommaVongphachith opens the consultation by welcome all participants to the consultation, he briefly explains the purposes of the pre-construction consultation and background of the project. He also emphasizes consultation aim to communicate and disseminates information regarding the project construction, resettlement plan, environment and grievance redress mechanism of the project. He also provides sources of fund and information for participate in the resettlement process.
2. AnouxayPhommalth, environmentalist presents the Grievance Redress Mechanism regarding the concern on construction, environment and safety issue. He briefly explains about environmental issues from the construction project before he provides different options for local people can address their concern in the project areas, detail contact as signpost for HLK Cannel subproject. He also provides complain form, leaflet to all participants, to village authorities for distribute all material to other persons in the project areas.
3. Mr. DalaBoualavong presents the resettlement compensation progress, which he also provides entitlement for affected people. Stage and steps for compensation process in detail and grievance mechanism for affected people. There many options are allowed affected people can access to grievance mechanism.
4. Mr. Chanthapasouth Project Manager as representative from JV contractor present construction background, construction profile for each output, including potential environment impact and mitigation measure. He also provides basic plan for traffic management, insurance for subproject and request for cooperation with local people for safety and smoothly work on construction.
5. **Consultation:**
  - a. Automatic hydraulic gate: we agreed and appreciate to have a hydraulic gate at the bridge for protecting the flood to the HLK catchment areas and we hope, it won't be repeated same mistake in the past as void from villager. Local also emphasizes that after install automatic hydraulic gate, it must have better management system and budget for maintenance and management of the gate.
  - b. Roads along the channel: There are question raise up that what type of roads for both sides of channel? Mr. Chanthapasouth clearly answers that both sides of channel are unpaved road, but it is good condition enough because both roads needed to check the quality by consultant. Villager also commended that road might be too narrow during car drive and meet in opposite direction. Mr. Phomma

also commended that It might design for one-way drive, it would be easier for driving, however, he also emphasizes that road over 3 meters, but car only 1.2 meters wide, so car can go two directions and carefully drive and limited speed. One villager also commended that It would be better, if road construction provides more space for avoiding accident during two cars meet in the opposite directions.

- c. Villager also asked, where are two bridges crossing the channel? Mr. Chanthapasouth, Mr. Phomma mentioned It is not clearly defined, where are the bridges, but when actual construction can be discussed again. Anouxay also commended that villagers can commend where are importance for majority and necessary for local people, because bridges are built for local people. One person recommended, location 1 must be area for crossing among the Thahae and Saphantai village, and another person also commended that another location must be crossed the channel to the Thapthalar market. Mr. Phomma also end up with commend to villagers to go back and consult with villagers and provide information to our project, so during the construction, we can design for the best places.
- d. Resettlement: Villager asked regarding the compensation, and method of payment. Mr. Phomma, project director provides clearly answer to the audients that all affected lands will be compensated based on the unit prices from different sources, and it will be based on land price valuation from PoNRE. He also emphasizes on methodology of payment, it is different from the past, all compensation is directly transferred to affected persons by bank account, no cash system anymore. Cash system might linkage the compensation, which is might have question regarding transparency and accountability in the future. Transfer through bank account system is safe and protected corruption. Mr. Phomma also requests all affected person to cooperate with resettlement team for provide accurate information and participate during the impact areas measurement in the field.
- e. Dust control: Villager raise up the question regarding the dust control during the dry season and it is responded by contractor that water spray will be regularly applied and maintain road condition.
- f. Villager also warns the contractor that works in the camp, they eventual work for JV, but when they stay in the areas of village authorize; they must obey and restrict to rules and law of village authority. Coming and leave must be reported to village authority.

Minute of consultation

AnouxayPhommalth

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## Annex:

## 1. Agenda of the consultation

ເວລາ	ກິດຈະກຳ	ຜູ້ຮັບຜິດຊອບ
8:00-8:10	ກ່າວເປີດພິທີ	PMU
8:10-8:20	ກ່າວຈຸດປະສົງ ແລະ ປະຫວັດຂອງໂຄງການ	PMU
8:20-8:40	ລະບົບການແກ້ໄຂບັນຫາສົ່ງແວດລ້ອມ ແລະ ບັນດາເຄື່ອງມືທີ່ໃຊ້	ຄະນະຄຸ້ມຄອງໂຄງການ/ທີ່ປຶກສາໂຄງການ
8:40-9:00	ການປຶກສາຫາລືຈາກປະຊາຊົນ	ປະຊາຊົນ/ທຸກຄົນ
9:00-9:20	ບາດກ້າວແລະຂັ້ນຕອນການຍົກຍ້າຍສິ່ງກົດຂວາງ	ທີ່ປຶກສາໂຄງການ
14:20-14:40	ການປຶກສາຫາລື	ທຸກໆຄົນ
9:40-10:00	ກາເຟ ແລະ ອາຫານຫວ່າງ	ທຸກຄົນ
10:00-10:30	ແຜນລວມຂອງການກໍ່ສ້າງອ້າງຫວ່າງຍຸດທະສາດ	ບໍລິສັດໄຕຈາງເຊີນ
10:30-10:50	ການປຶກສາຫາລືຈາກປະຊາຊົນ	ປະຊາຊົນ/ທຸກຄົນ
10:50-11:10	.....ກິດຈະກຳການປຸກຈົດສຳນຶກ.....	ບໍລິສັດໄຕຈາງເຊີນ
11:10-11:30	ການປຶກສາຫາລື	ປະຊາຊົນ/ທຸກຄົນ
11:30-11:50	ກ່າວປິດພິທີ	PMU

## 2. Participant list

ຜູ້ເຂົ້າຮ່ວມປະຊຸມ

ເຂົ້າຮ່ວມ ການເປີດແຜ່ນການກໍ່ສ້າງ, ສິ່ງແວດລ້ອມ ແລະ ຄວາມປອດໄພກ່ຽວກັບການປັບປຸງ ແລະ ກໍ່ສ້າງຮ່ອງລະບາຍນໍ້າເປືອນຫ້ວຍລົງກິງ

ສະຖານທີ່ : ບ້ານໂພນສະຫວັນ

ຄັງວັນທີ : 01 ສິງຫາ 2018

ເວລາ : 8:00 ໂມງ

ລ/ດ	ຊື່ ແລະ ນາມສະກຸນ	ໜ້າທີ່ສັບສິດຊອບ	ລາຍເຊັນ	ເບີໂທ
1	ທ. ແສງພະຈັນ ດົນລີພັນ	ນາຍກວດກາ		
2	ທ. ງຽມ: ຍອມ	ພົນ	Shon	0309639888
3	ທ. ເກີດ	ຫົວໜ້າກວດກາ ນາຍກວດກາ		
4	ທ. ສິນ ດອນ	ນາຍກວດກາ		
5	ທ. ອອກທອງ	ນາຍກວດກາ		
6	ທ. ວິໄລ ວິໄລ ວິໄລ	ວິຊາການ ຍາກ ຂ ມຸງ		28072308
7	ທ. ພິມ ວິໄລ ວິໄລ	ທ/ພົນ ທຳນຽມວິໄລ ພິມ ວິໄລ		982348244
8	ທ. ວິໄລ ວິໄລ ວິໄລ	ວິໄລ ວິໄລ ວິໄລ ວິໄລ		55339555
9	ທ. ວິໄລ ວິໄລ ວິໄລ	National Resettlement Specialist		55409886
10	ທ. ວິໄລ ວິໄລ ວິໄລ	ວິໄລ ວິໄລ		32316865
11	ທ. ວິໄລ ວິໄລ ວິໄລ	ທ/ພົນ ວິໄລ ວິໄລ		1205515366
12	ທ. ວິໄລ ວິໄລ ວິໄລ	ວິໄລ ວິໄລ ວິໄລ ວິໄລ		030 55645678
13				

ຜູ້ເຂົ້າຮ່ວມປະຊຸມ

ເຂົ້າຮ່ວມ ການເປີດແຜ່ນການກໍ່ສ້າງ, ສິ່ງແວດລ້ອມ ແລະ ຄວາມປອດໄພກ່ຽວກັບການປັບປຸງ ແລະ ກໍ່ສ້າງຮ່ອງລະບາຍນໍ້າເປືອນຫ້ວຍລົງກິງ

ສະຖານທີ່ : ບ້ານໂພນສະຫວັນ

ຄັງວັນທີ : 01 ສິງຫາ 2018

ເວລາ : 8:00 ໂມງ

ລ/ດ	ຊື່ ແລະ ນາມສະກຸນ	ໜ້າທີ່ສັບສິດຊອບ	ລາຍເຊັນ	ເບີໂທ
1	ທ. ວິໄລ ວິໄລ ວິໄລ	ທ/ພົນ ວິໄລ ວິໄລ		55643570
2	ທ. ວິໄລ ວິໄລ ວິໄລ	ທ/ພົນ ວິໄລ ວິໄລ		553040447
3	ທ. ວິໄລ ວິໄລ ວິໄລ	ທ/ພົນ ວິໄລ ວິໄລ		22664589
4	ທ. ວິໄລ ວິໄລ ວິໄລ	ທ/ພົນ ວິໄລ ວິໄລ		55232393
5	ທ. ວິໄລ ວິໄລ ວິໄລ	ທ/ພົນ ວິໄລ ວິໄລ		55353237
6	ທ. ວິໄລ ວິໄລ ວິໄລ	ທ/ພົນ ວິໄລ ວິໄລ		96719789
7	ທ. ວິໄລ ວິໄລ ວິໄລ	ທ/ພົນ ວິໄລ ວິໄລ		27021109
8	ທ. ວິໄລ ວິໄລ ວິໄລ	ທ/ພົນ ວິໄລ ວິໄລ		55861729
9	ທ. ວິໄລ ວິໄລ ວິໄລ	ທ/ພົນ ວິໄລ ວິໄລ		91313748
10	ທ. ວິໄລ ວິໄລ ວິໄລ	ທ/ພົນ ວິໄລ ວິໄລ		56320733
11	ທ. ວິໄລ ວິໄລ ວິໄລ	ທ/ພົນ ວິໄລ ວິໄລ		030 2851720
12	ທ. ງຽມ: ຍອມ	ພົນ	Shon	0309639888
13	ທ. ວິໄລ ວິໄລ ວິໄລ	ວິໄລ ວິໄລ		96781444
14	ທ. ວິໄລ ວິໄລ ວິໄລ	ວິໄລ ວິໄລ		99543244
15	ທ. ວິໄລ ວິໄລ ວິໄລ	ທ/ພົນ ວິໄລ ວິໄລ		991108

### C. Photos of the consultation







**D. EXCERPTS FROM “Decision of Governor of Savannakhet Province on the determination and assessment of prices of Land and Structures in the 4 districts”**



LAO PEOPLE'S DEMOCRATIC REPUBLIC  
Peace Independence Democracy Unity Prosperity

Savannakhet Province  
Governor

No: 0385/GOV.SV  
Date: 14 FEB 2018

Decision

Of the Governor of Savannakhet Province

- On the determination of land assessment price areas and structure in 4 district, Savannakhet Province
- Based PDR on the law on Local Administration of Lao (Amendment) No: 68/ NAS, dated 14 December 2015, Chapter 3, section 4, Article 20;
  - Based on the Law on the land No. 04/NAS, dated 21 October 2003;
  - Based on the law on legislation No. 19/NAS, dated 12 July 2012;
  - Based on presidential decree No. 003/....., dated 26/12/2012 on the custom and fee (Amendment);

- Based on resolution of provincial assembly meeting of Savannakhet Province No. 10/PAS. SVK, dated 12/01/2018 on the endorsement of provincial Governor for land assessment price areas and structure in 4 district, Savannakhet Province.

Annex 1

- I. The table of determination of land assessment price areas in the districts of Savannakhet Province
  1. The determination of land assessment price areas for KaysonePhomvihane district code “A” there are 22 land assessment price areas (A1+A2)

Code	Name of Village	Type of Road			
		Main Road (Kip/m <sup>2</sup> )	Link to Main Road (Kip/m <sup>2</sup> )	Access Road (Kip/m <sup>2</sup> )	Earth Road (Existing Road) (Kip/m <sup>2</sup> )
A1	Nakae, Nongdeun, Pakbo and Oudomvilay	900,000	500,000	150,000	25,000
A2	Nakae, and PhonsavangNeua	900,000	500,000	180,000	50,000
A3	HouamouangNoua and Houamouang Tai	1,600,000	500,000	250,000	50,000
A4	PhongsavangNeua and Phonsavang Tai	1,200,000	500,000	250,000	50,000
A5	Nongphou, Oudomvilay, Boungva, Dongmakgnang, Dongnady and Thatinghang	-	300,000	150,000	25,000
A6	PhongsavangNeua and Phonsavang Tai, Nongphou and Boungva	-	300,000	200,000	25,000
A7	Sanamxay, Phonsavang Tai, Nonsavath and Nongphou	1,000,000	400,000	200,000	50,000
A8	Houamouang Tai, HouamouangNeua, Phaxay and Phonsavng Tai,	-	1,800,000	500,000	50,000
A9	Phoxay, Viensavanh, Chomkea, Sounanntha, Xaygnaphoum, LattanalangsyNeua,	1,600,000	1,000,000	300,000	200,000



	Lattanalangsy Tai, Xaygnamoungkhoun, ThaHae and Thamouang				
10	Sounantha, Phonsavang Tai, PhonsavangNeua, Lattanalangsy Tai, LattanalangsyNeua, Nalao, latsavongxay, xaygnamongkhoun, Sanamxay	1,800,000	800,000	500,000	200,000
A11	Nalao, Latsavongxay, Vongsavang Tai, Sanammxay and Nonsavath	1,500,000	700,000	500,000	200,000
A12	SaphanNeua, Dongdamdouan, Sonexay, Xaygnamomgkhoun and Nonsavath	1,500,000	600,000	400,000	200,000
A13	Saphan Tai, Phonsavanh, Phonsaath, Sonexay and DongdaDongdamdouan	1,500,000	300,000	200,000	100,000
A14	Sonexay, Dongdamdouan, Phonxay, Naseng and Doneseng	600,000	300,000	200,000	50,000



ສາທາລະນະລັດ ປະຊາທິປະໄຕ ປະຊາຊົນລາວ  
ສັນຕິພາບ ເອກະລາດ ປະຊາທິປະໄຕ ເອກະພາບ ວັດທະນະຖາວອນ

ແຂວງສະຫວັນນະເຂດ  
ເຈົ້າແຂວງ

0385  
ເລກທີ ..... / ຈ.ຂ.ສ.ຂ  
ສະຫວັນນະເຂດ, ວັນທີ 14 FEB 2018

### ຂໍ້ຕົກລົງ

ເຈົ້າແຂວງສະຫວັນນະເຂດ ວ່າດ້ວຍ ການກຳນົດ

ເຂດປະເມີນລາຄາທີ່ດິນ ແລະ ສິ່ງປຸກສ້າງ ໃນ 4 ເມືອງຂອງແຂວງສະຫວັນນະເຂດ

- ອີງຕາມ ກົດໝາຍວ່າດ້ວຍ ການປົກຄອງທ້ອງຖິ່ນ ແຫ່ງ ສປປ ລາວ (ສະບັບປັບປຸງ) ເລກທີ 68/ສພຮ, ລົງວັນທີ 14 ທັນວາ 2015 ພາກທີ 3 ໝວດທີ 4 ມາດຕາ 20 ຂໍ້ 13;
- ອີງຕາມ ກົດໝາຍວ່າດ້ວຍ ທີ່ດິນ ສະບັບເລກທີ 04 / ສພຮ, ລົງວັນທີ 21 ຕຸລາ 2003;
- ອີງຕາມ ກົດໝາຍວ່າດ້ວຍ ການສ້າງນິຕິກຳ ສະບັບເລກທີ 19 / ສພຮ, ລົງວັນທີ 12 ກໍລະກົດ 2012;
- ອີງຕາມ ລັດຖະບັນຍັດ ປະທານປະເທດ ສະບັບເລກທີ 003/ປປທ, ລົງວັນທີ 26/12/2012 ວ່າດ້ວຍ ຄຳ ທຳນຽມ ແລະ ຄຳບໍລິການ (ສະບັບປັບປຸງ);
- ອີງຕາມ ມະຕິຂອງກອງປະຊຸມສະພາປະຊາຊົນແຂວງສະຫວັນນະເຂດ ສະບັບເລກທີ 10 /ສພຂ.ສຂ, ລົງ ວັນທີ 12/01/2018 ວ່າດ້ວຍ ການຮັບຮອງຂໍ້ຕົກລົງ ຂອງທ່ານເຈົ້າແຂວງສະຫວັນນະເຂດ ກ່ຽວກັບການ ກຳນົດເຂດປະເມີນລາຄາທີ່ດິນ ແລະ ສິ່ງປຸກສ້າງ ໃນ 04 ເມືອງ ຂອງແຂວງສະຫວັນນະເຂດ.

ເຈົ້າແຂວງສະຫວັນນະເຂດຕົກລົງ:

#### ໝວດທີ I

#### ບົດບັນຍັດທົ່ວໄປ

##### ມາດຕາ 1 ຈຸດປະສົງ

ຂໍ້ຕົກລົງສະບັບນີ້ ກຳນົດຫຼັກການ, ລະບຽບການ ແລະ ມາດຕະການ ກ່ຽວກັບການປະເມີນມູນຄ່າທີ່ດິນ ແລະ ສິ່ງປຸກສ້າງ ໃນ 4 ເມືອງຄື: ເມືອງໄກສອນ ພິມວິຫານ, ເມືອງອຸທຸມພອນ, ເມືອງຈຳພອນ ແລະ ເມືອງ ສອງຄອນ ຂອງແຂວງສະຫວັນນະເຂດ ແນໃສ່ເພື່ອຄຸ້ມຄອງ, ບໍລິຫານ, ບໍລິການ, ຕິດຕາມກວດກາ ການເຄື່ອນໄຫວວຽກງານຈົດທະບຽນທີ່ດິນ ແລະ ສິ່ງປຸກສ້າງ ໃນການຊື້-ຂາຍ, ມອບ-ໂອນ ປະເພດທີ່ດິນແດ່ ລະເຂດ ທີ່ບຸກຄົນ, ນິຕິບຸກຄົນ ແລະ ການຈັດຕັ້ງທີ່ໄດ້ຮັບສິດຄຸ້ມຄອງ ແລະ ນຳໃຊ້ທີ່ດິນປະເພດຕ່າງໆ ທີ່ ຖືກຕ້ອງຕາມລະບຽບກົດໝາຍ ເພື່ອປະຕິບັດສິດ ແລະ ພັນທະຂອງຕົນຕໍ່ລັດ, ເກັບລາຍຮັບມອບເຂົ້າ ງົບປະມານແຫ່ງລັດຢ່າງຄົບຖ້ວນ, ຫຼີກລ້ຽງການແຈ້ງມູນຄ່າທີ່ດິນ ແລະ ສິ່ງປຸກສ້າງ ຕ່າງກວ່າຄວາມເປັນຈິງ, ປະກອບສ່ວນເຮັດໃຫ້ເສດຖະກິດມີການຂະຫຍາຍຕົວຢ່າງຕໍ່ເນື່ອງ, ປະຊາຊົນບັນດາເຜົ່າຮັ່ງມີຜາສຸກ, ປະເທດ ຊາດມັ່ງຄັ້ງເຂັ້ມແຂງ, ສັງຄົມມີຄວາມສາມັກຄີປອງດອງ, ປະຊາທິປະໄຕ, ບຸດທິທຳ ແລະ ສິວິໄລ.

I. ຕາຕະລາງ ກຳນົດເຂດປະເມີນລາຄາທີ່ດິນບັນດາເມືອງ ແຂວງສະຫວັນນະເຂດ

1. ເຂດປະເມີນລາຄາທີ່ດິນຂອງເມືອງ ໄກສອນພົມວິຫານ ລະຫັດ " A " ມີ 22 ເຂດປະເມີນ ( A1-A22 )

ລະຫັດ	ຊື່ບ້ານ	ປະເພດຖະໜົນ			
		ຖະໜົນຫລັກ (ກີບຕໍ່ຕາແມັດ)	ຖະໜົນເສື່ອມຕໍ່ (ກີບຕໍ່ຕາແມັດ)	ຖະໜົນສາຍແຈກ (ກີບຕໍ່ຕາແມັດ)	ຖະໜົນຕັ້ງເດີມ (ກີບຕໍ່ຕາແມັດ)
A1	ບ້ານບາແກ, ຫອງດິນ, ປາບໍ່ ແລະ ບ້ານອຸດົມວິໄລ.	900.000	500.000	150.000	25.000
A2	ບ້ານບາແກ ແລະ ບ້ານໂພນສະຫວ່າງ ເໜືອ,	900.000	500.000	180.000	50.000
A3	ບ້ານຫົວເມືອງເໜືອ ແລະ ບ້ານຫົວ ເມືອງໃຕ້.	1.600.000	500.000	250.000	50.000
A4	ບ້ານໂພນສະຫວ່າງເໜືອ, ແລະ ບ້ານ ໂພນສະຫວ່າງໃຕ້.	1.200.000	500.000	250.000	50.000
A5	ບ້ານຫອງຜີ, ອຸດົມວິໄລ, ບຶງວະ, ດົງ ໜາກຢາງ, ດົງນາຄຳ ແລະ ບ້ານຫາດອີງ ຮັງ.	-	300.000	150.000	25.000
A6	ບ້ານໂພນສະຫວ່າງເໜືອ, ໂພນສະຫວ່າງ ໃຕ້, ຫອງຜີ ແລະ ບຶງວະ.	-	300.000	200.000	25.000
A7	ບ້ານສະໜາມໄຊ, ໂພນສະຫວ່າງໃຕ້, ໂນນສະຫວາດ ແລະ ບ້ານຫອງຜີ.	1.000.000	400.000	200.000	50.000
A8	ບ້ານຫົວເມືອງໃຕ້, ຫົວເມືອງເໜືອ, ໂພ ໄຊ ແລະ ບ້ານໂພນສະຫວ່າງໃຕ້.	-	1.800.000	500.000	50.000
A9	ບ້ານໂພໄຊ, ວຽງສະຫວັນ, ຈອມແກ້ວ, ສຸນັນທາ, ໄຊຍະພູມ, ລັດຕະນະລັງສີ ເໜືອ, ລັດຕະນະລັງສີໃຕ້, ໄຊຍະມຸງຄຸນ ທ່າແຮ່ ແລະ ບ້ານທ່າເມືອງ.	1.600.000	1.000.000	300.000	200.000
A10	ບ້ານສຸນັນທາ, ໂພນສະຫວ່າງໃຕ້, ໂພນສະຫວ່າງເໜືອ, ລັດຕະນະລັງສີໃຕ້ , ລັດຕະນະລັງສີເໜືອ, ນາເລົ່າ, ລາດ ຊະວົງໄຊ, ໄຊຍະມຸງຄຸນ, ບ້ານສະໜາມ ໄຊ.	1.800.000	800.000	500.000	200.000
A11	ບ້ານນາເລົ່າ, ລາດຊະວົງໄຊ, ໂພນສະ ຫວ່າງໃຕ້, ສະໜາມໄຊ ແລະ ບ້ານໂນນ ສະຫວາດ.	1.500.000	700.000	500.000	200.000
A12	ບ້ານສະພານເໜືອ, ດົງດຳດວນ, ສອນ ໄຊ, ໄຊຍະມຸງຄຸນ ແລະ ບ້ານໂນນ ສະຫວາດ.	1.500.000	600.000	400.000	200.000
A13	ບ້ານສະພານໃຕ້, ໂພນສະຫວັນ, ໂພນ ສະອາດ, ສອນໄຊ ແລະ ບ້ານດົງດຳ ດວນ.	1.500.000	300.000	200.000	100.000
A14	ບ້ານສອນໄຊ, ດົງດຳດວນ, ໂພນຊາຍ, ນາ	600.000	300.000	100.000	50.000

## E. Template of Compensation form

Survey ID \_\_\_\_\_ Name \_\_\_\_\_ Name in Lao \_\_\_\_\_ Type of ID \_\_\_\_\_ ID number & date \_\_\_\_\_

House No/ເລືອນເລກທີ ..... Unit/ໜ່ວຍ: ..... Village/ບ້ານ .....  
 I. Compensation for lost assets and allowances / ການຊົດເຊີຍຄ່າເສຍຫາຍ ແລະ ເງິນອຸດໜູນ:

No.	Descriptions/ລາຍການ	Units ຫົວໜ່ວຍ	Quantities ຈຳນວນ	Rate (USD) ລາຄາ	Total (USD) ລວມໝູນຄ່າປັນໃດໜຶ່ງ
1	Land / ທີ່ດິນ	m <sup>2</sup>	0		0
2	Crops / ຜົນລະປູກ	LS	0		0
3	Trees / ຕົ້ນໄມ້	Tree / ໄມ້	0		0
4	Structures / ສິ່ງປຸກສ້າງ	m <sup>2</sup>	0		0
5.1	Business loss / ທຸລະກິດທີ່ສູນເສຍ	AH / ຄລກທ	0		0
5.2	Relocation assistance / ຊ່ວຍປຸກສ້າງຄືນ	AH / ຄລກທ	0		0
5.3	Transition assistance / ຊ່ວຍໄລຍະປ່ຽນການ	AP/ຜູ້ຖືກກະທົບ	0		0
5.4	Vulnerable AH support / ຊ່ວຍຄອບຄົວທີ່ຖືກກະທົບ ແລະ ຄ່າອາໄສ	AP/ຜູ້ຖືກກະທົບ	0		0
5.5	Restoration support / ຊ່ວຍຄ່າຝັ່ງຕົວ	AP/ຜູ້ຖືກກະທົບ	0		0
<b>Total / ລວມໝູນ</b>					<b>0</b>

### II. Preference of affected household / ຄວາມຕ້ອງການຂອງຜູ້ຖືກກະທົບ

1. Cash compensation / ການຊົດເຊີຍດ້ວຍເງິນສົດ .....
2. In-kind compensation / ການຊົດເຊີຍດ້ວຍວັດຖຸ .....
3. Bank details / ການຊົດເຊີຍດ້ວຍການໂອນເງິນເຂົ້າບັນຊີທະນາຄານ .....

III.a. The undersigned hereby confirms the above offer of compensation and allowances /

ກະລຸນາເຊັນຢູ່ຫ້ອງຮ່າງລຸ່ມນີ້ເພື່ອຢືນຢັນວ່າທ່ານໄດ້ຈ່າຍຄ່າຊົດເຊີຍ ແລະ ເງິນອຸດໜູນແລ້ວ

Project Management Unit / ຫ້ອງການຄຸ້ມຄອງໂຄງການ Date / ວັນທີ: Name / ຊື່: Signature / ລາຍເຊັນ:	District Resettlement Committee /ຄະນະໄກ່ເກຍສົ່ງກິດສວາງສິນເມືອງ: Date / ວັນທີ: Name / ຊື່: Signature / ລາຍເຊັນ:
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III.b. The undersigned head of household and spouse hereby confirm the acceptance of the above offer of compensation and allowances/ກະລຸນາເຊັນທັງຜົວ ແລະ ເມຍຢູ່ຮ່າງລຸ່ມນີ້ເພື່ອຢືນຢັນວ່າທ່ານໄດ້ຮັບຄ່າຊົດເຊີຍ ແລະ ເງິນອຸດໜູນແລ້ວ

Head of HH / ຫົວໜ້າຄົວເຮືອນ ID/Family book / ປຶ້ມສຳມະໄນຄົວເລກທີ: Phone / ຕີໂທ: Date / ວັນທີ: Name / ຊື່: Signature / ລາຍເຊັນ:	Spouse / ຄູ່ສົມລົດ ID/Family book / ປຶ້ມສຳມະໄນຄົວເລກທີ: Phone / ຕີໂທ: Date / ວັນທີ: Name / ຊື່: Signature / ລາຍເຊັນ:
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- Circulation/ການໝູນວຽນເຊັນ: 1. Project Management Unit / ຫ້ອງການຄຸ້ມຄອງໂຄງການ  
 2. District Resettlement Committee / ຄະນະກຳມະການແກ້ໄຂສິ່ງກິດສວາງສິນເມືອງ  
 3. Village Resettlement Committee / ຄະນະກຳມະການແກ້ໄຂສິ່ງກິດສວາງສິນບ້ານ  
 4. Affected Household / ຄົວເຮືອນທີ່ຖືກກະທົບ (ຄລກທ)

23-03-2018 15:54

1\_compensation form\_template\_FINAL

## F. Example IOL form

ເບີຖືກກະທົບ Census ID:	KSR 122-123	(ເບີການສຳຫລວດຜົນກະທົບ Insert ID number)
ຊື່ແລະນາມສະກຸນເຈົ້າຂອງ Name and surname:	ທ້າວ ແກ້ວ + ນາງ ຄຳ Mr Keo + Ms Kham	(ຂຽນຊື່ແລະນາມສະກຸນຂອງເຈົ້າຂອງຊັບສິນ Insert name of owner)
ຊື່ຜູ້ຖືກກະທົບ Respondent in case the owner is not present:	ທ້າວ ແກ້ວ Mr Keo	(ຫາກບໍ່ແມ່ນເຈົ້າຂອງໃຫ້ຂຽນຊື່ຜູ້ຢູ່ຫລືຜູ້ຕໍ່ຊື່ If owner not present, insert name of owner's representative)
ໂຄງການຢ່ອຍ Subproject:	ຖະໜົນໄກສອນ Kaysone Phomvihane Road	
ບ້ານ Village:	ດົງດຳດວນ Dongdamduan village	
ເມືອງ Town:	ໄກສອນພົມວິຫານ Kaysone Phomvihane	
ວັນທີສຳຫລວດ Date of survey:	30-06-2016	(ຕົວຢ່າງ Example of how to insert date 01-05-2016)
ເຮືອນທີ່ຖືກກະທົບ Affected property:	ເຮືອນແລະຮ້ານ House and shop	(ຕົວຢ່າງ: ເຮືອນ/ຮ້ານນ້ອຍ/ຮ້ານຄ້າ/ຊຸດປາງດົດ/ຮ້ານອາຫານ/ອື່ນໆ Example: house/restaurant/shop)
ເບີໂທ Contact no.:	020 2222222	(ເບີໂທ phone number)
ຈຸດພິກັດ GPS coordinates:	GPS 1: N 1834680; E 476144	(GPS point 1)
	GPS 2: N 1834639; E 476130	(GPS point 2)



ຂໍ້ມູນສັງລວມ VALUATION SUMMARY																	
ລະຫັດ Code	ປະເພດສິ່ງກໍ່ສ້າງ Type of affected structure (Choose from list or add)	ປະເພດໄມ້ຖືກກະທົບ Type of affected tree (Choose from list or add)	ປະເພດພັນຍາດ Type of affected crop (Choose from list or add)	ໄມ້ຫລືພັນຍາດ Maturity of tree or crop (<1 yr, 1-5 yr, >5yr)	ຂະໜາດ Size (Number of affected items)	ຫົວໜ່ວຍ Unit (m <sup>2</sup> , ha, m)	ລາຄາປ່ຽນແທນ (ກີບ) Scheduled replacement value (LAK)	ລາຄາທົດແທນ (ກີບ) Assessed value (LAK)	ກະທົບຈັກ (ເດືອນ) Construction duration (months)	ສູນເສຍລາຍ ສິນເສຍ (ກີບ) Business loss of income (LAK)	ສາຍພົວພັນ ສາຍພົວພັນ No. of employees			ສາຍພົວພັນ ສາຍພົວພັນ Lumpsum	ສາຍພົວພັນ ສາຍພົວພັນ Lost wage	ຄ່າຊຸກຍູ້ ປະກອບອາຊີບ Restoration/transition	ລວມມູນຄ່າ ທັງໝົດ (ກີບ) Total claim assessed
A	ເຕີບ roof expansion				20	m <sup>2</sup>	50	1000	1.5								1000
B	ກ້າແຂງ concrete wall				50	m	100	5000									5000
C	ຮົ່ວໄມ້ wooden fence				35	m	28	980									980
D		ຕົ້ນໝາກມ່ວງ mango tree		1-5 yr	4	ຕົ້ນ tree	44	176									176
E		ໄມ້ໃຜ່ bambo		>5 yr	10	ຕົ້ນ tree	120	1200									1200
F			ສາວ corn	<1 yr	0.5	ຮາ ha	75	37.5									37.5
G								0									0
etc.								0									0
Total								8393.5		0			0		0		8393.5

[illegible][illegible]



## H. MAP SHOWING THE LOCATION OF THE AFFECTED LANDS

