

LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY



The Poverty Reduction Fund II

ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK (ESMF)

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LIST OF ACRONYMS

CD	Community Development
CDD	Community Driven Development
CRPF	Compensation and Resettlement Policy Framework
DSPPO	District sub-projects Proposal Outline
DRM	Disaster Risk Management
ECOP	Environmental Code of Practices
EG	Ethnic Group
EGDP	Ethnic Group Development Plan
EGDF	Ethnic Group Development Framework
EGPF	Ethnic Groups Policy Framework
EIA	Environmental Impact Assessment
EMP	Environment Management Plan
ESMF	Environmental and Social Management Framework
EU	Engineering Unit
FRALA	Framework for Resettlement and Acquisition of Land and Assets
FRM	Feedback and Resolution Mechanism
FRC	Feedback and Resolution Committee
IEC	Information, Education, Communication
IEE	Initial Evaluation Examination
ISPPF	Infrastructure Sub-Project Proposal Form
JSDF	Japanese Social Development Fund
KSPPO	Koumban Sub-project Proposal Outline
LA	Land Acquisition
LARAP	Land Acquisition/Resettlement Action Plan
LA/RR	Land Acquisition or Resettlement Report
M&E	Monitoring and Evaluation
MIS	Management Information System
MRC	Mekong River Commission
NTFP	Non Timber Forest Product
OAA _s	Other Aquatic Animals
O&M	Operations and Maintenance
OP	Operational Policy (of the World Bank)
POM	Project Operations Manual
PAP	Person Affected by Project
PDO	Project Development Objective
PMO	Prime Minister Office
PMP	Pest Management Plan
PMT	Project Management Team (PRF central office)
PRF	Poverty Reduction Fund
PRF I	Poverty Reduction Fund Phase I
PRF II	Poverty Reduction Fund Phase II
RAP	Resettlement Action Plan
SESG	Social and Environmental Safeguards Guidelines
SPPF	Sub-project Proposal Form
TSPPF	Training Sub-Project Proposal Form
UXO	Unexploded Ordinances
VNPA	Village Need Priority Assessment
WB	World Bank
WREA	Water Resources and Environment Administration

INTRODUCTION

The implementation of the PRF II (the original project) is progressing well. It improved access to and utilization of basic infrastructure and services for more than 450,000 rural poor in about 850 communities from financing about 1,000 subprojects identified by beneficiaries themselves. About half the direct beneficiaries are women, and ethnic minorities account for about 70% of Project beneficiaries. Utilization and sustainability of the infrastructure and services are seen in the fact that subprojects completed over two years ago are being used and maintained reasonably well, and beneficiary satisfaction levels is high at about 80%. Disbursement currently stands at 91 percent.

Against the positive outcome, the government of Laos (GoL) requested the Bank to provide a bridge financing in the amount of \$11 million¹ in order to avoid a premature closure of local project offices and maintain the PRF's implementation capacity in all ten project provinces. It is projected that, if project implementation proceeds at the current pace, all planned activities will likely be completed in seven of the 10 project provinces in September, 2015, more than one year earlier than the current closing date. Without additional resources, the PRF would be forced to significantly reduce the size of operation or staff in many provinces. Such a premature completion of project activities will result in a significant loss of implementation capacity at the local level, and create a significant capacity gap for the start of the prospective follow-on investments. An additional financing is thus requested so that project activities can continue to be implemented and project implementation capacity is maintained in all ten project provinces, while also contributing to further improving the rural poor's access to and utilization of priority infrastructure and services in villages that the PRF had not provided financing.

The AF would remain as Environmental Category "B", and the four policies triggered for the original project would continue to be triggered: *Environmental Assessment (OP 4.01)*; *Pest Management (OP 4.09)*; *Indigenous Peoples (OP 4.10)*; and *Involuntary Resettlement (OP 4.12)*. Additionally, under the AF, there are 3 new policies triggered – *Natural Habitats (OP 4.04)*, *Safety of Dams (OP 4.37)* and the *International Waterways (OP 7.50)* since the AF would finance subprojects in villages located in protected zones and investments maybe to build or rehabilitate small-scale rural gravity-fed water supply systems or small-scale rural irrigation systems on tributaries of the Mekong river, which is considered an international waterway. It is highly unlikely that the AF activities create major, significant or irreversible adverse impacts that cannot be managed by communities themselves given the very small size of subprojects – on average, \$43,000. However, some minor land acquisition and/or minor asset loss may occur since sub-projects are designed during implementation on a demand driven basis. Similarly, ethnic groups will continue to be the majority of project beneficiaries who will participate in the design, implementation and monitoring of subproject implementation based on participatory processes. However, care has to be exercised to ensure that free, prior informed consultations are carried out with ethnic minorities and their broad community support is established, given their precarious socioeconomic as well as political situation.

To be in line with the triggered safeguard policies four existing safeguard instruments prepared initially for the original project as a standalone documents² remain applicable for the AF as well:

- the Compensation and Resettlement Policy Framework (CRPF),
- the Ethnic Group Policy Framework (EGPF),
- the Environmental and Social Management Framework (ESMF), and

¹ It is expected that the Swiss Agency for Development and Cooperation (SDC) may also provide a parallel financing in the amount of \$4 million.

² For the original project, these safeguards documents have been disclosed (both in English and Lao) at the World Bank InfoShop as well as at PRF offices in Vientiane, provinces, districts, and villages and at the World Bank office in Vientiane before project appraisal.

³ Funds will be provided only for capacity building activities linked to sanitation; civil works will be ineligible

- the Pest Management Plan (PMP)

All safeguard instruments developed for the original project were updated for the AF, taking into account the experience of the original project and in order to better align with the scope of activities to be carried out under the AF. They aim to provide the national, provincial and district government, the PRF team, consultants, village officials, private and public sector agencies and beneficiary community members with adequate guidance for effectively managing environmental and social issues in line with the Bank safeguard policies. The process will be implemented as part of the PRF project cycle and the activities will be fully integrated into the subproject selection, approval, implementation, and monitoring and evaluation process.

SECTION I: PROJECT DESCRIPTION

The AF would continue to finance, in the main, participatory processes and the improvement of small scale rural infrastructure identified under the participatory processes. The AF would also finance livelihood and nutrition activities which were included in the scope of the original project and implemented by the PRF, but which had been financed by a Japan Social Development Fund (JSDF) rather than through the IDA Grant. The existing safeguard instruments of the original project include measures to minimize and mitigate potential negative impacts of livelihood and nutrition activities support under the JSDF funding. The AF would also finance demand creation for improved sanitation in partnership with the Water and Sanitation Program (SWP) on a pilot basis³ in 40 selected villages of three provinces.

Specifically, the AF would finance the following activities.

Component 1 – Community Development Grants

- *Planning for community and local development* The koumban planning process would continue to be carried out during the AF period based on a bottom-up processes, starting with the village level participatory meetings. The village development plans thus developed would be integrated at the koumban level through an inclusive process led by elected village representatives. Keeping in mind the objective of the PRF is to empower communities, due attention will be paid to further strengthening villagers' participation in sub-project planning, implementation and monitoring. Efforts will continue to be made under the AF to enhance the participation of ethnic minorities and women, especially those who live outside village main settlements, in the project planning and implementation processes and to ensure they receive project benefits.

Community sub-projects: The AF would also continue to finance sub-projects identified by communities by themselves based on participatory processes. PRF district staff, district local government and sector officials would provide technical validation of proposals. It is expected that the AF would finance about 210 additional sub-projects in seven existing project provinces. The final decision for sub-project financing would be made in a transparent manner by the PRF koumban committee (which consists of representatives of villages that constitute respective koubans) based on criteria specified in the updated Project Operations Manual (POM). Sub-projects would continue to be required to meet appropriate technical standards of relevant sector ministries, which are outlined in the Quality Management System (QMS) recently updated and applied under the original project and will remain applicable under the AF. The QMS was reviewed by the Bank safeguard specialists and found to be in line with the project safeguard instruments. Activities to be financed under the grants would be open except for items specifically excluded through the project's non eligibility list⁴. The sub-grant

³ Funds will be provided only for capacity building activities linked to sanitation; civil works will be ineligible

⁴ The non eligibility list is provided in the Annex 1.

ceiling⁵ of 60,000USD will continue to be used under the AF. Care will continue to be exercised to strengthen the disaster resilience of PRF investments. On-site inspection will continue to be conducted for selected sub-projects under the AF to assess their disaster resilience, and guidance be developed to make PRF investments more resilient against disasters.

- Pilot partnership with Water Sanitation Program (WSP): The AF would pilot a partnership with the National Center for Environmental Health (Nam Saat) under the Ministry of Health (MoH) and support their Open Defecation Free (ODF) campaign in 40 selected PRF beneficiary villages. The Nam Saat has been implementing its sanitation program using Community-Led Total Sanitation (CLTS) approach, and the Bank has been providing Technical Assistance⁶. Under the existing ODF campaign, Nam Saat district staff sensitize villagers of the benefits of avoiding open defecation, and encourage them to build simple pit latrines on their own, which cost around \$30 per latrine. No external funding is involved in the construction of latrines - they are built by the villagers' own resources. The AF would finance the training and travel cost of community facilitators at the koumban level ("koumban facilitators") and Village Implementation Team (VIT) so they regularly engage with villagers, induce their behavioral changes and help beneficiary villages build simple dry pit latrines and achieve ODF status. Nam Saat recently developed an Environmental Code of Practice (ECOP) to provide guidance to villagers to build latrines in an environmentally sustainable manner, which the Bank safeguard specialists reviewed and found that are in line with the Bank's OP 4.01. This revised ESMF includes the ECOP (See Annex 4 – Simple Mitigation Measures for Small-Scale Sub-Projects) in line with which the construction and management of latrines would be carried out in an environmentally sustainable manner. While works for such latrines are not funded by the AF, the travel cost and per diem to support the ODF program in 40 villages (which would amount to about \$50,000) will be provided by the AF.

Component 2: Local & Community Development Capacity-Building

- Village & Koumban level: This component will continue to support the PRF objective of empowering communities by training them in assessing their own needs, discussing these with local authorities, implementing and supervising the construction of small public infrastructure investments, procurement, financial management, operations and maintenance (O&M), and lastly monitoring outputs and outcomes at the community and koumban levels.
- District & Provincial level: The component would continue to finance investments to strengthen the capacity of district and provincial officials to support pro-poor local and community development processes, including financing of training on community and local development planning, financial management, and procurement.
- Central level: The component would also continue to finance strengthening of the Leading Committee to support national poverty targeting efforts, and to strengthen coordination of PRF investments with those of various sector ministries and other entities supporting rural development in target koubans.

Component 3: Livelihood and Nutrition Pilot

The AF would finance activities to enhance livelihood and nutrition status of selected PRF beneficiary villages that had been implemented by the PRF under the Livelihood Opportunity and Nutrition Gain (LONG) pilot, financed by the Japan Social Development Fund (JSDF)⁷. The AF would provide small

⁵ A sub-grant is typically awarded to individual villages, but may be awarded to a group of villages within a koumban.

⁶ Such TA programs have been provided as the Bank Executed Trust Fund (BETF).

⁷ The LONG has been part of the original project and the safeguard documents developed for the original project included measures to address potential negative impacts due to LONG.

grants (<\$100 per grant) as well as technical guidance to Self-Help Groups (SHG) and “Village Nutrition Centers” (VNC) in eight districts including four which will be newly supported under the AF, in order to help beneficiaries start livestock production and home gardens, and provide special meals and nutritional education to malnourished infants and pregnant/ lactating mothers. The total number of villages expected to be supported under the AF would be about 100. Livelihood grants are typically used for the production of small livestock (poultry, catfish, etc) the majority of which are consumed by beneficiary community members themselves including VNC members but some of which are also sold to external markets. The Pest Management Policy will continue to be triggered for this activity under the AF as it was under the original project.

Component 4: Project Management and Implementation Support

- This component would continue to finance the costs of implementing, monitoring, evaluating and reporting. It would include salaries and fees of national, provincial and district PRF staff; associated equipment and operating costs; Management Information System (MIS), key studies and evaluations, accounting, procurement assessments, legal services, auditing, and other specialized areas. Critical technical assistance and implementation support would also be financed under this component.

SECTION II: POLICY AND REGULATIONS

World Bank’s safeguard policy on environmental assessment (OP 4.01)

OP 4.01 (environmental assessment) for Category “B” project requires a submission of an environmental management plan (EMP) designed to mitigate potential negative impacts of the project. Review of the safeguard issues and implementation experience from the original project suggests that the required mitigation measures described in the ESMF appears adequate, however, more detailed clarification should be made to facilitate simple application at local level and this is discussed in more details below.

World Bank’s safeguard policy on Natural Habitats (OP 4.04)

It is expected that some of the communities who benefit from the AF live inside national protected areas. Minor disturbance and site specific impact may occur during the implementation and operation of subprojects, however, the impact is expected to be minor and site specific and it can be mitigated through the application of ECoP included in this ESMF. The ESMF includes screening procedure to (i) determine whether the proposed facilities are in a critical or non-critical natural habitat and (ii) avoid any significant conversion or degradation of any critical natural habitat.

World Bank’s safeguard policy on Pest Management (OP 4.09)

The AF will not promote the use or finance procurement of pesticides. The AF would continue to promote organic farming under the livelihood activities. However, livelihood activities and rehabilitation or construction of gravity based irrigation system might lead to the future use of pesticides or present pest management practices. The use of pesticide is expected at a very small scale and can be mitigated through the implementation of PMP (included in this ESMF). The potential use of pesticide will be assessed during each subproject screening. The simple PMP includes criteria to ensure that the pesticides used have negligible or minimal impact on environment and are listed as allowed to be used in country in line with the World Health Organization.

World Bank’s safeguard policy on Safety of Dams (OP 4.37)

The WB policy on Safety of Dams is triggered for the AF since it will finance the construction of small weirs that will regulate the flow of small creeks. The weirs to be built will likely be classified as

“small dams” as defined in the policy, for which generic dam safety measures designed by qualified engineers will need to be followed during works. The ESMF describes the procedures to be followed by PRF in order to address the safety of weirs in line with OP 4.37 provisions.

World Bank’s safeguard policy on Involuntary Resettlement (OP 4.12)

The WB's *Operational Policy 4.12: Involuntary Resettlement* is triggered for this project. The policy describe objectives and guidelines to be followed in situations involving involuntary taking of land and restrictions of access to legally designated parks and protected areas as a result of land and forest use planning and demarcation and when indigenous peoples or ethnic minorities are involved. The OP 4.12 aims to avoid involuntary resettlement to the extent feasible, or to minimize and mitigate its adverse social and economic impacts. It promotes participation of displaced people in resettlement planning and implementation, and its key economic objective is to assist displaced persons in their efforts to improve or at least restore their incomes and standards of living after displacement. The policy describes compensation and other resettlement measures to achieve its objectives and requires that borrowers prepare adequate resettlement planning instruments prior to Bank appraisal of proposed projects.

For land acquisition and restriction of access to resources, the policies require close consultation of the affected population and appropriate mitigation of the potential negative impacts given special attention to ethnic, gender, and other vulnerable group issues. The policies also specify the need for monitoring and evaluation and ensuring adequate budget and capacity of the agencies.

World Bank’s safeguard policy on Indigenous People (OP 4.10)

The WB’s Operational Policy 4.10 (Indigenous Peoples) requires that special planning measures be established to protect the interests of ethnic groups with a social and cultural identity distinct from the dominant society that may make them vulnerable to being disadvantaged in the development process. The Policy defines that ethnic groups can be identified in particular geographical areas by the presence in varying degrees of the following characteristics:

- a close attachment to ancestral territories and to the natural resources in these areas;
- self-identification and identification by others as members of a distinct cultural group;
- an indigenous language, often different from the national language; and
- presence of customary social and political institutions.

As a prerequisite for a project approval, OP 4.10 requires the borrower to conduct free, prior and informed consultations with potentially affected ethnic groups and to establish a broad-based community support for project objectives and activities. It is important to note that the OP 4.10 refers to social groups and communities, and not to individuals. The primary objectives of OP 4.10 are:

- to ensure that such groups are afforded meaningful opportunities to participate in planning that affects them;
- to ensure that opportunities to provide such groups with culturally appropriate benefits are considered; and
- to ensure that any project impacts that adversely affect them are avoided or otherwise minimized and mitigated.

World Bank’s safeguard policy on Projects on International Waterways (OP 7.50)

The AF would finance small-scale rural gravity fed water supply systems or small-scale rural gravity fed irrigation systems which take water from run-of-rivers which flow into the Mekong, an international water. The Bank’s Safeguards Policy on the International Waterways (OP.7.50) is thus triggered. In order to implement the policy requirements, PRF has requested the WB to notify the

riparian countries (China, Myanmar, and the Mekong River Commission) about the project on their behalf as required by OP/BP 7.50.

Government regulation on EIA

Key government regulations related to environmental assessment is the environmental impacts assessment (EIA) decree number 112, Pursuant to law on government of the Lao People's Democratic Republic, Ref., No. 02/NA, dated 06/05/2003, the Environmental Protection Law, Ref., No. 02/99/NA, dated 03/04/1999, and based on Request from Minister to Prime Minister's Office, President of the Water Resources and Environment Administration (WREA), Ref., No. 2843/PMO.WREA, dated 21/12/2009. The main objective of the decree is "to lay down principles and rules, and adopt measures on establishment, functions, management and monitoring (of the concerned agencies) in environmental impact assessment and ensures that all investment projects of the State and of both domestic and foreign private individuals foreign operating in Lao PDR which create or may create adverse environment and social impact, are designed with the right and appropriate environmental and social impact prevention and mitigation measures to effectively prevent, minimize and mitigate adverse environmental and social impacts derived from investment projects" (*annex 6*).

The decree 112 defines two different groups of projects based on the size of the investment/environmental and social impact:

- Group 1 refers to the small investment projects or small environmental and social impact which are subjected to an initial environmental examination.
- Group 2 that refers to the size investment projects or with significant environmental and social impact and are subject to an environmental impact assessment.

Provision has been provided to ensure that adequate actions can be carried out if an Initial Evaluation Examination (IEE) is required. A sub-project that requires a full Environmental Impact Assessment (EIA) by the Government EIA regulation will not be funded and this measure is included in the "non eligibility list" (*Annex 1*).

Government's Policy, Regulations, and Guidelines on land acquisition and resettlement

In Lao PDR, compensation principles and policy framework for land acquisition and resettlement are governed by several laws, decrees and regulations as follows: (a) The Constitution (1991), (b) the Land Law (2003)⁸, (c) Road Law (1999). (d) Decree of the Prime Minister on Compensation and Resettlement of People Affected by Development Project (No.192/PM, dated 7 July 2005), and (e) Regulations for Implementing Decree of the Prime Minister on Compensation and Resettlement of People Affected by Development Project (No.2432/STE, dated 11 November 2005) (CAR Decree). Technical Guidelines of the CAR Decree has been finalized recently and training is being provided to key agencies and provinces. New Instruction on Environmental Impact Assessment (ESIA) and new Instruction on Initial Environmental Examination in December 2013⁹ will provide a comprehensive legal basis for development projects to conduct social assessment and plan/implement mitigation measures as needed. The Public Involvement Guideline approved by the Minister, of the new ministry of Natural Resource and Environment (MONRE) in 2012 also provides legal basis for people affected by development projects and concerned stakeholders to participate in project development and monitoring.

The MONRE through its Department of Environmental and Social Impact Assessment (DESIA) is responsible for ensuring effective implementation of the CAR Decree and ESIA and IEE Instructions in close consultation with other line agencies and the provinces.

⁸ The Land Law 04/NA of 21 October 2003 supersedes the earlier Law 01/NA 12 April 1997.

⁹ These two ministerial instructions supersede the earlier EIA Decree, 2010

Government's Policy and Regulations on ethnic groups

Constitution of Lao PDR, ratified in 1991, uses the term “citizens of all ethnicity” throughout the document. It specifically recognizes the need to incorporate the concerns of ethnic groups in developing policy and programs in all sectors, and has reaffirmed its commitment to strengthen the rights of all ethnic groups in various congresses, conferences, decrees, and laws since the 1980s (Articles 8 and 22). Article 75 of the Constitution specifically indicates that “the Lao language and script are the official language and script.

The 1992 Ethnic Minority Policy of the Lao PDR¹⁰ towards ethnic minorities identifies three essential tasks: (i) strengthening political foundations, (ii) increased production and opening of channels of distribution in order to convert subsistence-based economics towards market-based economics, and (iii) a focus on the expansion of education, health and other social benefits. Of direct relevance to this Project this 1992 Policy states that the Lao PDR must discourage ethnic minorities from continuing their practices associated with shifting cultivation through arranging for permanent livelihoods for such groups so that the benefits of other forms of agriculture outweigh those associated with shifting cultivation. Basically the Lao PDR considers that many of its upland minorities (and this especially includes the Khmou and Hmong) observe “backward traditions that are reflected in their production lifestyle”. In practice the Lao PDR realizes that it is quite impractical to change all these “backward” practices it attributes to ethnic minority groups because of limited arable area for Lowland agriculture and even many Lowland Lao are involved in some forms of upland agriculture.

A new national guideline on consultation with ethnic groups launched by the LFNC in 2013 in line with the National Guideline on Public Involvement, 2012. It aims to ensure that all ethnic groups who benefit from or are adversely affected by a development project, without regard to the source of funding, are fully engaged in a meaningful consultation process at all stages from preparation into implementation. The guideline also aims to ensure that the potentially affected ethnic groups are better informed of project objectives, as well as their potential positive and adverse impacts on their livelihood and their environment, and provided with opportunities to articulate their concerns. The guidelines provides principles and process to carry out meaningful consultations with, and obtain free, prior and informed consent of, all ethnic groups affected by developments projects in a culturally sensitive manner. The guidelines consists of a) objectives and scope of the guidelines, b) consultation processes with ethnic groups at respective stages of development projects c) consultation approaches and methods for different ethnic groups in a cultural sensitive manner, d) expected outcomes of consultation at each stage, and e) implementation arrangement and responsibility. Key principles and procedures for consultation with ethnic groups in this guideline are adopted into the PRFII AF's safeguard instruments (ESMF, CDRF and EGPF). The copies of guidelines in Lao language will be provided to all PRF district offices and the staff received training on the guidelines.

Project Implementation Management

The Poverty Reduction Fund (PRF) is overall responsible for the implementation of the AF and environmental and social safeguard compliance. Specifically, the Technical Assistance (TA) department with staff from the central down to the district level is directly responsible for the implementation of this ESMF. In each district the TA department has one staff who carries out survey and design, identify environmental and social impacts and develop mitigation measures for about 8 subprojects annually. The district TA department is also responsible to ensure that an appropriate ECOP is attached to the civil works contract and supervise the contractors for compliance. The District TA is also responsible for the implementation of the Compensation and Resettlement Policy Framework (CRPF) in close collaboration with the Community Development (CD) department, and

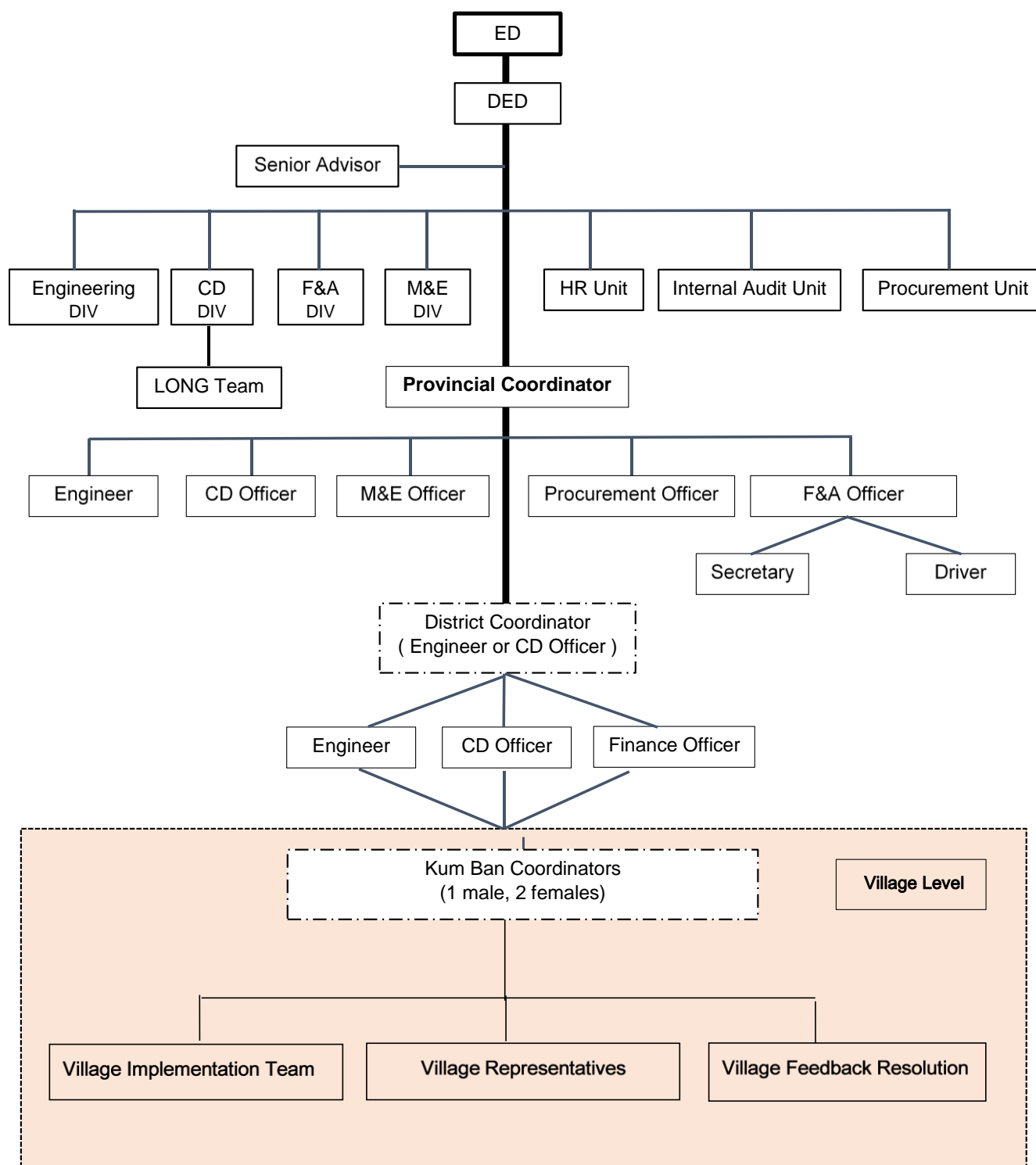
¹⁰ Known under its full title as Resolution of the Party Central Organization Concerning Ethnic Minority Affairs in the New Era.

collectively identify and mitigate land/ asset loss as a result of subproject implementation. The CD department has staff from the central down to the district level and is responsible for managing participatory processes including consultation with and participation of ethnic groups in the project planning and implementation processes. The CD is thus responsible for the implementation of the Ethnic Group Development Framework (EGDF). In case negative impacts are likely to occur, the CD team would collaborate with the TA team and seek to avoid, minimize and mitigate such negative impacts.

At the village level, the Village Implementation Team (VIT) is responsible for overall safeguard compliance on behalf of the beneficiary communities. The VIT consists of village leaders elected by villagers themselves and village representatives of LFNC and LWU. Decisions with regard to the use of project resources is made at the community-wide meetings. Efforts have been made during the implementation of the original project to increase the participation of ethnic minorities who may not live in the main village settlements in decision making processes by holding separate meetings with them before the village wide meeting is held and a community wide decision is made. The PRF TA and CD staff participate in a community wide meeting where subproject designs, expected environmental and social impacts and mitigation measures including voluntary donations are presented for feedback from community members. Prior to the community wide meeting, PRF TA and CD staff will meet affected households individually and confirm their will to donate assets. Affected ethnic people are encouraged to report to LFNC and LWU village representatives. The PRF CD will keep a close contact with the LFNC village representatives through the VIT of which they are members.

At the koumban level, which is the cluster of villages, koumban Facilitators help facilitate community meetings and mediate between District PRF staff and communities. Their responsibility includes confirmation that voluntary donation processes are completed prior to the commencement of the civil works. They are empowered to report to the district PRF to delay the commencement of civil works if voluntary donation process is not completed as per CRPF.

PRF organizational structure



SECTION III: EXPECTED IMPACTS AND IMPLEMENTATION EXPERIENCES OF THE ORIGINAL PROJECT

General Project Impacts

Monitoring and evaluation conducted during the original project indicated that no major adverse environmental and social impacts were observed. PRF funded sub-projects are predominantly community small-scale infrastructure development (including schools, markets, dispensaries, over-flow bridges, access roads, water supply, water storage facilities and irrigation systems/ weirs), livelihoods projects (including fish and poultry raising, household and community gardens etc) and TA to water sanitation projects (capacity building, no civil works involved). Some issues raised in project implementation are common for all sub-projects:

UXO:

Preliminary screening will also be needed to assess the presence of Unexploded Ordinances (UXOs) and the danger they may impose on local sub-project activities. As many districts throughout the Lao PDR are adversely affected by the presence of UXOs clearance may be required as a preliminary stage of sub-project activities.

The PRF will continue to seek advice from UXO Lao and local communities and authorities during the sub-projects' technical feasibility study in order to determine the levels of contamination of the sub-project sites (No contamination, moderate and high). In the areas with no contamination, sub-project activities and construction can proceed without having to undertake any UXO screening activities. The screening process also incorporated this aspect. Prior to the design of a sub-project in a new village where the PRF has never worked before, the PRF normally contacts UXO Lao for data. The UXO Lao has maps of the bombing routes used during the hostilities which help identify the high risk areas in advance as a screening tool.

Ethnic Groups, gender and disadvantaged groups:

The original project has been designed to benefit all ethnic groups and the planning process has been designed to promote inclusion of all ethnic groups. However, the recent technical assessment and observation during field visits suggested that there are additional opportunities to ensure that ethnic peoples, including women and disadvantaged peoples, better understand the PRF process and receive greater benefits than they do now.

Under the AF, more efforts will be made to ensure that PMT staff at central and local levels have a clear understanding on various aspects of ethnic issues, especially those related to the positive and negative impacts of the sub-projects, including the needs to address the gender and disadvantages issues. An Ethnic Groups Policy Framework (EGPF) was updated to provide measures to improve consultation with and participation of ethnic groups in project planning and implementation processes.

Land Acquisition:

No physical relocation or large-scale land acquisition occurred under the original project, but the construction of community infrastructure may need a limited size of land. Voluntary land donation has been applied as a normal process for the original project, and will continue to be applied under the AF. The Compensation and Resettlement Policy Framework (CRPF) was updated to clarify principles and procedures under which impact on private assets is addressed as voluntary donations. Where criteria of voluntary donations are not met, an abbreviated

Land Acquisition Plan will be developed according to the provisions of the CRPF. Resources access restriction will be allowed only if it is an agreement among the local community and will not resulting in adverse impacts on the livelihoods of ethnic groups and disadvantage peoples. Resettlement and demolition of houses and business will not be allowed and this has been included in the “non eligibility list”.

Promotion of natural resources conservation and quality of life:

The original project was designed to promote conservation of natural resources when possible. Most of PRF sub-projects are located in remote area and sustainable use of natural resources will be critical for livelihood development and poverty reduction. If protected areas or critical natural habitats are located nearby, it is necessary to also take measures to minimize potential negative impacts and/or enhance positive impacts through the community-driven process. In this context, a “preference list” has been established as criteria for the subproject selection to promote the activities that could render positive impacts on natural resources and nearby habitats and/or protected areas. During the planning process, action will be carried out by the PRF staff at the local level, assisted by the PMT to identify the target villages and/or Koumban that could promote natural resources conservation and/or public health (“Green and Clean CDD”) through capacity building and training activities. Formal and informal education activities could increase awareness on money saving, HIV/Aids, impacts on drugs, sanitation, public health, natural resources conservation, protection of watershed, raising animal in a hygienic ways, and organic wastes from the market, etc. Specifically the following practices have been included in the “preference list” and “non eligibility list” (Annex 1):

- “*Preference list*”: promote conservation of fish habitats; promote reforestation, re-vegetation, and conservation of water sources; and increase awareness and ownership of local community to protect and management their forest areas, wetlands, wildlife, and biodiversity.
- “*Non eligibility list*”: unsustainable harvesting of non-timber forest products (NTFP) and/or aquatic life, and those related to involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods.

Specific Project Impacts

The small-scale construction predominantly is undertaken by contractors with local communities supplying labor in some cases. Given that civil works undertaken by the project tend to be small-scale there is limited potential for significant adverse localized environmental impacts. Below summarizes the main safeguard issues and the mitigation measures carried out during the implementation of the original project.

Any investment activity/sub-project that involves civil works or changes to land or water use has the potential to generate negative environmental impacts. Given that size and location of the civil works are important, a set of criteria has been established and applied under the original project, which will continue to be applied under the AF, with additional clarifications on the screening process and specific actions for each type of civil works.

Minor environmental impacts were observed within the completion of activities financed by the original project but none that would be described as significant. For example, there were impacts from tree cutting in school areas (without tree replantation) and from use of inadequate watershed protection plan (in some cases with water supply system instillation and

irrigation systems with no or inadequate operation and maintenance plans for irrigation projects).

Under the AF, the Environment Code of Practice (ECOP) will be integrated and mainstreamed into construction works and, when appropriate, included in operation and maintenance manuals and procedures within village agreements. When tree cutting is unavoidable, new trees of similar species should be planted in an appropriate location to compensate this loss. The reporting systems on performance standards will be improved and supported with training and refresher training provision to PRF teams. The lack of monitoring mechanisms has been addressed with a new control document that requires systematic reporting of issues. Training will be provided on the new process and its use as well as strengthen knowledge on environment issues overall.

A screening process was carried out to record potential impacts that would allow minimization and mitigation to be incorporated prior to works being undertaken. This monitoring tool has been updated and improved when the original project was prepared with a new control document that should ensure monitoring and evaluation continues throughout the construction period and not just at the outset. This will allow unforeseen issues to be reports along with the mitigation used to minimize impacts. Training will be provide to PRF teams on its use and implementation.

Livelihoods

Pest Management:

Implementation of sub-projects related to irrigation (new and rehabilitation) may involve the use of pesticides while the knowledge on safe use of chemicals is important for farmers. The AF will continue to provide basic knowledge on alternative options for agriculture development and /or livelihood activities, including safe use of pesticides and other toxic chemicals if their use is made necessary. In compliance with the WB Pest Management Safeguard Policy (OP 4.09), a simplified Pest Management Plan has been prepared and it will be applied to activities/sub-projects involving irrigation scheme and livelihood activities.

Water and Sanitation:

Under the AF, the PRF would provide facilitation services to the GoL's Water and Sanitation program (WSP). Although the AF would finance only the cost of travel and per diem for community facilitators and would not support the construction of latrines - which will be financed solely by villagers themselves - a due diligence was conducted by the Bank team to ensure that villagers would build latrines in line with the Bank safeguard policies.

World Bank's team monitoring of water and sanitation systems financed in the project areas has demonstrated that due diligence relative to safeguards is being sufficiently met. Installed wet latrine systems follow the production / installation guidelines manual and particularly for maintaining distance from the water supply systems wherever possible. Visits to supply contractor's demonstrated good waste management and pollution control along with sourcing used oil for production needs via recycling from local garages. Additionally, in interviews management and owners demonstrated complete understanding of installation requirements. Included in this was the distance requirement noted above and fitting of adequate ventilation pipes to relieve gas from the system at suitable heights.

Nam Saat recently developed an Environmental Code of Practice (ECOP) for the construction of latrines and guidelines for the engagement with ethnic groups, which the Bank safeguard specialists found are in line with the Bank's OP 4.01 and OP 4.10, respectively. The revised ESMF includes an expanded Environmental Code of Practice (ECOP) to ensure that the construction and management of latrines would be carried out in an environmentally sustainable manner although the project will not finance such latrines. In some cases Health and safety, PPE and proper shoes / first aid kits in production areas could be improved and the World Bank will play an active role in promoting Health and Safety measures at supply companies.

Village latrine systems

Partnership with the Nam Saat for its Open Defecation Program is to be newly introduced under the AF. Various project sites and construction contractors were visited by WBG Environmental Specialist specifically to observe latrine systems and their supply. Individual villages vary with some being the most advanced with installation of outdoor latrines at each household. Each had concrete rings as per the production manual and ventilation pipes to relieve gas (methane) build up at a suitable height to prevent odors.

Others still had dry latrine systems these were being replaced by more hygienically and environmentally friendly wet systems, often we were informed that these systems were no longer being used. The new wet facilities whilst sufficiently housed and roofed, were shared facilities in the more remote villages with around 6 households sharing a single unit. Supply water tended to be centralized and there were no observable issues relating to proximity of supply water to latrine systems.

There was no immediate evidence that people were neglecting to use latrines completely in the villages themselves. It appears reasonable to assume that this would not be the case when villagers were away from the village working in agricultural production and rice fields.

Small supply companies were also visited, the owners demonstrating strong understanding of placement of latrine systems relative to water supply and complied with the production manual. Waste management at the factories was strong and oil used in the production of concrete used-oil sourced from local garages (recycling).

Main outstanding issues observed include:

1. On occasion supply companies informed that when installing there is insufficient available garden space to complete installation at a distance of 15m from water supply systems. In such cases they were unclear on how to proceed.
2. The installed latrines should be functional for approximately 8 – 10 years before requiring emptying. A new company will need to complete this task with proper provisions for disposal.

SECTION IV: PRINCIPLES AND PROCEDURES TO MITIGATE IMPACT UNDER THE AF

Anticipated impacts under the AF

Since the AF would continue to finance activities of the same types and maintain the same sub-grant ceiling (60,000US), the scale and scope of impact are expected to be similar to those experienced under the original project. No significant or irreversible impact would occur under the AF. Physical relocation of households or businesses is not allowed. For the construction, improvement or rehabilitation of community infrastructure, major environmental impacts are unlikely to occur, given the small size of investment (on average, \$43,000), although minor impacts are expected the will be minimized, mitigated and compensated with management incorporated at the management stage. Livelihood/ nutrition activities will unlikely result in any adverse environmental impacts – construction of new structures or repair of existing structures as Village Nutrition Centers (VNC) will not allowed under the AF. The AF would not procure and promote use of chemical pesticides and fertilizers, which will continue to be included in the non eligibility list as under the original project, and would continue to promote organic farming. However, beneficiary farmers may apply pesticides, herbicides and insecticides. The partnership with Water and Sanitation Program (WSP) will unlikely result in environmental impacts or assets – the AF would facilitate beneficiary villagers build simple pit latrines of their own, if they choose to do so, within their own residential plots. The AF would not finance the cost of building private pit latrines, or build public latrines – the AF would finance only the travel costs of community facilitators and community leaders to receive training in basic sanitation and facilitate behavioral change of community members. The suppliers in some provinces have been checked for environmental compliance and found to be competent. More monitoring of suppliers is recommended including review of the contracts.

The following will be undertaken under the AF to improve the project environmental performance: (i) improve reporting and recording system of safeguard related issues; (ii) systematically apply safeguard's measures provided in the ESMF (ECOP and PMP); (iii) conduct refresh training for technical staff to monitor safeguards compliance under project financed activities at least once per year; (iv) link RPF II activities into conservation of nearby natural habitats, forest area and water sources to enhance positive impacts of PRF project.

Actions to forge effective implementation of safeguards

It is expected that the civil works to be carried out under the AF will continue to be limited to the construction of community infrastructure and the mitigation measure would be similar to those of the original project. Below summarizes measures to improve safeguard performance of PRF in responding to the key findings of safeguard performance in the original project.

- Update the “non eligibility list” to ensure effective implementation of the sub-projects and establish a “preference list” to mitigate the potential indirect impacts as well as promote conservation of natural resources and protection of environmental quality and public health;
- Provide clear guidelines on how to integrate safeguard measures into the planning and implementation process (Annex 2);
- Improve effectiveness of the screening and recording system at local level by providing a clear safeguard screening and monitoring forms (Annex 3) as well as a clear mitigation measures practices (environmental code of practices, ECOP) for all type of civil works (Annex 4);

- Increase awareness and knowledge of Provincial and District PRF team and community leaders/facilitators to understand the potential negative impacts (social and environment) of infrastructure development, especially road and bridges, as well as the potential for enhancement of positive impacts on conservation of natural resources, local environment and public health;
- Promote active cooperation of local community in the areas that reduce potential negative environmental impact and enhance positive impacts should be encouraged through capacity building and various on-the-job training activities and community networking;
- PRF/PMT will provide periodic training and supervision to the PRF local staff so that they could provide appropriate information on various safeguard issues of the subprojects during the planning process as well as can keep proper records;
- PRF/PMT will include a section on safeguard performance in the project progress report and ensure effective coordination among various units, including monitoring and evaluation (M&E);
- The Bank will review and provide implementation support including safeguard training as needed.

Subprojects Implementation Procedures

Non Eligibility lists

To avoid potential negative impacts on local community and local environment, a list of prohibited item and/or activities that cannot be financed (ineligible or the “Non eligibility list”) has been established for the original project and will continue to be applied under the AF. Details are provided in *Annex 1* and these lists will be included in the Project Operation Manual.

Safeguard screening and review process

In order to minimize the sub-projects’ impact on the environment, the PRF has integrated a safeguard requirement into the PRF sub-project planning and approval process (*Annex 2*) and a technical guideline is also provided (*Annexes 3, 4, and 5*). This is to ensure that screening and assessing the potential impacts of a proposed sub-project will be made in line with Bank safeguard policies and national laws before it is approved and that the measures are in place to mitigate the negative impacts of approved sub-projects during their design, construction, and implementation and operation. Below are highlighted key descriptions of the process:

Step (1) Sub-project identification phase

Screening for of subprojects will be based on potential environmental and social impacts and will follow the applicable Bank safeguard policies procedures as well as the national laws.

Screening for negative and preference list: before a sub-project is approved, the PRF local staff at village, koumban and district level facilitates several meetings. During these meetings, the PRF local staff informs the communities of the potential environmental risk of the sub-project, raise awareness of communities about the need for sustainable use of natural resources and protection of the environment by the communities, and gather information on areas where a sub-project will be implemented; for instance, the current land use of the site, existence of protected area,

etc. If the sub-project is found to include activities specified in the prohibited activities (“non eligibility list”), it will be screened out or reconsidered to exclude such activities. If it is in the “preference list” due consideration should be given to increase priority of the activities.

If an IEE is required by the government EIA decree in line with the Laos EIA legislation, PMT will carry out a study in line with the Government regulation. The IEE report content should ensure that applicable Bank requirements are considered and met during its preparation. The IEE report and government approval will be send to the Bank for review and comments. The Bank may require additional assessment level and/or mitigation measures as needed to ensure full compliance with WB safeguard policies. **If an IEE is not** required for a specific investment in line with Lao EIA system (see national threshold in Table 1 below) but the civil works exceed below the national thresholds -, a simple environmental assessment and identification of possible impacts and mitigation measures will be conducted by the PRF local team in close consultation with the Bank team and PMT in order to comply with the Bank safeguard policy requirements (*Annexes 4 and 5*). A draft assessment report should be reviewed in consultation with the village members and other stakeholders to seek and incorporate their views into the sub-project design and mitigation measures. The report will also be sent to the Bank for review. Specific requirements (good engineering practices and housekeeping) will be included in the bidding and contract document and contractor performance monitored and reported.

(a) **Screening for social issues.** The PRF local staff will also screen for the need for land acquisition, resettlement, and disadvantages groups/households. All sub-projects that require land acquisition of disadvantages groups/households (*non Lao-Thai ethnic groups, poor household headed by women, poor household with elderly, handicap, and/or children*) should conduct a brief social assessment and preparation of an abbreviated Land Acquisition or Resettlement Report (LA/RR) following the CRPF and/or consult the Bank specialist(s).

Table 1. The assessment thresholds for civil works in line with national rules

SCALE	Village rural roads, tracks and footpaths (wider than 3.5 m)	> 10 km
	Small bridges and piers	> 20 m
	Village water supply	> 2,000 users
	New construction of irrigation schemes	All
	Community Buildings (<i>halls, health centres, schools, markets</i>)	> 400 m ²
	Sanitation Facilities (<i>latrines</i>)	> 200 users
	Mini-hydro generators	All
	Changes are likely to occur in water use and/or water availability	All
	Protected area or area proposed for protection by the Government	All

(b) ***Application of the ECOP:*** For small-scale works, PRF local team will conduct the simple assessment and mitigation measures as described in the Environmental Code of Practices (ECOP) that has been developed for specific small community infrastructure investments with low risks such as rural roads, irrigation/small reservoirs or weirs, water supply, and buildings (*Annex 4*). All the records will be kept in the sub-project file for possible review by the PRF at the Central as well as the World Bank.

Step (2) Sub-project design phase

(a) Sub-projects which are submitted by a village and which have been pre-selected during the Koumban and the district meetings are then designed by the villagers with the technical support of the relevant district office and the PRF team. The required mitigation measures for design stage will be incorporated into the final design.

(b) The Sub-project Proposal Form (*Annex 3*) will be used to document the design and includes a quick assessment of the potential negative impacts based on the criteria mentioned in Step (1) above which allows the team to check if there are any specific risks identified. PRF local team fill in the form based on the villagers' knowledge, on *in-situ* observations and on prior discussions with district government staff (in order, for example, to cross-check that the sub-project will not be located in a protected area). At this stage, sub-project activities specified in the "non eligibility list" will be completely excluded from the sub-project while those from the "preference list" will be included in the sub-project.

(c) Contract templates for sub-contracted work will also be modified to include specific clauses detailing sub-contractors' obligations in terms of environmental protection. PRF will also expand the clause detailing communities' commitments in terms of environment protection in the contract signed between the communities and the sub-contractors.

Step (3) Sub-project implementation phase

(a) The implementation of mitigation measures as well as the monitoring and inspection of potential environmental risks is the responsibility of the communities with possible support and involvement of district Water Resources and Environment Office staff. Training and awareness raising activities will be conducted to ensure that communities are aware of sub-projects environmental risks and to ensure they will take actions to mitigate these risks and to increase their capacity to ensure that contractors are respecting their obligations in terms of environmental protection. Information, Education, Communication (IEC) tools developed before the beginning of the original project will continue to be used, and training sessions on environmental protection will be conducted by the PRF community development team at the inception and during the implementation of the sub-projects.

(b) During the implementation phase, regular technical monitoring visits will be conducted by the PRF team and relevant district offices to monitor environmental impacts and inspect the implementation of mitigation measures. When the work is sub-contracted, a final inspection visit will be organized before handing over the infrastructure to the community. The PRF team will use a specific form to assess the quality of the work during the visits, which includes an environmental monitoring and inspection checklist (see *Annex 3*).

Implementation, monitoring, and reporting

The Figure 1 below summarizes the Implementation, monitoring and reporting measures of the PRFII related to the ESMF. The Technical Assistance (TA) department with staff from the central down to the district level is directly responsible for the implementation of this ESMF. In each district the TA department has one staff who carries out survey and design, identify environmental and social impacts and develop mitigation measures for about 8 subprojects annually. The district TA department is also responsible to ensure that an appropriate ECOP is attached to the civil works contract and supervise the contractors for compliance. The PRF recently developed civil works check list which includes contractor compliance with ECOP which will be filled and filed by the relevant district TA staff (District PRF Engineer). The Provincial TA review all filled civil works check list, and the central TA will randomly review the filled civil works check list as part of environmental performance monitoring. The following guidance will continue to be used under the AF.

Table 2. Guidance on safeguards issues and actions

Potential negative impacts	Required mitigation actions	Remarks
(1) Permanent or temporary loss of land or resources for any households, including restriction of access to natural resources and/or impediments to movement of people and animals (Includes patrolling activities)	<p>Identify the amount and nature of land required, owner, and/or other issues and prepares a Land Acquisition/Resettlement Action Plan (LARAP) to provide compensation and/or assistance following the Compensation and Resettlement Policy Framework (CRPF) of Lao PDR.</p> <p>The project will support increasing awareness of Persons Affected by Project (PAPs) about the Feedback and Resolution Mechanism (FRM), and build capacity of those involved in existing Feedback and Resolution Committee (FRC) on the required tasks, including dealing with or mediating complaints, recording/reporting and monitoring proposed resolutions.</p>	Prior consultation with WB, proper documentation, and Post review by WB may be necessary.
(2) Potential social conflicts arising from land tenure and land use issues and/or in water supply rights or related social conflicts	<p>Develop mitigation measures for conflict resolution through close consultation with stakeholders and placed within Project processes, inherently community-based and collectively managed, not precluding the involvement of third-party/external mediators.</p> <p>Develop Village Resources Use Agreement;</p> <p>Using existing Community Conflict Resolution Mechanisms that most likely led by senior/elderly respected persons, or leaders of Ethnic Groups (EG).</p>	If the conflicts may deteriorate livelihoods or living conditions of women or the poorest families in the sub-project area or involve political influence, or likely to be escalated to higher level, the PRF team will inform the WB

(3) Likely to adversely affect ethnic groups	<p>Carry out social assessment process through free, prior, and informed consultations as part of the village visioning meetings and develop and describe in the sub-project documents measures to address them in line with the provisions of EGDF.</p> <p>The project will support increasing awareness of PAPs, in respective languages of IP groups, about the FR mechanism, and building capacity of those involved in the existing FR Committee on the required tasks, including dealing with or mediating complaints from individual and/or ethnic groups, recording/reporting, and monitoring proposed resolutions.</p>	<p>Prior consultation with WB, proper documentation, and Post review by WB may be necessary.</p>
(4) Likely to increase the use of pesticides and/or toxic chemicals that could affect soil quality, water quality, and/or water users downstream	<p>Prohibit the use of pesticides and toxic chemicals exceeding the amount required to treat efficiently the infected area; prohibit the use of illegal pesticides/insecticides; Apply the simplified pest management plan and provides training to farmers/fishers.</p>	
(5) Activities to be carried out in a Protected Area, Wildlife Reserve, Buffer Zone, Wetlands, or other conservation area or activities involve civil works that may cause significant air, noise, and/or water pollution, soil erosion, and/or create public health risks, wildlife hunting, or impacts on downstream water uses.	<p>Prepare an Environmental Management Plan (EMP) to mitigate the potential negative impacts and/or to reduce safeguard risks; some guidance on the mitigation measures are provided in the safeguard section of the operation manual.</p> <p>Conduct consultation with local authorities and communities.</p>	<p>The PRF team at the local level and/or the project management team (PMT) will ensure that the activities are in compliance with the Government regulations.</p> <p>Prior consultation with WB, proper documentation, and Post review by WB may be necessary.</p>

(6) Unsustainable forestry utilization, including non-timber forest products (NTFPs); and impacts on riparian forests; fragmentation of forests; introduction of non-native species; causing flood to nearby area; and/or blockage of fish migration or impacts on fish spawning areas, including unsustainable use of other aquatic animals (OAAs).	Consult with local community to reach an agreement on how to avoid/mitigate the potential negative impacts and when possible increase sustainable use of forestry products, fisheries, and other aquatic animals. If a new species is involved ensure that the new species is already present in the vicinity or is known from similar setting to be non-invasive. Ensure careful consideration of location and design of irrigation systems to ensure minimum impact on fish and aquatic resources. Minimize fragmentation of forests by following existing alignments of foot paths, tracks, electricity lines e t c wherever possible. If restriction of natural resources, social conflict, and/or ethnic groups as indicated in (1), (2), (3) follow the mitigation measures identified in (1), (2), (3).	Excluding sustainable logging and unsustainable harvesting or processing of timber products. Close consultation with WB safeguard specialists is recommended.
(7) UXO risk	If yes, contact responsible agency and complete the clearance before conducting project activities.	PMT to take the lead in securing safety of the project area
(8) Construction of weirs that will divert or regulate the flow of river	If yes, follow Annex 7	PRF engineers will pay particular attention to the safety of weirs and associated environmental impacts
(9) Activities involve small civil works that may cause temporary air, noise, and/or water pollution, soil erosion, and/or create public health risks, wildlife hunting, or impacts on downstream water uses.	Apply good engineering and/or good housekeeping with close monitoring and supervision, including maintaining close consultation with local population. The contract will also include a special clause on “ <i>chance find</i> ”.	PRF team at the local level and PMT will ensure that the appropriate mitigation measures are included in the contract and that the contractor effectively implements required mitigation measures.

SECTION IV: PUBLIC CONSULTATIONS

During the preparation of the AF, the revised ESMF was consulted with key stakeholders through the safeguard consultation meetings held in Pakse, Champasak province on March 18, 2015, Oudomxay, Oudomxay province on March 20, 2015 and in Vientiane on March 23, 2015. Participants sought for information about the allocation of PRF sub-grants between villages, methods of impact assessment and impact mitigation, and grievance and conflict resolution mechanism. The relevant department heads of PRF participated in the meetings and addressed the questions and comments received. The minutes of consultation meetings are attached to this ESMF.

Throughout the implementation of this AF, beneficiary/ affected communities will be informed of the overall project approach including the provisions of this ESMF as part of the participatory planning processes.

Safeguards training

Safeguards training. PRF will continue to organize training to PRF teams on how to use the various checklists, table on typical environmental impacts and mitigation measures as indicated in the ECOP as appropriate. Safeguard training to PRF staff should be carried out as part of the overall training of PRF staff throughout the PRF process. Adequate budget is allocated for safeguard training as well as for the implementation of mitigation measures (see the budget section). Mitigation of safeguard activities during construction will be part of the construction costs.

Budget

Capacity development for participatory and transparent decision making processes involving ethnic groups, including on minimization of negative impacts on any members of the community, is part of the standard PRF process. As such, the AF would continue to allocate significant resources for such capacity development. The PRF also recognizes environmental sustainability as an important ingredient for sustainable poverty reduction, and will continue to raise awareness of community members on and develop their basic capacity for environmental sustainability under the AF.

As the table attached below shows, the AF would allocate about \$300k for the capacity development of communities on the implementation of project safeguard instruments, which is about 3% of the IDA funding. It is to note that the actual spending on safeguard implementation will be significantly higher. Many PRF activities include aspects of safeguard implementation or monitoring. For instance, ECOP monitoring is carried out as part of the overall supervision of sub-project implementation. Refresher training of VIT on participatory processes has multiple objectives of which safeguard is just one. The cost of the village validation meeting will cover both safeguard aspects as well as non safeguard aspects. Since safeguard implementation and monitoring are embedded in many project activities, it is difficult to estimate the budget that will be spent under the AF purely and only for the safeguard implementation and compliance.

Safeguard implementation cost under AF	
Refresher training of village implementation team (VIT) on participatory processes including engagement with ethnic groups	\$20,882
Village Validation Meeting	\$71,518
Safeguard training of PRF staff	\$183,593
production of IEC tools on safeguards	\$11,000
total	\$286,993

Annex 1: The “Non eligibility list”

1. The following activities are prohibited under the AF (ineligible or the “Non eligibility list”) in order to avoid adverse irreversible impacts on the environment and people, the following activities are explicitly excluded from funding:

- (i) Relocation and/or demolition of any permanent houses or business.
- (ii) Use of PRF investment or subproject as an incentive and/or a tool to support and/or implement involuntary resettlement of local people and village consolidation.
- (iii) Land acquisition that affect more than 200 persons or 20 households.
- (iv) New settlements or expansion of existing settlements inside “Total Protected Zone” as defined in a government decree (see actions in Table 3 of ESMF).
- (v) Likely creation of adverse impacts on ethnic groups within the village and/or in neighboring villages or unacceptable to ethnic groups living in an ethnic homogenous village or a village of mixed ethnic composition.
- (vi) Imposing ideas and changing priorities identified by the community and endorsed at the Koumban level meeting without community consultation, prior review and clearance from the PMT.
- (vii) Damage or loss to cultural property, including sites having archeological (prehistoric), paleontological, historical, religious, cultural and unique natural values.
- (viii) Resources access restriction that could not be mitigated and will result in adverse impacts on the livelihoods of ethnic groups and disadvantage peoples.
- (ix) New roads, road rehabilitation, road surfacing, or track upgrading of any kind inside natural habitats and existing or proposed protected areas.
- (x) Purchase of guns; chain saws; asbestos, dynamites, destructive hunting and fishing gears and other investments detrimental to the environment.
- (xi) Purchase of pesticides, insecticides, herbicides and other dangerous chemicals exceeding the amount required to treat efficiently the infected area. However, if pest invasion occurs, small amount of eligible and registered pesticides in Lao PDR is allowed if supplemented by additional training of farmers to ensure pesticide safe uses in line with World Bank’s policies and procedures (Bank clearance is needed).
- (xii) Forestry operations, including logging, harvesting or processing of timber and non-timber products (NTFP); however support to sustainable harvesting and processing of NTFPs is allowed if accompanied with a management plan for the sustainable use of the resources.
- (xiii) Unsustainable exploitation of natural resources.
- (xiv) Introduction of non-native species, unless these are already present in the vicinity or known from similar settings to be non-invasive.
- (xv) Significant conversion or degradation of natural habitat or where the conservation and/or environmental gains do not clearly outweigh any potential losses.

- (xvi) Production or trade in any product or activity deemed illegal under Lao PDR laws or regulations or international conventions and agreements, or subject to international bans.
- (xvii) Labor and working conditions involving harmful, exploitative, involuntary or compulsory forms of labor, forced labor¹¹, child labor¹² or significant occupational health and safety issues.
- (xviii) Trade in any products with businesses engaged in exploitative environmental or social behavior.
- (xix) Subprojects that require full EIA will not be funded.

¹¹ Forced labor means all work or service, not voluntarily performed, that is extracted from an individual under threat of force or penalty.

¹² Harmful child labor means the employment of children that is economically exploitive, or is likely to be hazardous to, or to interfere with, the child's education, or to be harmful to the child's health, or physical, mental, spiritual, moral, or social development.

Annex 2. Integration of Safeguard Measures into PRF Process

Table 3. Integration of safeguards into PRF process*

PRF CYCLE	CONTENTS RELATED TO SAFEGUARDS	REPORTING	RESPONSABILITIES
(1) Introduction of PRF concept and training of PRF staff, local authorities, volunteers, and communities	Knowledge on key issues and required mitigation measures (non eligibility list, Social and environmental guideline including Framework for Resettlement and Acquisition of Land and Assets (FRALA), compensation/Voluntary contribution rules, mitigation of impact on physical resources and inclusion of vulnerable ethnic groups).	Meeting and training form (PDKV_MT); Meeting reporting Form. Training evaluation form.	PRF Community Development (CD) & Engineering Unit (EU) National level
Training of koumban facilitators and PRF staff	Knowledge on preference list and its associated benefits as well as key issues and required mitigation measures (non eligibility list, Social and environmental guideline including FRALA, compensation / Voluntary contribution rules, mitigation of impact on physical resources and inclusion of vulnerable ethnic groups) and details on mechanism, methodology, forms.		PRF CD & EU Provincial level
Training of Koumban Representatives and Koumban Teams	Training on preference list Social and Environmental Guidelines (FRALA, compensation system, physical cultural resources, inclusion of vulnerable ethnic groups), Gender and Ethnic Groups sensitization (Facilitated by the PRF), sustainable Natural Resources Management (NRM) and type of prohibited activities.		PRF CD & EU District level
(2) Village Needs Prioritization Assessment (VNPA)	Review the Social and environmental guideline including FRALA, compensation / Voluntary contribution rules, mitigation of impact on physical resources and inclusion of vulnerable ethnic groups), presentation of the non eligibility list; Pre-checking on the feasibility of the sub-projects selected by the community regards to environment and social safeguard.	Meeting and training form (PDKV_MT); Meeting reporting form (Number of potential safeguards issues identified).	PRF EU & CD District level
(3) Participatory Planning Meeting at koumban level (4 years plan validated on yearly basis)	Review types of prohibited activities, Social and Environmental Guidelines (FRALA, compensation system, physical cultural resources, and inclusion of vulnerable groups). Selection of infrastructures proposal (for bridges, irrigation schemes, and gravity-fed	Meeting and training form (PDKV_MT); Attendance sheet (number of koumban Feedback & FRC member at	PRF EU & CD District level

	water system that required a longer design period as water need to be measured during both the rainy and dry season, the sub-project will only include the survey activities)	the koumban level); Koumban Sub-project Proposal Outline (KSPPPO).	
(4) Design and preparation of sub-projects	<p>Conduct survey and simple environmental and / or physical cultural resources assessments (when necessary); Environmental checklist; include Physical cultural resources checklist (spirit forests, temples, graveyards); Provide generic dam safety measures designed; Documentation (in the 'Contribution and Compensation Form') of resettlement, land acquisition and other voluntary contribution (if any) and of the calculation of the compensation paid by communities.</p>	<p>Training Sub-project proposal form (TSPPF); Infrastructure Sub-project Proposal Form (ISPPF); Contribution and compensation form; Land Acquisition and Resettlement Report Form; Simple Environmental Assessment Form; Simple Physical Cultural Resources Assessment Form;</p> <p>Sub-projects' design reflects villagers' needs and priorities, is feasible and respects social and environmental guidelines</p>	PRF EU & CD district level (assisted by PRF provincial level for key step)
(5) District Meeting to endorse koumban integrated development plan	<p>Presentation of designs: budgets, villagers' contribution and compensation, land acquisition and resettlement reports (if any), procurement methodologies, disbursement schedule, Operation and maintenance plan, environmental and social checklists (detailed assessments if necessary);</p> <p>Discussion and confirmation of the size of the infrastructures; Discussion and confirmation of community contribution and compensation arrangements.</p> <p>Verification by PRF technical advisors that the final design respect PRF standards; Review of the number of people affected by resettlement of land acquisition (if any).</p> <p>Review potential issues related to safeguard by provincial and district representatives.</p>	<p>Meeting and training form (PDKV_MT).</p> <p>Meeting and training form (PDKV_MT); District sub-projects Proposal Outline (DSPPPO).</p> <p>Final options retained for the design of the pre-selected subprojects presented, discussed and approved.</p> <p>Identification of the number of potential breath of safeguards</p>	PRF CD & EU National level, provincial and district level
	Presentation of designs: budgets, villagers' contribution and compensation, land acquisition and resettlement reports (if any), procurement methodologies, disbursement	<p>Meeting and training form (PDKV_MT).</p> <p>Final options</p>	PRF CD & EU National level

(6) Implementation of sub-projects	<p>schedule, Operation and maintenance plan, environmental and social checklists (detailed assessments if necessary); Discussion and confirmation of the size of the infrastructures; Discussion and confirmation of community contribution and compensation arrangements.</p> <p>Verification by PRF technical advisors that the final design respect PRF standards; Review of the number of people affected by resettlement of land acquisition (if any).</p>	retained for the design of the pre-selected subprojects presented, discussed and approved.	
(7) Training of Koumban and Village Implementation and Maintenance Teams (Construction techniques and Supervision)	<p>Regulations and rules linked to each type of infrastructure; Training on Final inspection process; Regular inspections of the infrastructures sub-project during the implementation stage.</p>	Meeting and training form (PDKV_MT); Training evaluation form.	PRF EU & CD District level
(8) Subprojects monitoring and inspection by Quality Control Teams	<p>Visit of subprojects sites; Final technical inspection.</p>	Final Inspection Report form (FIR).	PRF EU & CD District level for regular visit. PRF EU&CD at National, Provincial and district level for final technical inspection
(9) Official transfer of infrastructures to communities			
(10) Validation of the integrated development plan (Step 3) and evaluation of the activities of the previous year	<p>Discussions about overall performance (including respect of some of the key development indicators); Presentation by District Feedback Resolution Committee of issues arisen and actions taken so far;</p>	<p>Meeting and training Form (PDKV_MT).</p> <p>Review of the safeguards issues met during the sub-projects implementation (if any)</p>	PRF CD & EU District level
Independent Assessments	Independent technical assessments and audits are carried regularly. These assessments include a PRF Technical Assessment.	Assessment report with Identification of adverse environment impact and mitigation measures in place, activities promoting environmental protection during implementation.	External consultants

**It has been further refined and updated in the PRFII operations manual.*

Annex 3 – Subproject Proposal and Monitoring Forms

1. This annex provides a sample subproject proposal and monitoring forms to guide proper screening and documentation. A guideline for simple impact assessment of subprojects is provided in Annex 4.

A3.1 Sub-project proposal form

a) Environmental Impact

Changes are likely to occur in water use and/or water availability	<input type="checkbox"/> (YES – Tick ✓)
Protected area or area proposed for protection by the Government	<input type="checkbox"/> (YES – Tick ✓)
Involve sustainable harvest/use of NTFP, fishes, and other aquatic life, etc.	<input type="checkbox"/> (YES – Tick ✓)
Promote conservation of natural resources (water, forest, soil, biodiversity) and habitats	<input type="checkbox"/> (YES – Tick ✓)
Promote cleanliness, hygienic, road safety, and/or public health	<input type="checkbox"/> (YES – Tick ✓)
Others Specify _____ _____	<input type="checkbox"/> (YES – Tick ✓)

b) Impact on pest management

	Assessment of Impact on pesticides
Procurement of pesticides	<input type="checkbox"/> (YES – Tick ✓)
Training on safe use of pesticides	<input type="checkbox"/> (YES - Tick ✓)
Promoting non-chemical uses	<input type="checkbox"/> (YES - Tick ✓)
Others Specify _____ _____	<input type="checkbox"/> (YES - Tick ✓)

c) Land Acquisition and Resettlement

	Specific meeting and use of the Contribution and Compensation Form
Subproject involving voluntary contributions	<input type="checkbox"/> (YES - Tick ✓)
	Submission of a Land Acquisition and Resettlement Report

Subproject involving the voluntary resettlement of more than 100 persons	<input type="checkbox"/> (YES - Tick ✓)
Subproject involving the voluntary contribution by at least one individual of more than 10% of their holdings	<input type="checkbox"/> (YES - Tick ✓)
Subproject involving displacement of more than 5 households or structures	<input type="checkbox"/> (YES - Tick ✓)

A3.2 – Environmental Monitoring and Inspection Form (Template)

Poverty Reduction Fund Environmental Evaluation Control Sheet - small sub-projects

1. Project title / Activity Code:

2. Implementation partner name and address:

3. Contact person and phone number: _____

4. Project description:

Name / Location of Village:

District / province:

5. Expected Benefits:

6. Number of Beneficiaries:

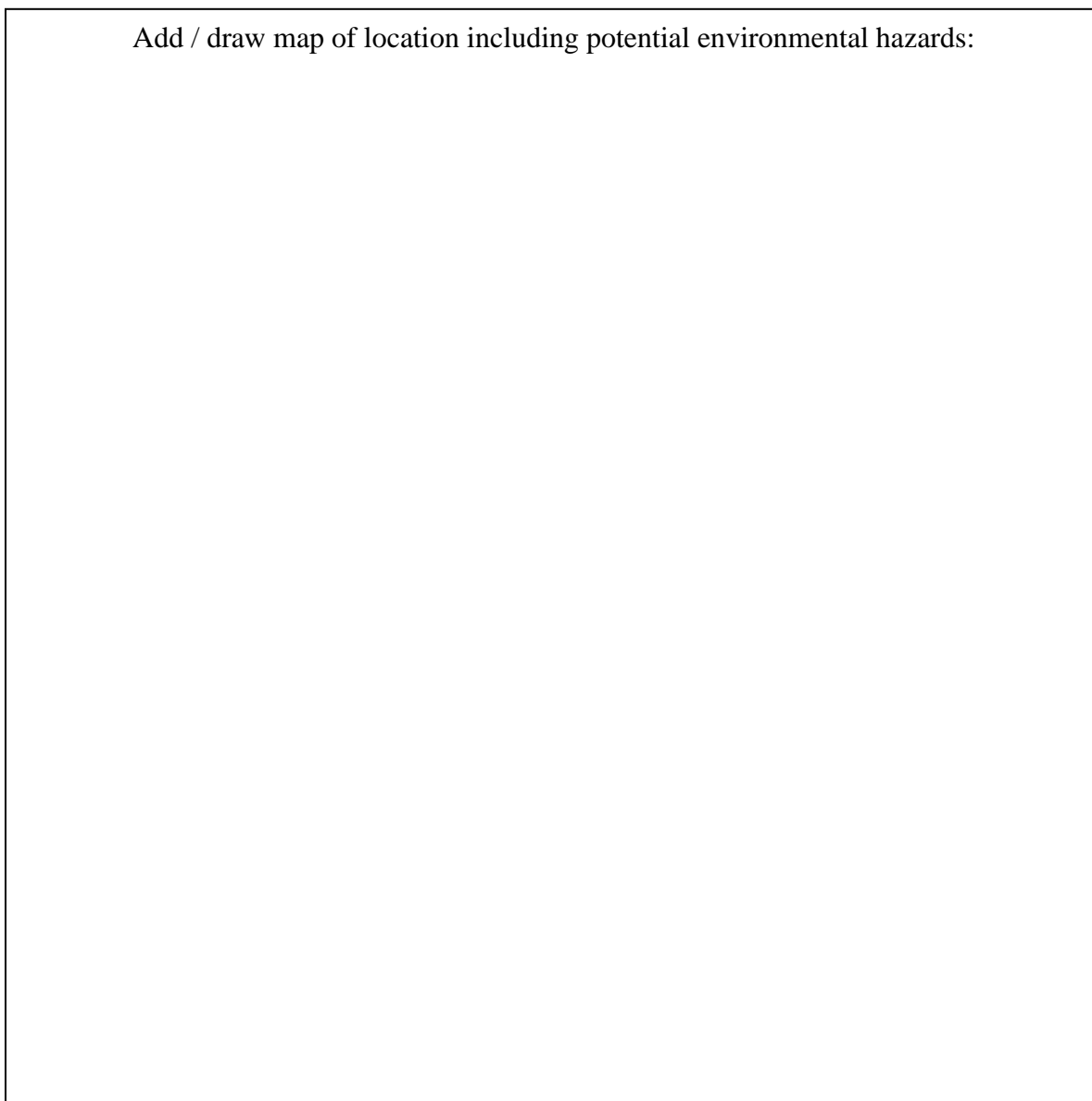
7. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

8. Project materials and process: (Describe materials used in project and methodology):

9. Project expected duration (Start / completion dates):

10. Project Location / description:

Add / draw map of location including potential environmental hazards:



11. Surrounding land-uses and setting: Describe the projects surroundings:

12. Environmental factors Potentially Affected:

The environmental factors graded below would be potentially affected by this project:

A – No Impacts

B – Mild Impacts

C – Significant Impacts

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture and Forestry	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology /Soils
<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Hazardous materials	<input type="checkbox"/> Hydrology / Water Quality
<input type="checkbox"/> Land Use / Planning	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Noise
<input type="checkbox"/> Population / housing	<input type="checkbox"/> Public services	<input type="checkbox"/> Recreation
<input type="checkbox"/> Transportation / Traffic	<input type="checkbox"/> Utilities / Services System	<input type="checkbox"/> UXO

13. For any B or C classifications, describe mitigation measures below and complete the relevant Table 4.1 – 4.5 under A3.2:

[illegible]

	Environment checklist	Yes / No	Remarks
1	Compliance with the planned mitigation measures and environmental obligations		
2	Occurrence of notable environmental pollution such as dust, water pollution, noise		
3	Encroachment to natural habitats and physical cultural properties		
4	Improper operation and maintenance of construction equipment, fuels and oils		
5	Occurrence of complaints		
6	Site cleaning upon completion		
7	Disposal of construction wastes		
8	Removal of temporal access roads upon completion		
9	Erosion prevention measures for used borrow pits		
10	Removal of temporary water flows' diversions or blockages upon completion		
11	Removal of construction camps upon completion		
12	Safety of dams/weirs measures		

[illegible]

Signed of

For implementing partner

Annex 4. Simple Mitigation Measures for Small-Scale Sub-projects

1. This annex provides technical guidelines for a simple impact assessment and mitigation measures of subprojects. Section A3.1 provides environmental code of practices for the civil works that can identified during appraisal for the subproject identification (location), construction, and operation phases. Section A3.2 provides guidance for a larger civil works.

A3.2 Environmental code of practice (ECOP)

Table 4.1 ECOP for Community/Village Roads including small bridge, culvert, track improvement, etc.

Key issues to consider	Mitigation measures	Remarks
Location		
- Conservation area	No animal killing	
	No land occupation	
	No forest cutting	
	Solid waste Management	
	No camping	
- Flooding area	Provide adequate drainage system	
	Include appropriate measure to mitigate flood impacts	
- Mountainous area	Design slope should be less than 17%	
	Side drain	
	Slop protection	
	Guard rail (simple type)	
- Community area	Speed limit sign	
	Dust and noise control	
	timely public information on works duration and schedule	
- Land property	Minute of meeting on conflict resolution and attached the land certificate	
	Cultural area, history etc...	
-Fish spawning areas and migration routes	Avoid negative impacts such as disposal of spoil and tree uprooting which could silt up water courses Ensure optimal design.	
Construction phase		
- Borrow pit	construction materials should be obtained from certified quarries;	
- Erosion risk	Design/provide adequate slop protection	
	Provide maintenance procedure	
- Solid waste	Provide appropriate waste collection and disposal	
- Waste Oil	Do not allow to drain into soil and river	
- Camp	Secure agreement with local community	
	Provide water supply, mosquito net, and adequate sanitation (toilet, washing space,	

	etc), and good housekeeping to prevent rodents, insect, etc.	
- Storage the construction material	Storage in proper area toxic wastes and materials will be stored in safe place.	
Operation phase		
Public health, road safety, and other social negative impacts in the village		
- Speed control,	Install measures to control speed limit (sign, bumper, etc), education campaign	
- Dust control	Control speed limit, periodic watering, plant appropriate trees, surfacing	
- Accident	Awareness training in cooperation with the Police Office	

Table 4.2 ECOP for Community/Village Water Supply (<1,000 users), including Dug well, Drilled well, Gravity Flow System

Subproject Issues	Mitigation Measures	Remarks
Location		
-Land property	Minute of meeting on conflict resolution and attached the land certificate	
-Protected area	Approved by concern sector	
-Flooding area	Detail study and proper design	
-Water source protection	Set up regulation and principle	
-Community zone	Establish the water user regulation	
-Close to borrow pit/quarry, waste disposal sites	Water testing	
Construction		
-Solid waste generation	Provide appropriate waste collection and disposal	
-Waste Oil	Do not allow to drain into soil and river	
-Camp	Secure agreement with local community	
	Provide water supply, mosquito net, and adequate sanitation (toilet, washing space, etc), and good housekeeping to prevent rodents, insect, etc.	
-Storage of construction material	Storage in proper area; toxic wastes and materials will be stored in safe place Storage in proper area	
Operation		
-possible contamination of water	Establish measure to protect quantity and quality of water sources. Fencing water tape	

Table 4.3 ECOP for Village Irrigation System (<150 ha), including weir, irrigation channels, repaired weir, small water storage (used primarily to feed animals)

Issues to consider	Actions	
Location		
Down stream		
- Impact water user	Community consultation (resolution)	
Impacts on water flow	Consider including generic dam safety measures into design	
- Fertilizer	Data from community	
	Introduction to community	
- Erosion	Proper design	
- Temporary Block fish passage	Properly designed screens and ladders in consultation with community	
Up stream		
-		
- Fish protection	Establish the fish protection area; Integrate fish passage and screening activities into subprojects implementation	
- Water recourse protection	Set up management regulation	
Construction phase		
- Borrow pit	construction materials should be obtained from certified quarries	
- Erosion location	Design the suitable slop protection	
	Provide Maintenance procedure	
- Solid waste	Allocate suitable area for waste.	
	Separate recyclable waste	
- Wasted lubrication	Do not allow to drain into soil and river	
- Camp	Let community allocate	
	Provide sanitation, waste water and allocate the soiled waste site	
- Storage the construction material	Storage in proper area	
Operation		
- Potential increase use of pesticide	Provide training on safe use of pesticides	
-	Promote the use of no-chemical agriculture	

Table 4.4 ECOP Buildings (including school, market, health center, community hall, sanitary facilities)

Subproject issues	Mitigation measure	Remarks
Land property	Land use certificate	
Water system	Detail study and proper design	
Drainage system	Check drainage systems at planning stage	
Location	Check, document and mitigate for any geo-specific environmental issue	
Waste materials	Dispose of all waste in line with GoL regulations	
Safety	Provide H&S training based upon plans, all site workers to be provided with PPE	
Operation		
Waste management,	Set up committee	
	Allocate suitable area for waste	
	Separate recyclable waste	
	Set up rules and regulations	
Water system, drainage system	Detail study and proper design to protect rivers and underground water	

Table 4.5 ECOP for Micro-Hydro-generators

Construction phase	Mitigation measure	Remarks
- Borrow pit	Select the suitable site	
	Avoid new open the borrow pit	
	Back fill instructed by Engineer	
- Erosion location	Design the suitable slop protection	
	Provide Maintenance procedure	
- Solid waste management	Allocate suitable area for waste	
- Wasted lubrication	Do not allow to drain into soil and river	
- Camp	Let community allocate	
	Provide sanitation, waste water and allocate the soiled waste site	
- Storage the construction material	Storage in proper area	
Location		
- Reservation protection area or	No animal hunting	
	No land occupation	
	No forest cutting	
	No rubbish management	
	Camping	
- Flooding area	Drainage system	
	Raising the road alignment	

- Mountainous/rolling area	Slop less than 17%	
	Side drain	
	Curve sign	

Subproject issues	Mitigation measures	Remarks
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- Community area	Speed limited area	
	Dust control	
	Accident control	
- Land property	Minute of meeting on conflict resolution and attached the land certificate	
	Cultural area, history etc...	
Operation		
Safety	Training, installation of danger sign, fencing, etc.	

Table 4.6: ECOP - Physical Cultural Resources (specifically chance find)

Subproject issues	Mitigation measure	Remarks
Chance find Physical Cultural resources	<p>Immediate reporting to the World Bank Group and the relevant Government departments.</p> <p>In case of potential damage to chance finds, stop work in the area immediately and proceed in line with the relevant national laws and WB OP 4.11.</p>	See details on procedures listed in Annex 5, section 5.2.

The following ECoP is provided for use by Nam Saat and the suppliers of latrines in the project areas.

Location		
-Land property	Minute of meeting on conflict resolution and attach the land certificate	
-water source protection	Follow Production Manual stipulations esp. latrines to be 15 m from water sources.	
Construction		
-Quality	- Follow Production Manual procedures for production and installation of systems	
-Solid waste generation	Appropriate waste collection and disposal (site inspections demonstrate this is happening)	
-Storage of construction materials	Store in suitable place for the material type with special attention paid to any HazMats materials or waste	
-Camp (if required)	Secure prior agreement with local community Provide water supply, mosquito net and adequate sanitation (toilet, washing space etc) and good house-keeping to prevent rodents and other disease vectors	
Operation		
-Possible contamination of water	Establish measure to protect quantity and quality of water sources Ensure 15 m standard for distance from supply water is observed Fencing and segregation if required.	
-Emptying systems	Ensure emptying of systems after 8 – 10 years is done with reputable contractor and in compliance with disposal best practices and Lao law.	

Table 4.7: Latrine system installations

The following ECoP is provided for use by Nam Saat and the suppliers of latrines in the project areas.

Annex 5. Good Engineering Practices and Some Mitigation Measures

Good engineering and housekeeping practices

The practice of housekeeping involves proper storage, use, cleanup, and disposal of the various materials used during construction for human and environmental safety. The following good housekeeping practices are required for all M-IWRM-funded activities:

DO:

1. Limited working hour during the day time, especially in residential areas, and control driving speed;
2. Minimize earth excavation and appropriate disposal of spoil;
3. Minimize opening of new borrow pits and ensure proper closure;
4. Minimize traffic congestion, dust and noise generation;
5. Proper maintenance of construction equipment and vehicles;
6. Provide appropriate safety sign (day and night) and closely inform local residents;
7. Avoid spill of used oil and other toxic materials, including safe transportation and storage;
8. Apply good housekeeping in the construction and/or storage sites to ensure safety of workers and peoples (Gather up and remove debris to keep the work site orderly and safe; Plan and implement adequate disposal of scrap, waste and surplus materials; Keep the work area and all equipment tidy. Designate areas for waste materials and provide containers; Keep stairways, passageways and ladders free of material, supplies and obstructions; Secure loose or light material that is stores on roofs or open floors; Keep materials at least 2m (5ft) from openings, roof edges, excavations or trenches; Remove or bend over nails protruding from lumber; Keep hoses, power cords, welding leads, etc from laying in heavily traveled walkways or areas; Ensure structural openings are covered/protected adequately; Provide the appropriate fire extinguishers for the materials found on-site. Keep fire extinguisher stations clear and accessible; etc.)
9. Ensure access to clean water and latrines by workers and provide mosquito net.
10. Avoid social/cultural conflict between workers and local population.

DO NOT:

1. Do not permit rubbish to fall freely from any locations of the project and/or access by animals (dogs, cats, pigs, etc.). Use appropriate containers.
2. Do not throw tools or other materials.
3. Do not raise or lower any tool or equipment by its own cable or supply hose.
4. Use grounding straps equipped with clamps on containers to prevent static electricity buildup.
5. Do not allow hunting of animals by workers in protected areas.

SPECIAL NOTE ON FLAMMABLE/EXPLOSIVE MATERIALS:

1. Store flammable or explosive materials such as gasoline, oil and cleaning agents apart from other materials.
2. Keep flammable and explosive materials in proper containers with contents clearly marked.
3. Dispose of greasy, oily rags and other flammable materials in approved containers.
4. Store full barrels in an upright position.
5. Store empty barrels separately.
6. Post signs prohibiting smoking, open flames and other ignition sources in areas where flammable and explosive materials are stored or used.
7. Store and chain all compressed gas cylinders in an upright position.
8. Mark empty cylinders and store them separately from full or partially full cylinders.
9. Ventilate all storage areas properly.
10. Ensure that all electric fixtures and switches are explosion proof where flammable materials are stored.

5.2 The following “*chance find*” procedures to be included in all civil works contract:

If the Contractor discovers archeological sites, historical sites, remains and objects, including graveyards and/or individual graves during excavation or construction, the Contractor shall:

- Stop the construction activities in the area of the chance find;
- Delineate the discovered site or area;
- Secure the site to prevent any damage or loss of removable objects. In cases of removable antiquities or sensitive remains, a night guard shall be arranged until the responsible local authorities or the National Culture Administration take over;
- Notify the supervisory Project Environmental Officer and Project Engineer who in turn will notify the responsible local authorities and the Culture Department of Province immediately (within 24 hours or less);
- Responsible local authorities and the Culture Department of Province would be in charge of protecting and preserving the site before deciding on subsequent appropriate procedures. This would require a preliminary evaluation of the findings to be performed by the archeologists of National Culture Administration. The significance and importance of the findings should be assessed according to the various criteria relevant to cultural heritage; those include the aesthetic, historic, scientific or research, social and economic values;
- Decisions on how to handle the finding shall be taken by the responsible authorities and Culture Department of Province. This could include changes in the layout (such as when finding an irremovable remain of cultural or archeological importance) conservation, preservation, restoration and salvage;
- Implementation for the authority decision concerning the management of the finding shall be communicated in writing by relevant local authorities; and
- Construction work could resume only after permission is given from the responsible local authorities or Culture Department of Province concerning safeguard of the heritage.

(a) Environmental Effects and Mitigation Measures for Road Subprojects

Activity	Potential Effects	Possible Mitigation Measures
Planning, Design and Land Acquisition		
Setting Design Standards	If standards are too high excessive earthworks can cause other effects. (See activities under “3 Construction”)	Set standards appropriate for class of road, traffic and terrain,
Design – General	Land requirements affect local people	Minimize land acquisition and resettlement in selecting alignment.
	Existing buildings, possibly constructed within the subproject site could be affected	Attempt to negotiate a fair design or compensation solution, which does not cause undue hardship.
	Work on roads, bridges and culverts can affect existing trees.	Minimize impact on trees and replant when work is completed.

	Access roads and bridges can have impacts on wildlife, virgin forest areas, cultural relics etc.	Avoid such areas as much as possible in the design.
	Roads, bridges and culverts can cause an increase in traffic speeds and accidents affecting road users, local people and animals.	Ensure a safe design including speed restriction and warning signs, to control livestock as necessary and where possible discuss possible designs with local people.
Design – Drainage	Can alter hydrological regimes and affect flooding and existing irrigation systems.	Ensure culvert, bridge and road are suitably designed to minimize effects on hydrology.
	Can cause negative impacts of concentrating water and increasing scour and soil erosion.	Ensure design improves the drainage system by rectifying any existing problems such as scour of adjacent lands, which should be checked for during the monsoons. Include tree planting in design where possible.

Construction Preparation

Mobilizing equipment	Air and noise pollution for any nearby settlements.	Control contractors' vehicle speeds and noise.
Mobilizing workforce	The introduction of an outside workforce can have a negative impact on the health and social well-being of local people.	Contractor employs local people where possible.
	Possible solution cause by domestic sewage and solid wastes.	Contractor installs and maintains a septic tank system and a system of disposing of solid wastes.
	Possible excessive or uncontrolled use of fuel wood in labour camp.	Contractor supplies alternative fuel for cooking and heating in the labour camp.
	Possible development of labour camp into a permanent settlement.	Contractor removes the labour camp at the completion of the contract.
	Possible hunting of wildlife for food.	Prohibit poaching and make contractor responsible for his workers.
Establishment and Operation of Base Camp and Workshop.	Air and noise pollution for any nearby settlements.	Locate base camp and workshop away from any residential settlements.
	Possible surface water and ground water contamination by oil, grease, and fuel in yards.	Collect and recycle lubricants. Avoid spills and have a ditch around the area with a setting pond, oil trap at the outlet.
	Possible ground and water contamination by bitumen or solvents.	Avoid spills but surround area with a ditch with a settling pond/oil trap at the outlet.
	Cutting down trees to use as fuel for heating bitumen and stones.	The contractor does not use wood for heating during the processing of any materials.
Operating a borrow Pit.	Noise, vibration and dust could affect nearby settlements or other sensitive	Locate plant away from any residential or other environmentally sensitive areas such as hospitals, intensive

	areas.	livestock production areas or wildlife breeding areas. Also avoid farmlands or forests as much as possible. Restrict work to daylight hours and limit the size and frequency of blasting.
	Changing the riverbed could affect local fishing areas.	Discuss proposed locations with local people/fishermen and insist contractor obtains their approval.

Construction

	Possible noise and vibration, especially if earthworks involve blasting, could affect nearby settlements or other sensitive areas.	Restrict work to daylight hours and limit the size and frequency of any blasting near settlements (especially hospitals) near intensive livestock production and wildlife breeding areas.
	Historical remains or cultural items could be uncovered.	Contractor to ensure all such finds are reported and discussed with representatives of the local people.
Drainage Improvement Works	Works can have temporary affects on irrigation or washing/drinking water supplies.	Ensure contractor takes into account local water uses. Temporary drainage may have to be constructed.
	Effect on traffic and pedestrian safety.	The contractor uses safe traffic control as necessary and causes the minimum possible disruption to all traffic.
Bituminous Surfacing.	Possible pollution of waterways or groundwater by bituminous products or solvates.	Strict control to avoid spills or clean up immediately after and prohibit work in rain.
Transport of Subproject Materials.	Air and Noise pollution for any nearby settlements and damage to existing roads.	Control contractor's vehicles speeds, noise and weight of loads and control dust and flying debris by covering loads or wetting material if necessary. Construct temporary roads if necessary. Use locally available construction material wherever possible to minimize transport distances.

(b) Environmental Effects and Mitigation Measures for Public Buildings (Markets, schools, health centers etc.)

Activity	Potential Effects	Possible Mitigation Measures
Before construction starts		
Brick moulding	Disturbance of habitats Loss of land Land degradation Air pollution from dust Pressure on existing water resources	Reallocation of farming land Possible use of cement block as an alternative Provision of boreholes
Brick curing	Deforestation	Afforestation (tree planting) Quotas per construction (school, dispensary,

	Pollution from smoke	markets etc.) community based woodlots
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Construction

Civil works building	Noise and air pollution Pressure on existing water resources Creation of borrow pits	Establishment of additional possible water sources Landscaping
Carpentry	Deforestation Noise	The provision of timber by the community should be approved by the local authorities Use of alternative materials (bamboo, steel, reinforced concrete) Afforestation (tree planting) Quotas per construction (school, dispensary, markets etc.) community based woodlots
Labourers	Faecal / other wastes Injuries and avoidable accidents	Provision of latrines Select companies with strong HSE records Promote HSE planning, policy and full use of PPE

Operations

Provision of desks / furniture	Deforestation	The provision of timber by the community should be approved by the local authorities Use of alternative materials (bamboo, steel) Afforestation (tree planting) Quotas per construction (school, dispensary, markets etc.) community based woodlots
Disposal of medical wastes	Contamination and pollution in surrounding environment	Include incinerator in health centre subproject proposal

Environmental Effects and Mitigation Measures for Boreholes

Activity	Potential Effects	Possible Mitigation Measures
Sitting	Loss of land Land degradation Nuisance and aesthetic impacts	Consultation with communities Reallocation of land Landscaping (planting of trees / crops)
Drilling	Disturbance of stream channels, aquatic fauna Social disruption by construction workers Construction hazards New diseases (STD)	Re-vegetation Establish settlement location for workers out of village to mitigate social interactions
Pump installation	Ground and surface water contamination by oil, grease etc.	Experienced drillers only Enforcing standard safety procedures
Civil works	Waste water Solid wastes	Proper disposal Drainage, soaking pits
Operation	Uncovered/unused boreholes may be breeding areas for water born diseases (worms, mosquitoes etc.) Water may be contaminated during transport or storage Spills and leakage contamination of water Reduction in water quality because of decomposed matter Over pumping of ground water causing a lowering of ground water table Disruption to downstream hydrology	Incorporate health and sanitation Education programme Ensure adequate provision for the operation management and maintenance of facilities (Including proper staff and community training)

(c) Potential Negative Impacts and Mitigating Measures for small-scale Irrigation Schemes

Potential Negative Impacts	Mitigating Measures
Soil Erosion	Proper design and layout of furrows or field avoiding too steep a gradient. Land Levelling Design of terraces on hillsides minimizing surface erosion hazard. Maintain vegetation Cover
Water logging of soils	Regulation of water application to avoid over-watering. Installation and maintenance of adequate drainage system. Use of lined canals or pipes to prevent seepage. Accurate calculation of delivery of irrigation requirements.

Salinization of soils	Measures to avoid water logging: Leaching of salts by flushing soils periodically Cultivation of crops with salinity tolerance.
Scouring of canals	Design of canal system to minimize risk Use of canals lined with rocks
Clogging of canals by sediment	Measures to minimize erosion on fields Design and management of canals to minimize sedimentation. Provision of access to canals for removal of weeds and sediments.
Leaching of nutrients from soils	Avoidance of over-watering Replacement of nutrients by fertilizer and/or crop rotation. Accurate calculation of fertilizer requirements.
Algal blooms and weed proliferation.	Appropriate application of fertilizers (timing and quantity).
Clogging of canals by weeds.	Design and management of canals to minimize weed growth. Provision of access to canals for treatment or removal of weeds.
Deterioration of river water quality below irrigation subproject and contamination of local ground water (higher salinity, nutrients, agrochemicals) affecting fisheries and down stream users.	Improved water management; improved agricultural practices and control of inputs (particularly pesticides and chemical fertilizers). Imposition of water quality criteria.
Seawater intrusion into freshwater systems.	Location of Scheme Appropriate water management
Reduction of downstream flows affecting flood plain use, flood plain ecology, riverine and estuarine fisheries, users of water, dilution of pollutants.	Relocation or redesign of subproject. Compensatory measures where possible.
Encroachment on swamps and other ecologically sensitive areas.	Chose subprojects' site to avoid or minimize encroachment on critical areas. Establishment of compensatory parks or reserved areas.
Threat to historical, cultural or aesthetic features.	Chose subprojects' site to prevent loss. Salvage or protection of cultural sites.
Alteration or loss of flood plain vegetation and disturbance of coastal ecosystems (e.g. mangroves)	Chose subprojects' site to less vulnerable area. Limitation and regulation of water take-off to minimize problems to extent possible.
Introduction or incidence of water-borne or water-related diseases.	Use of lined canals or pipes to discourage vectors Avoidance of stagnant or slowly moving water Installation of gates at canal ends to allow complete flushing Filling or drainage of borrow pits along canals and roads

	Water testing Disease prophylaxis and treatment
Disease and health problems from use of wastewater irrigation.	Wastewater treatment (e.g. settling ponds prior to use). Establishment and enforcement standards for wastewater use.
Conflicts over water supply and inequalities in water distribution throughout service area.	Means to ensure equitable distribution among users and monitor to assure adherence. Establishment of effective water users associations
Over-pumping of groundwater.	Limitation of withdrawal so that it does not exceed "safe yield"(recharge rate).
External	
Water quality deteriorated or made unusable by upstream land use and pollutants discharge.	Control of land use in watershed areas. Control of pollution sources Water treatment prior to use.



Annex 6: Lao PDR Decree 112
on Environmental Impact Assessment

Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

===== 000 =====

Prime Minister's Office

No 112/PM

Vientiane Capital, Date: 16 February, 2010

DECREE
ON ENVIRONMENTAL IMPACT ASSESSMENT

- Pursuant to law on government of the Lao People's Democratic Republic, Ref., No. 02/NA, dated 06/05/2003.
- Pursuant to Environmental Protection Law, Ref., No. 02/99/NA, dated 03/04/1999.

Based on Request from Minister to Prime Minister's Office, President of the Water Resources and Environment Administration, Ref., No. 2843/PMO.WREA, dated 21/12/2009,

The Prime Minister decrees:

Part I

General Provisions

Article 1: Objectives

This Decree has the following objectives:

- To disseminate and implement Article 8 of the Environmental Protection Law, in relation to Environmental Impact Assessment;
- To lay down principles and rules, and adopt measures on establishment, functions, management and monitoring (of the concerned agencies) in environmental impact assessment;
- To ensure that all investment projects of the State and of both domestic and foreign private individuals foreign operating in Lao PDR (hereafter the 'investment projects') which create or may create adverse environmental and social impact, are designed with the right and appropriate environmental and social impact prevention and mitigation measures or the environmental management and monitoring plan (EMMP) and the social management and monitoring plan (SMMP);
- To effectively prevent, minimise and mitigate adverse environmental and social impacts derived from investment projects;
- To contribute to the national socio-economic development, to make it sustainable.

Article 2: Scope of Application

This Decree is applied to all investment projects which are categorized two groups by coordination of Water Resources and Environment Administration with line ministry concerned for providing elaborate account period by period,

- Group 1: refers to the small investment projects or small environmental and social impact which are subjected to do initial environmental examination;
- Group 2: refers to the big sized investment projects those are intensity or big significant environmental and social impact which are subjected to do environmental impact assessment.

Article 3: Interpretation

The words are utilized in this Decree, have following meaning:

- 1) **Initial environmental examination (IEE)** means initial study, survey and analysis of data to predict impact on environment and society including impact on health derived from investment projects provided in group 1 of Article 2 of this Decree together with provision of environmental and social impact prevention and mitigation measures;
- 2) **Environmental impact assessment (EIA)** means the process of study, survey, analysis and prediction of positive and negative impacts may cause on environment and society including both short and long term impacts on health from investment projects provided in group 2 of Article 2 of this Decree together with determination of appropriate alternatives, provision of environmental management and monitoring plan(EMMP), social management and monitoring plan (SMMP) to protect and mitigate the impact may be caused from investment projects in construction and operation.
- 3) **The ones who are affected by the investment project** refer to a natural person, legal entity, or organisation who/which are directly or indirectly affected by the investment project due to requisition of lands or real estate, changes of land category, and impacts on the ecological and environmental system in the their settlement areas.
- 4) **The host village** refers to a village which accepts migration of the people who affected by the investment project.
- 5) **Migration and restoration of living condition** refers to:
 - Measures to minimise the negative impacts on the society, as well as on the people who suffer , in whole or in part, from the investment project, including payment of compensation to those who lose their assets and incomes, by restoring rights, providing direct assistance in preparing (pioneering) new cultivation land in the new allocated settlement area.
 - Assistance to those who are severely affected, due to the loss of assets, residence, cultivation land, incomes and jobs, required to be compensated those losses appropriately, including provision of facilities with purpose to improve living standard further, or at least, not worse than before the existence of the investment project.
- 6) **An environmental certificate** refers to a legal document which approves a report on initial environmental examination or a report on environmental impact assessment, an environmental management and monitoring plan (EMMP), and a social management and monitoring plan (SMMP).

- 7) **An ongoing project** refers to the project which is under constructing or mining, and producing.
- 8) **A complicated project** refers to the investment project which has enormous impacts on the environment and society, including impact beyond territory or accumulated impact on other investment project, and in which complicated technology is applied.

Article 4: General Principles

In assessing the impact on the environment, ones must follow the following principles:

- (1) For the investment projects classified in Category 1 and Category 2, including the project provided in Article 6(2) of this Decree, before endorsing any contract of mining and extracting of mineral substances, or constructing, or prior to issuing any business license, the project developer must, first, obtain environmental certificate, and then they can start clear the area, construct or implement the project.
- (2) Any initial environmental examination or environmental impact assessment must be conducted only by a Consultant Firm or by a Consultant who is registered at the Water Resources and Environment Agency. The initial environmental examination or the environmental impact assessment must be composed of several options, so that the best option can be selected: study on impacts on antiquities, culture, and custom-tradition, planning to solve the negative impacts on environment and society, participation of the people who are¹³ (will be) affected by the investment project and other stakeholders in the discussion process, at various levels, and in drawing up budget for those activities.
- (3) Ensuring the participation of the public and discussion with the local administration at all levels, with those who are (will be) affected by the investment project and other persons involved in preparing and reviewing the report on initial environmental examination or the report environmental impact assessment;
- (4) An individual, legal entity or organisation who wish to render services on environmental impact assessment in Lao PDR must comply with the following procedures:
 - The Consultant Firm must be licensed and registered at the Water Resources and Environment Agency;
 - The domestic Consultant must be registered as Environmental Consultant at the Water Resources and Environment Agency;
 - Consultant Firm or Foreign Consultant who has already got a license to do this kind of business in a foreign country must register its business with the Water Resources and Environment Agency, before it can render its service on assessment of the impacts on environment.
- (5) A project developer must be liable for:

¹³ The literal meaning of the Lao text is 'the people who are affected by...' but, in fact, it should be 'the people who will be affected by...' because at the time the initial environmental study or assessment is being conducted, there is no impact yet, except a investment project which has been operated without environmental certificate, in which initial environmental examination is conducted after the project has been implemented for a certain period of time - translator.

- The accuracy of the data and information contained in its report on initial environmental examination or report on environmental impact assessment;
 - Every expense incurred in the process of preparing and reviewing of a report on initial environmental examination, including measures to prevent and minimize impacts on the environment and society or a report on the environmental impact assessment, an environmental management plan, a social management and monitoring plan, as well as implementing and overseeing the implementation of measures to prevent and minimize the impacts on the environment and society, or an environmental management and monitoring plan, and a social management and monitoring plan;
 - In the case of a new investment project which is likely affected other investment projects, there must be cumulative impact assessment, in conjunction with the existing investment projects;
 - For an investment project which is likely to create impacts beyond the border, a trans-boundary environmental impact assessment must be conducted.
- (6) Organisations involved in deliberation of a report on initial environmental examination or a report on environmental impact assessment are obliged to monitor the outcomes of the implementation of measures to prevent and minimize impacts on the environment and society or an environmental management and monitoring plan of the investment project, done by the local administrations, who have duties to monitor the implementation of the management and social monitoring plan.

Part II. Environmental Impact Assessment Procedure

Chapter 1. Environmental Impact Assessment Process and Investment Project Screening

Article 5: Environmental Impact Assessment Process

Initial environmental examination or environmental impact assessment, as well as deliberation to approve a report on initial environmental examination or a report on environmental impact assessment, must be carried out in accordance with the procedural circle of investment projects, in consistent with the laws of the concerned agencies.

Article 6: Investment Project Screening

In screening an investment project, ones must comply with the following instructions:

- (1) The project developer must utilize the investment project account which is divided into Category 1 and Category 2, being basis for determining the category of the proposed project, and then conduct initial environmental examination or environmental impact assessment in accordance with the type and size of the investment project, either in Group 1 or Group 2, in consistent with the investment project approval procedure of the concerned agencies.

- (2) For the investment projects which are not within Group 1 or Group 2, as mentioned in paragraph 1 above, but is likely to affect environment and society, the project developer must submit investment application to the Water Resources and Environment Agency (WREA), so as to deliberate, as follows:
- New investment projects which are not within Category 1 and Category 2; but it is likely to have severe impacts on environment and society or create cumulative or trans-boundary impact;
 - The investment project which is allowed to operate, but later on expand and increase its production power or shift production process;
 - The investment project which is likely to create impacts on the conservative forest, protective forest, and productive forest, biological, cultural and historical preservation areas, and other conservation zones.
- (3) In coordination with the concerned sectoral agencies, the Water Resources and Environment Agency screens the investment project, as prescribed in paragraph 2 above, and informs the project developer in writing, within 15 public working days, accordingly:
- The investment project (project developer) must conduct an initial environmental examination;
 - The investment project (project developer) must conduct an assessment of its impacts on the environment;
 - The investment project does not require any initial environmental examination or environmental impact assessment.

Chapter 2

Participation

Article 7: Rights and duties of the ones who are affected by an investment project, and of other stakeholders

The residents who are (will be) affected by the investment project and other stakeholders have rights and duties as follows:

- (1) To receive information on the development plan of the investment project, the benefits that they will receive and impacts on environment and society which may arise from the investment project;
- (2) To give information and data on local environment and society in the area of the project and in the nearby location, to be used in preparing the report on initial environment assessment, consisting of measures to prevent and minimize the impacts on the environment and society, or in preparing the report on environmental impact assessment, environmental management and monitoring plan, and social management and monitoring plan;

- (3) To receive information on the initial environmental examination, including the measures to prevent and minimize impacts on the environment and society, or the report on environmental impact assessment, environmental management and monitoring plan (EMMP), and the social management and monitoring plan (SMMP), as well as the report on the progress in implementation of the measures to prevent and minimize the impacts of the investment project;
- (4) To participate in the village consultation meetings to deliberate the report on initial environmental examination or the report on environmental impact assessment, the environmental management and monitoring plan (EMMP), and the social management and monitoring plan (SMMP).
- (5) To participate in discussions on payment of compensation, migration, and restoration of the living condition of the local residents who are affected by the investment project;
- (6) To participate in the discussion on implementation of the environmental and social activities, as well as the environmental management and monitoring plan (EMMP), and the social management and monitoring plan (SMMP) of the investment project;
- (7) To make a written proposal to solve the environmental and social problems incurred by the investment project to the local administrations, at each level, to solve the environment and social problems, or directly to the Water Resources and Environment Agency, in case the problems have not yet been solved.

Article 8: The Process of Participation

The Water Resources and Environment Agency, local administrations, the sectoral bodies who are in charge of investment, and the project developer have collective responsibility to ensure the participation of the people who are (will be) affected by the project, and other stakeholders, in consistent with the process of the initial environmental examination or environmental impact assessment, as follows:

- (1) At the time of collecting information to prepare the report on the initial environmental examination or the report on environmental impact assessment, the local administrations and the project developer must organize village meetings to inform the villagers, in various forms, of the development plan of the project and the impacts on the environment and society, as well as to collect the opinion of the local residents who are (will be) affected by the investment project;
- (2) At the time of preparing and examining the initial environmental examination, including the measures to prevent and minimize the impacts on environment and society or the report on the environmental impact assessment, the environmental management and monitoring plan (EMMP), and social management and monitoring plan (SMMP), the Water Resources and Environment Agency, local administrations, the sectoral bodies who are in charge of investment, and the project developer must organize consultation meetings at village, district, and province level, to use as a forum and give opportunity to the residents who are (will be) affected by the investment project and other stakeholders to share their opinions and give comments on the report and plans, since the first draft until the final draft.

- (3) During the exploration, construction and operation of the project, the project developer must inform the local resident who are (will be) affected by the investment project and other stakeholders of the activities which are likely to affect the environment and society, such as clearing the ground surface, destroying rocks, transporting, using and storing of the dangerous chemical objects and substances, discharging of water from the reservoir, etc. At the same time, the project developer must allow the residents who are (will be) affected by the investment project and other stakeholders to access general information of the project.

Chapter 3

Initial Environmental examination

Article 9: Duties of the Water Resources and Environment Agency, local administrations, sectoral bodies in charge of investment, concerned sectors, and the project developer on initial environmental examination.

(1) The Water Resources and Environment Agency has duties:

- a. To issue environmental certificate to approve the initial environmental examination proposed by the sectoral bodies in charge of investment;
- b. To participate in the field inspection and participate in the consultation meeting at district level. The Water Resources and Environment Agency may nominate Provincial or Prefectural Water Resources and Environment Divisions to participate on its behalf.
- c. To coordinate with the concerned sectoral bodies and issue guideline on practical implementation;

(2) Local Administrations have duties:

- a. To issue environmental certificate to certify the report on initial environmental examination, based on the verification of the Water Resources and Environment Agency;
- b. To cooperate with and facilitate the project developer in surveying and collecting information to prepare the report and organise consultation with the local residents who are affected by the investment project and other stakeholders;
- c. To cooperate in the information dissemination process, and encourage the local residents who are affected by the investment project to access the objectives of the project, expected benefits and the environmental and social impacts which might occur from the project;

(3) The sectoral bodies in charge of investment project have duties:

- a. To lead field inspection (if needed), and together with residents who are affected by the investment project and other stakeholders, participate in consultation

meetings, at the village and district level, which are organised by the project developer, in the cooperation with the local administration.

- b. To review the report on initial environmental examination, in coordination with the local administrations and concerned sectoral bodies, and then collect the opinions/comments and report to the Water Resources and Environment Agency.
- (4) The sectoral bodies have duty to give technical comments on the report on initial environmental examination and can assign that duty to their respective offices in provinces or prefecture to perform on their behalf.
- (5) The project developer has duty as follows:
- a. To conduct overall physical, biological and socio-economic aspects, including expect the potential impacts which may arise from the development of the project, referring to the data and information gained from the concerned sectors, local administration and other sources, including data and information collected in the field survey and from consultation with the residents who are affected (will be affected) and other stakeholders, at village and district levels;
 - b. To follow the Guideline on Involvement without the use of threat, coercion, force, violence, bribery and deception;
 - c. In coordinate with the local administration and the sectoral bodies in charge of investment, to organise dissemination meeting at village level so as to explain development plan of the investment project, benefits which will gain from the investment project and the impacts on environment and society which may arise from the development project, as well as summarise and take note of the residents' comments in the meeting to incorporate in the report on initial environmental examination;
 - d. To prepare a report on initial environmental examination consisting of measures to prevent and minimise the impacts on environment and society;
 - e. In coordination with the local administration, the sectoral bodies in charge of investment, to organise consultation meeting at village level, with participation of the residents who are (will be) affected by the investment project, and other stakeholders, in order to deliberate the first draft of the report on initial environmental examination and then revise the report in accordance with the resolution of the meeting, and then disseminate it to the residents who are affected by the investment project and the stakeholders to comment on it, before organising consultation meeting at the district level;
 - f. In collaboration with the local administration and the sectoral bodies in charge of the investment, to organise consultation meeting at district level, with participation of the representatives of the residents who are affected by the investment project from each village, in order to deliberate the revised draft of report on the initial environmental examination which has been revised in accordance with the resolution of the village consultation meeting, and again revise it in accordance with the resolution of the meeting. The revised report must be made in Lao if it is a

domestic investment, or both in Lao and in English if it is a foreign investment, and then submit it to the sectoral bodies in charge of investment to review further;

- g. The report on initial environmental examination which will be proposed to review must be attached with the minutes of each meeting signed by the consultation firm who prepare the report and the project developer.

Article 10: Reviewing of the report on initial environmental examination

The process of reviewing of the report on initial environmental examination are as follows:

- (1) The project developer must make an application and send a copy of the report which is revised after the consultation meeting at district level to the sectoral bodies in charge of investment;
- (2) The sectoral bodies in charge of investment would review the report within 10 working-days and inform the project developer in writing, as follows:
 - a. The project developer to send it 15 hardcopies of the report, as well as its soft copy, in case it sees that the report on initial environmental examination is correct and comprehensive;
 - b. The project developer to revise the report further, in case it found that the report on initial environmental examination is not comprehensive enough.
- (3) Reviewing of the report on initial environmental examination must be carried out within 50 working days, since the day the project developer submits the application in full as provided in 2(a), excluding the period of time the project developer take the application back for revision, which has procedure as follows:
 - a. The sectoral bodies in charge of investment will send the initial environmental examination to the local administration and concerned agencies within 5 working days for comments;
 - b. The concerned agencies must send their comments to the sectoral bodies in charge of investment within 20 working days. If they do not send their comments within that period of time, it would deem that they agree with the study or the right to give comments would be forfeited;
 - c. The sectoral bodies in charge of investment will organise a workshop to allow the project developer to clarify the report and have a field survey, if necessary, as well as summarise those final comments and send them to the Water Resources and Environment Agency to consider whether should issue the environmental certificate or not;
 - d. The Water Resources and Environment Agency will consider and choose to act in one of the following manners:
 - 1. To issue the environmental certificate to approve the report on initial environmental examination;

2. To demand the project developer to take the following actions:
 - To re-amend the report on initial environmental examination ;
 - If the development project is complicated or would have severe impacts on the environment and society, to continue to assess the impact on the environment;
3. To object the report in one of the following cases:
 - When the data and information does not correspond to the facts, conceal or hide risk and the potentially severe impacts on the environment and society which may occur;
 - When it has sufficient evidence to prove that data and information of the initial environmental examination is not from actual study of the project, but copied from other investment projects;
 - There is no scientific evidence to prove the accuracy of the specified impacts;
 - The report fails to identify comprehensively the measures to prevent, minimise, and solve the impacts on environment and society;
 - The project would cause more negative impacts than positive impacts;
 - The project developer does not comply with the laws, guidelines, and did not undertake the involvement process.

Chapter 4

Environmental impact assessment

Article 11: Determining the scope of the study and terms of references

The project developer must determine the scope of the study and terms of reference in the assessment of the impacts on environments and submit it to the Water Resources and Environment Agency to consider and approve before conducting the assessment.

The Water Resources and Environment Agency must complete its review and examination of the scope of study and the terms of references within 15 working days and notify the project developer of its comments, in writing.

Article 12: Duties of the Water Resources and Environment Agency, the concerned agencies, local administration, and the project developer in assessment of the impacts on environment.

(1)The Water Resources and Environment Agency has following duties:

- a. To give technical suggestion on preparation of the report on the environmental impact assessment, the management and monitoring plan (EMMP), and management and social monitoring plan (SMMP);
- b. In collaboration with the local administration and the concerned agencies, to conduct field survey, and together with the residents who are affected by the project and other stakeholders, to participate in the discussions at village and district level;
- c. To be an active coordinator in organising discussion meetings at provincial and prefectural level, and review the report on the environmental impact assessment, the management and monitoring plan (EMMP), and management and social monitoring plan (SMMP), consider and issue environmental certificate to approve the report and plans.

(2)The concerned agencies has following duties:

- a. To give technical comments on preparation of the report on the environmental impact assessment, the management and monitoring plan (EMMP), and management and social monitoring plan (SMMP);
- b. To participate in the discussion meeting, at district level (provincial or prefectural sectoral offices participate), at provincial or prefectural level (ministerial sectoral offices participate);
- c. Together with the Water Resources and Environment Agency, to participate in the field survey.

(3)Local administrations have the following duties:

- a. To cooperate with and facilitate the project developers in their survey of the field and in collecting data and information to prepare the report;
- b. To organise consultation meeting with those who are affected by the investment project and other stakeholders;
- c. To disseminate to the people of the objective of the investment project, the benefits which they will get, the impacts on the environment and society which may arise from the investment project and the measures to prevent and minimise those impacts;
- d. To deliberate the management and monitoring plan (EMMP), and management and social monitoring plan (SMMP) before the Water Resources and Environment Agency will issue the environmental certificate to approve those plan.

(4)The project developer has the following duties:

- e. To comply with the scope of the study and the terms of references approved by the Water Resources and Environment Agency;

- f. To collect information on general situation of the investment project such as physical, biological and socio-economic aspects, from the sectors and local administration, or by conducting field survey and consultation with the residents who are affected by the investment project and other stakeholders, at village, district, and provincial or prefectural levels;
- g. To carry out study and determine the direct and indirect impacts on the residents living around the project area, given attention to impacts on health, loss of assets and shelters, impacts on living condition, usage of natural resources and other impacts on environment and society such as soil, water, climate, forest and biology, including architectural and cultural heritages and antiques, and include them in the report on the environmental impact assessment;
- h. In collaboration with the local administrations such as the Water Resources and Environment Offices of districts, provinces or prefectures, to organise dissemination meeting at village level to explain of the general situation of the investment project, as well as the benefits, impacts on the environments and society which may arise from the investment project, the measures to prevent and minimise the impacts on environment and society, and summarise the comments and opinion given in the meeting to incorporate them into the report;
- i. To prepare the report on the environmental impact assessment, the management and monitoring plan (EMMP), and management and social monitoring plan (SMMP) which include the assessment of the impacts on health and health management measures;
- j. In collaboration with the local administrations like the District Water Resources and Environment Offices, to organise meetings at villages, with participation of the residents who are affected by the investment project and other stakeholders to deliberate the first report on the environmental impact assessment, the management and monitoring plan (EMMP), and management and social monitoring plan (SMMP) and then revise the report and the plans in accordance with the resolution of the meetings, and then disseminate them back to the villagers who are affected by the investment project and other stakeholders and to revise them before district meetings;
- k. In collaboration with the local administrations like the Provincial or Prefectural Water Resources and Environment Offices, to organise district-level meetings, with participation of the representatives of those who are affected by the investment project, from each village, the concerned provincial or prefectural offices, mass organisation and other district organisations to deliberate the report which was revised in compliance with the resolution of the village meeting. The district-level-revised report must be made either in Lao or in English in which the abstract, the environmental management and monitoring plan (EMMP), and the management and social monitoring plan (SMMP) must be made in both Lao and English, before submitting them to the Water Resources and Environment Agency to review;
- l. The report on the environmental impact assessment, the environmental management and monitoring plan (EMMP), and the social management and

monitoring plan (SMMP) to be submitted for reviewing must be enclosed with the minutes of each meeting and must be signed by the project developer and the consultation firm which prepare the report.

Article 13: The environmental management and monitoring plan

(1)The project developer must design the environmental management and monitoring plan to be incorporated into the report on the environmental impact assessment, which contain the following contents:

- a. The implementation monitoring plan, main activities and persons who are responsible for the implementation of the environmental management and monitoring plan:
 - The monitoring plan of the project developer;
 - The monitoring plan of the concerned national agencies.
- b. The measures to prevent, minimise, and solve problems, and to restore environmental condition which stipulated in the report on the environmental impact assessment throughout the phase of construction and operation of the project;
- c. The plan to avoid and minimise the risks, including plan to prevent and solve any accident or emergency which may arise, as well as allocation of sufficient fund to implement the plan;
- d. The plans for plantation of trees, restoration of forest and conservation of the forest areas where is the source of water;
- e. Timings and budget for implementation of the environmental management and monitoring plan, including financial mechanism and the fund available for each activity;
- f. In the case of hydropower project, there must be a plan to clean out the biological substances from the reservoir area, a plan to manage the flow basin, a plan to manage the reservoir, a plan to manage and develop the river basin, a plan to manage fishery and other plans if necessary;
- g. In the case of mining, there must be: a plan to cover up the site, a plan to restore environment in the exploration areas, as well as budgeting for the implementation of the plan;
- h. Other necessary information

(2)The project developer must strictly implement the environmental management and monitoring plan approved by the Water Resources and Environment Agency. In the case it assign the task to another company, it must incorporate the terms and conditions of the plan into the contract to ensure that the sub-contractor implement the plan comprehensively;

- (3) During the construction and operation period, if the Water Resources and Environment Agency found that the problems are not identified and the measures to minimise and solve the problems are not comprehensively provided in the environmental management and monitoring plan, as it actually is, or fail to achieve the goal, the Water Resources and Environment Agency will notify the project developer in writing and set the deadline for the project developer to revise the plan and re-submit it to the Water Resources and Environment Agency to review;
- (4) Six months before the operation, the project developer must evaluate the implementation of the environmental management and monitoring plan in the survey-exploration phase, as well as improve the environmental management and monitoring plan, making it suitable for the project operation phase and then submit it to the Water Resources and Environment Agency to consider and issue operation license. During the project operation phase, the project developer must review and improve the environmental management and monitoring plan in each period, 2 - 5 years (the period for reviewing and improving the environmental management and monitoring plan depends on the complexity of the investment project which will be stipulated in the environmental certificate) and then submit it to the Water Resources and Environment Agency to consider and approve;
- (5) In the case of mining project, before closing the mining site, the project developer must improve the plan to close the sites and restore the mining area and then submit it to the Water Resources and Environment Agency to consider and approve before implementation of the plan.

Article 14: The social management and monitoring plan

- (1) The project developer must design the social management and monitoring plan to be incorporated into the report on the environmental impact assessment, which contain the following contents:
 - a. Measures to prevent and minimise the direct and indirect impacts of the investment project on the society as provided in the report on the environmental impact assessment throughout the project's construction, operation, and termination period;
 - b. Measures to prevent and minimise the risks including prevention and solutions to any accident or emergency which may arise and allocating sufficient fund and identifying the source of fund for implementation of the plan and solve such problems;
 - c. Measures to compensate the loss, resettlement and improvement of the living condition of the residents who are affected by the development project;
 - d. The draft of social development plan for the site closing period and termination of the investment project;
 - e. The plan to monitor the implementation of the social management and monitoring plan;
 - f. The monitoring plan of the project developer and the monitoring plan of the concerned national agencies;

- g. The institution and responsibilities of the agency which will implement the social management and monitoring plan, and other related plans;
 - h. Timing and budgeting for the implementation of the social management and monitoring plan, as well as financial mechanism and allocation of fund into each task and activity;
 - i. Other necessary information.
- (2) The social management and monitoring plan must be consistent with the Decree and Regulations on Compensation and Movement, and consists of re-settlement plan for the residents who are affected by the investment project, social development plan and plan to restore the living condition, given particular attention to healthcare of those who are affected and etc;
- (3) The project developer must strictly implement the social management and monitoring plan approved by the Water Resources and Environment Agency, in coordination with the concerned local administration, particularly the Committee of Re-settlement and Restoration of Living Condition. In the case it assign the task to another company, it must incorporate the terms and conditions of the plan into the contract to ensure that the sub-contractor implement the plan comprehensively;
- (4) Six months before the operation, the project developer must evaluate the implementation of the environmental management and monitoring plan in the survey-exploration phase, as well as improve the environmental management and monitoring plan, making it suitable for the project operation phase and then submit it to the Water Resources and Environment Agency to consider and issue operation license. During the project operation phase, the project developer must review and improve the environmental management and monitoring plan in each period, 2 - 5 years (the period for reviewing and improving the environmental management and monitoring plan depends on the complexity of the investment project which will be stipulated in the environmental certificate) and then submit it to the Water Resources and Environment Agency to consider and approve;
- (5) During the construction and operation period, if the Water Resources and Environment Agency found that the problems are not identified and the measures to minimise and solve the problems are not comprehensively provided in the environmental management and monitoring plan, as it actually is, or fail to achieve the goal, the Water Resources and Environment Agency will notify the project developer in writing and set the deadline for the project developer to revise the plan and re-submit it to the Water Resources and Environment Agency to re-consider and approve;
- (6) In the case of mining project, the project developer must finalise the social development plan for the post-closing period of mining site and such plan must be approved by the Water Resources and Environment Agency before project termination.

Article 15: Examine the report on the environmental impact assessment, the environmental management and monitoring plan, and the social management and monitoring plan

Examination of the report on the environmental impact assessment, the environmental management and monitoring plan, and the social management and monitoring plan must be carried out in compliance with the following procedures:

- (1) The project developer must submit an application, as well as the report on the environmental impact assessment, the environmental management and monitoring plan, the social management and monitoring plan, amended after district consultation meeting, to the Water Resources and Environment Agency to review and consider to issue environmental certificate;
- (2) The Water Resources and Environment Agency examines the report on the environmental impact assessment, the environmental management and monitoring plan, and the social management and monitoring plan, within 15 working days, to ensure that they are correct and comprehensive, and then notify the project developer in writing, as follows:
 - (a) In case the report on the environmental impact assessment, the environmental management and monitoring plan, the social management and monitoring plan are correct and comprehensive, the project developer must send 15 hardcopies and a softcopy of the report and those plans to the Water Resources and Environment Agency;
 - (b) In case the report on the environmental impact assessment, the environmental management and monitoring plan, the social management and monitoring plan are not correct and comprehensive, the project developer must revise or prepare/design new report and plans.
- (3) The Water Resources and Environment Agency examines the report on the environmental impact assessment, the environmental management and monitoring plan, and the social management and monitoring plan, in general, within 15 working days and 120 working days for the investment project which is complex, since the date the project developer submitted the documents stipulated in 2(a) above, excluding the period of time the project developer takes the documents back to revise, which has following procedure:
 - a. Within 5 working days, the Water Resources and Environment Agency sends the report on the environmental impact assessment, the environmental management and monitoring plan, the social management and monitoring plan back to the sectoral body in charge of the project, the relevant sectoral office and local administration for comment within 30 working days, since the date of reception. If those organisations do not give comment within that period of time, their right will be forfeited;
 - b. The Water Resources and Environment Agency organises a technical workshop within 10 working days, since the date it received those documents to listen to the brief presentation on the the report on the environmental impact assessment, the environmental management and monitoring plan, the social management and monitoring plan, with participation of the concerned sectoral offices;
 - c. The Water Resources and Environment Agency to conduct field survey within 20 working days, after the brief presentation given as stated in 3(b),

in coordination with the concerned sectoral offices and local administration;

- d. The Water Resources and Environment Agency to organise a joint technical workshop with the project developer, with the participation of the local administration and the sectoral offices, to deliberate and comment on the report on the environmental impact assessment, the environmental management and monitoring plan, and the social management and monitoring plan, within 5 working days, since the date it received comments from the related sectoral offices and local administrations, as stated in 3(a). The Water Resources and Environment Agency will then summarise the comments in writing and give it to the project developer to improve the report and plans and then return them to the Water Resources and Environment Agency to re-consider;
- e. After completion of examining of the report and plan as provided in (d), the Water Resources and Environment Agency to notify the project developer in writing, to ask the latter to organise a provincial or prefectural consultation meeting, in coordination with the local administration. The project developer must finalise the improvement of the report in conformity with the resolution of the provincial or prefectural consultation meeting and then send them to the Water Resources and Environment Agency to consider and issue the environmental certificate;
- f. The Water Resources and Environment Agency to re-examine the finalised report on the environmental impact assessment, the finalised environmental management and monitoring plan, the finalised social management and monitoring plan and then send the finalised environmental management and monitoring plan and the finalised social management and monitoring plan to the local administration to consider and approve within 15 working days, before issuing the environmental certificate. The Water Resources and Environment Agency will re-examine those documents within 15 working days after it received confirmation from the local administration, in the following circumstances:
 - 1) To issue an environmental certificate to approve the report on the environmental impact assessment, the environmental management and monitoring plan, and the social management and monitoring plan or notify the project developer of the need to revise those report and plans;
 - 2) To reject the report on the environmental impact assessment, the environmental management and monitoring plan, the social management and monitoring plan of the investment project on the following grounds:
 - (a) The data and information contained in the report is not corresponded to the facts, there is cover-up or concealment of the risks and severe impacts on environment and society which may arise;
 - (b) The report on the environmental impact assessment still lack careful study, particularly on risks and possible impacts;

- (c) The report on the environmental impact assessment did not derive from an actual study carried under the project, but copied from another investment project, which there is sufficient evidence to prove its actual copying;
- (d) There is no scientific evidence to prove the accuracy of the specified impacts;
- (e) There is no sufficient data and information in the environmental management and monitoring plan and the social management and monitoring plan;
- (f) The project would cause more negative impacts than positive impacts;
- (g) The project developer does not comply with the laws, guidelines, and did not undertake the involvement process.

Article 16: Re-examining of the report of the investment project which complex

For the investment project which is complicated which requires experts of that specific field to examine the report on the environmental impact assessment, the environmental management and monitoring plan, and the social management and monitoring plan, the Water Resources and Environment Agency must proceed as follows:

- (1) To establish a team of experts to examine the report on the environmental impact assessment, the environmental management and monitoring plan, and the social management and monitoring plan within 30 working days, since the date the project developer handed over all necessary documents as stipulated in Article 15, 2(a), by giving priority to the domestic experts or foreign experts to be appointed in the team of expert;
- (2) The team of expert must consists of experts who are specialist in respective scientific fields depending on the actual need, who have no connection with and have no direct and indirect interest in the investment project. The team of experts has duty to examine and comment on the report on the environmental impact assessment, the environmental management and monitoring plan, and the social management and monitoring plan in writing and give it to the Water Resources and Environment Agency within 30 working days and must keep that information confidential;
- (3) The Water Resources and Environment Agency to examine the report on the environmental impact assessment, the environmental management and monitoring plan, and the social management and monitoring plan within 120 working days, since the date the project developer handed over all required documents, as stipulated in Article 15, 2(a), excluding the period of time the project developer revises the documents. The report and plans must be revised by following the procedure provided in Article 15 of this Decree.

Chapter 5

Environmental Certificate

Article 17: Issuing of Environmental Certificate

The Water Resources and Environment Agency issues the environmental certificate to approve the report on the environmental impact assessment, the environmental management and monitoring plan, and the social management and monitoring plan, as provided in Article 10 and Article 15 of this Decree.

Based on the confirmation from the Water Resources and Environment Agency, with consent from the sectoral bodies in charge of investment project, the local administrations may issue environmental certificate to approve the initial environmental examination.

The environmental certificate may contain some conditions which the project developer is obliged to perform.

Article 17: Expiry date of the environmental certificate

The environmental certificate is valid through the concession period of the investment project.

If the investment project does not start to operate within 2 years, from the date it obtained the environmental certificate, the certificate would be automatically expired and cannot be used. 3 months prior to the expiry date, if the project developer wishes to continue its investment project, it can request the Water Resources and Environment Agency to re-consider;

After the investment project gets the environmental certificate, 6 months prior to the termination of the investment project, the project developer must sum up and evaluate implementation of the measures to minimise the impacts on environment and society or the environmental management and monitoring plan, the social management and monitoring plan during the period of construction and operation of the investment project, as well as improve the measures to minimise impacts on environmental and society or the environmental management and monitoring plan, and the social management and monitoring plan for the operation period of the project and then request the Water Resources and Environment Agency to approve. During the operation of the project, the project developer must review and improve measures to minimise the impact on environmental and society or the environmental management and monitoring plan, and the social management and monitoring plan in each period, 2 - 5 years (the period for reviewing and improving the environmental management and monitoring plan depends on the complexity of the investment project) and then submit it to the Water Resources and Environment Agency to consider and approve.

Article 19: Issuing environmental certificate to an investment project which is under operation

For the investment project which is under operation without an environmental certificate prior to the effective date of this Decree must comply with the following procedure:

- a. The local administrations to enlist the businesses which are located within their administration areas, under their respective categories and sizes of the investment project, in either group 1 or group 2, and then send the list to the Water Resources

and Environment Agency within 90 working days, after this Decree becomes into effect;

- b. The Water Resources and Environment Agency considers it with reference to the degree of impacts on the environment and society of the investment project:
- For the project which has no impact on the environment and society, the Water Resources and Environment Agency will notify the project developer to continue its operation;
 - For the project which has impacts on the environment and society, under the class and size of the investment project, either Group 1 or Group 2, the Water Resources and Environment Agency will notify the project developer in writing to demand the project developer to prepare and finalise the environmental management and monitoring plan, and the social management and monitoring plan within 90 working days, for the investment project which falls under Group 1, and 120 working days for the investment project which falls under Group 2, since the date of notification. If the plans cannot be finalised within that specified period, the measures provided in Article 35, 38, 39, and 40 of this Decree will be respectively imposed on the investment project, depending on their circumstances.

For the investment project which the Water Resources and Environment Agency approved the scope of study and task for the environmental impact assessment, and the investment project of which its report on initial environmental examination or report on the environmental impact assessment, but have not yet received environmental certificate, before the date this Decree becomes into effect, that project developer can follow the Regulatory Provisions on Environmental impact assessment in Lao PDR No.1770/STEA.PMO, dated October 3, 2000 or this Decree.

Chapter 6

Obligatory Contribution of Fund for Initial Environmental examination or Environmental impact assessment and Management of Fees and Service Charges

Article 20: Obligatory Contribution of Fund for Initial Environmental examination or Environmental impact assessment

The project developer must liable for all expenses incurred in preparation and examination of the report on the environmental impact assessment, the environmental management and monitoring plan, and the social management and monitoring plan, as well as in implementation and monitoring measures on prevention and reduction of the impacts on environment and society or the environmental management and monitoring plan, and the social management and monitoring plan as follows:

- (1)Field survey;
- (2)Project dissemination meetings, consultation meeting on the initial environmental examination or the report on the environmental impact assessment, the

environmental management and monitoring plan, and the social management and monitoring plan, at all level (village, district, province or prefecture);

- (3) Fees and service charges in compliance with laws and regulations;
- (4) Implementation of measures on prevention and reduction of impacts on environment and society or the environmental management and monitoring plan, the social management and monitoring plan, and monitoring;
- (5) Hiring domestic and/or foreign experts to examine the environmental impact assessment, the environmental management and monitoring plan, and the social management and monitoring plan;
- (6) Strengthening and supporting the local and central public staffs (government officers) the equipments/tools, necessary vehicles for monitoring the environmental and social management issues;
- (7) Usual monitoring and go on a tour of inspection and environmental and social emergency cases.

Article 21: Fee and Service Charge

Water Resources and Environment Administration or Local Authorities which approve environmental certificate are responsible to charge for the environmental and social fees and services identified in Presidential Provision on Fees and Service, No. 03/P, dated November 19, 2008 as followed:

- All fees are given to Public Budgets;
- Service Charge is needed to be determined, find out expenditures and revenues collected into Annual Budget Plan of Water Resources and Environment Administration or Local Authorities as well as compliance with Public Financial Regulation; and under managed by Water Resources and Environment Administration or Local Authorities and Financial Sectors.

Part III

Management and Monitoring

Article 22: Establishment of Management and Monitoring

Managing and monitoring the implementation of the environmental and social impact prevention and mitigation measures or environmental management and monitoring plan (EMMP), social management and monitoring plan (SMMP) of Investment Project are included:

- a) Monitoring by Project Developer;
- b) Monitoring by State Organization;
- c) External Monitoring.

Article 23: Monitoring by Project Developer

Project Developer shall proceed as follow:

- 1) The investment project in group 1(one): project developer shall proceed to implement the monitoring the implementation of the environmental and social impact prevention and mitigation measures by self, and then usually report to Water Resources and Environment Administration, investment project responsible ministry, line ministries and local authorities concerned;
- 2) The investment project in group 2(two): project developer shall establish the owned environmental and social management office for responsibilities of the implementation and monitoring the result of implementation of the environmental management and monitoring plan (EMMP), social management and monitoring plan(SMMP), then usual reporting for Water Resources and Environment Administration, investment project responsible ministry, Line Ministries and Local Authorities Concerned;

Article 24. Monitoring by State Organization

State Organization shall proceed as follow:

- 1) the investment projects in group 1 (one) :
 - Organization that reviews report on initial environmental examination responsible monitoring the result of the implementation of the environmental and social impact prevention and mitigation measures by using budget provided in report on initial environmental examination, then report regularly to Water Resources and Environment Administration, Local Authorities;
 - Water Resources and Environment Administration is responsible to go on a tour of inspection about the implementation of the environmental and social impact prevention and mitigation measures; and to coordinate with line ministries and local authorities concerned to extremely pressingly inspect, and also to report to the National Environmental Committee.
- 2) The investment projects in group 2 (two) :
 - Water Resources and Environment Administration coordinate with Line Ministries and Local Authorities Concerned are responsible monitoring the implementation of the semi-annual environmental management and monitoring plan(EMMP) or as requires; then to usually report to the National Environmental Committee;
 - National Environmental Committee is responsible monitoring and going on a tour of inspection about the implementation of the environmental management and monitoring plan (EMMP), social management and monitoring plan (SMMP) of Investment Projects;

- Local Authorities coordinate with Water Resources and Environment Administration are responsible to establish the environmental management unit in the district where the investment projects located, to regularly monitoring the implementation of the environmental management and monitoring plan (EMMP) and then to report to local authorities and Water Resources and Environment Administration or to urgently report in the emergency cases;
- Local Authorities coordinate with Water Resources and Environment Administration are responsible to establish the resettlement and livelihood restoration unit which takes action as:
 - a) A secretariat of resettlement and livelihood restoration unit;
 - b) An inspector of the implementation of the Social Management and Monitoring Plan(SMMP); a coordinator with project developer to report to the Local Authorities and Water Resources and Environment Administration regularly or emergently.
- Water Resources and Environment Administration is responsible to give technical advising, strengthen and train to the environmental management unit by taking into account of Plans and Budget in each time, which grant initially came from the concession agreement or the environmental management and monitoring plan (EMMP), social management and monitoring plan (SMMP); and from the budget of state.

Article 25: External Monitoring

External Monitoring aims to inspect the implementation of the environmental and social issues of investment projects. External Monitoring includes:

- 1) Monitoring of National Assembly identified in the Law on Monitoring of National Assembly;
- 2) Auditing of State Audit Agency identified in the Law on State Audit;
- 3) Auditing of State Audit Administration identified in the Law on Audit;
- 4) Monitoring of Expert Committee, in emergency case.

Part IV

Steering Committee for giving directions to the project and the implementation of the Environmental and Social Management and Monitoring Plan

Article 26: National Steering Committee

A lot of impacted and intensive investment projects, the government names the National Steering Committee that has following rights and duties:

- 1) Giving directions, encouraging and monitoring the phase of construction and/or activities operation of investment projects beside to the attention of monitoring the implementation of the environmental management and monitoring plan(EMMP), social management and monitoring plan (SMMP) to report to the government regularly;
- 2) Establishing Expert Committee or qualified condition consultant companies for monitoring the implementation of the environmental and social works of investment projects;
- 3) National Steering Committee has the budget which come from investment projects, State Budget of Investment Project Responsible Ministry and other sources.

Article 27: National Steering Committee Institutional Structure

National Steering Committee Institutional Structure features:

- 1) A Minister of Investment Project Responsible Ministry is chairperson;
- 2) A Deputy Minister of Investment Project Responsible Ministry is deputy chairperson and also being stationed person;
- 3) A Deputy Minister to the Prime Minister's Office, Deputy Head of Water Resources and Environment Administration and vice governor of related provinces or capitals are deputy chairpersons;
- 4) Line Ministries Concerned Representative, Lao Frontier and Institutional Committee are committees;
- 5) Project representatives are committees;

National Steering Committee has owned secretariat for being chief of staff; the secretariat features departments, equivalent departments of investment project responsible ministry, Department of Environmental and Social Impact Assessment which is under the Water Resources and Environment Administration; Resettlement and Livelihood Restoration Committee Secretariat of province and capital.

Article 28: Resettlement and Livelihood Restoration Committee

Government names Resettlement and Livelihood Restoration Committee at province or capital level. Resettlement and Livelihood Restoration Committee has following rights and duties:

- 1) Giving directions, encouraging and monitoring the implementation of resettlement and livelihood restoration of the people who affected by investment project that located in province or capital; those of the operations are to compliance by Social Management and Monitoring Plan(SMMP);
- 2) Closed coordination with the Line Ministries Concerned and project developer for consideration and solution for people' grievance then regularly reporting to the government;

This committee has the budget which come from the investment projects, State Budget and other sources.

Article 29: Resettlement and Livelihood Restoration Committee Institutional Structure

Resettlement and Livelihood Restoration Committee features:

- 1) Governor of provinces or capital is chairperson;
- 2) Deputy governor of provinces or capital is deputy chairperson and also a stationed person;
- 3) Governor of the connected districts, connected section representatives, provincial or capital Lao Frontier, Institutional Committee and project developer representatives are committees.

Provincial or capital resettlement and livelihood restoration committee has owned secretariat for responsible to be the chief of staffs which is named by the resettlement and livelihood restoration committee.

Part V

Change of Investment Project Owner

Article 30. Change of Investment Project Owner

The project developer who wants to transfer the investment project (henceforth called existing developer) to the key individuals (henceforth called new developer), shall submit to the line ministries concerned for approval. This line ministries concerned will be able to approve for the transfers till the existing developer and the new developer approved by common consent of the agreement of continued environmental and social obligation.

The investment project that has not get the environmental compliance certificate, the new developer shall continue to do the initial environmental examination or the environmental impact assessment and prepare an environmental management and monitoring plan (EMMP), a social management and monitoring plan (SMMP) according to the context of the present decree.

The investment project that already has the environmental compliance certificate, the new developer shall operate the owned approved environmental and social obligation and shall has the budget for the implementation of environmental management and monitoring plans (EMMP), social management and monitoring plan (SMMP) based on official agreement between the existing developer and the new developer.

Part VI

Information Disclosure

Article 31: General Information Disclosure

The General Information Disclosure shall operate as followed:

- 1) Water Resources and Environment Administration has responsible to manage information on the environmental and social of the investment project by coordinating to the line ministries concerned and project developer including facilitating for the stakeholders together with people who directly affected by the investment project to access those information;

- 2) Project developer has responsible to manage information on the environmental and social impact prevention and mitigation measures or the environmental management and monitoring plan (EMMP), the social management and monitoring plan (SMMP) and to facilitate for the people who directly affected by the investment project and the stakeholders to access those information. The investment project in group 2(two), the project developer shall build information centers around the area of investment project and several connected districts.

Article 32: Information Non-Disclosure

To non-disclosed information shall be operated as followed:

- 1) Water Resources and Environment Administration reserve right of revelation of country's stability concerning information in report on initial environmental examination and environmental and social impact prevention and mitigation measures or report on environmental and social impact assessment, environmental management and monitoring plan (EMMP), social management and monitoring plan (SMMP);
- 2) Reference to formal submission of project developer, Water Resources and Environment Administration consider to reserve right of disclose of confidential information in report on initial environmental examination and report on environmental and social impact prevention and mitigation measures or report on environmental and social impact assessment; environmental management and monitoring plan (EMMP), social management and monitoring plan (SMMP) as followed:
 - a) Human right information;
 - b) Asset information;
 - c) Trading right information;
- 3) In the case that the project developer does not need to disclose some information in the above item, project developer shall submit the request which attached by those information then send them to Water Resources and Environment Administration. With in 25 official days, Water Resources and Environment Administration will make decision that all or some of those information provided as non-disclosed information;
- 4) In the case that the submitted information considered as non-disclosed information, those information shall be kept as confidential information for 4 years. With in 60 official days, project developer enable to extent time of those confidential information before them expired otherwise those confidential information keeping will be expired.

Part VII

Environment and social settlement disputes

Article 33: Dispute Types

Environmental and social dispute can be shown as:

- 1) The right and responsibility for natural resources exploitation management and their usage mainly are water, earth, mines, forests, non-timber products and biodiversity at investment project sites;
- 2) The determination of pollution original cause, environment degradation which exert impact on people's lives and assets including dispute over responsibility for settlement, maintenance and compensation for damage caused by the said phenomena.
- 3) The level of financial or other compensation, including land, housing, services, and dispute over payment or provision of any agreed compensation.

Article 34: Parties of Dispute

Environmental and social dispute may occur between:

- 1) Project developers together;
- 2) Project developers with people affected by investment project;
- 3) Project developers with state organizations or international organization and local administrations.

Article 35 Dispute Settlement

Dispute settlement shall be carried out as:

- 1) In case that the dispute between project developers together, they shall establish effective settlement mechanism by initial negotiation, conciliation. In case of agreement impossibility each side has to request Arbitration for consideration on settlement of dispute; In case of settlement impossibility each side has the right to request Population Court of Lao PDR for consideration on settlement of dispute by procedure, if those enterprise contracts are not stimulated in another;
- 2) In case the dispute between Project developers with people affected by investment projects:
 - a) Project developer shall consider the requests and also settle the several environmental disputes based on clear discussing, compromising; In case of settlement impossibility each side has the right to request environmental and social management and monitoring administrations and local authorities step by step for consideration on settlement of dispute. If environmental and social management and monitoring administrations and local authorities impossibility settle that dispute each side has the right to Population Court for consideration on settlement of dispute by procedure;
 - b) Project developer hear grievances and shall find out social settlement methods by compliance to decree of prime minister no. 192/PM, dated 7 July 2005 on Compensation and Resettlement of People Affected by Development Projects and Regulation no. 2432/STEA, dated 11 November

2005 for Implementing Decree on Compensation and Resettlement of People Affected by Development Projects and other regulations switched.

- 3) In case that the dispute between project developers with state organizations or international organization and local administrations, they shall be compliant to Laws of Lao PDR or treaties or agreements which Lao PDR is partner involved or autograph together (if any).

Chapter 14

Policy for merit and measures for offenders

Article 36: Policy for merit

Individuals, entities or any organizations which have excellent merit in investment project environmental and social impact prevention and mitigation measures or environmental management and monitoring plan (EMMP), social management and monitoring plan (SMMP) managerial activities and compliance legislations in Lao PDR shall be duty-bonded to be commended and requested for other policy practiced as appropriate.

Article 37: Measures towards offenders

Individuals, entities or any organizations which violate this Decree shall be warned, educated, fined, civil disciplinary imposed on or prosecuted by Penal Code depending on severity of committed crime and shall compensate for loss.

Article 38: Warns and educates measures

In case that monitoring results indicates that the environmental and social impact prevention and mitigation measures or environmental management and monitoring plan (EMMP), social management and monitoring plan (SMMP) are not to be completely implemented. Water Resources and Environment Administration will formally warn and also advise project developer to implement those measure or plans strictly in order to the unresolved problems to be resolved on time with in accurated life time. Warning document shall be featured as:

- a) Problems will cause or is likely to cause to violation;
- b) Procedures and period of time to be used for resolution.

Article 39. Fines measures

Individuals, entities or any organizations which has the following action will be fined by legislation concerned as followed:

- a) Making false or misleading statement in report on initial environmental examination and environmental and social impact prevention and mitigation measures or report on environmental impact assessment and environmental management and monitoring plan (EMMP), social management and monitoring plan (SMMP), including any monitoring reports required under this Decree;
- b) In case that inspector has already informed, but prevent or other interfere with an inspector carrying out inspections, including;
 - Preventing or other interfering access;
 - Preventing taking of samples or key evidence for monitoring environment;

- Preventing or interfering taking pictures or interfering interviewing any person regarding investment project.
- c) To fail to provide information to the authority regarding environmental and social emergencies in time or at all;
- d) to commence the area clearance, to excavate or to carry on construction of an investment project to which this Decree relates without an ECC;
- e) to commence operation without improvement of environmental and social impact prevention and mitigation measures or environmental management and monitoring plan (EMMP), social management and monitoring plan (SMMP) provided in this Decree;
- f) to make a significant environmental and social impact to the investment project area or expansion of the investment project without additional studying initial environmental examination and providing environmental and social impact prevention and mitigation measures or environmental impact assessment and establishing environmental management and monitoring plan (EMMP), social management and monitoring plan (SMMP);
- g) to fail to comply with any conditions included in the ECC, environmental and social obligation provided in the Concession Agreement;
- h) to fail to completely implement environmental and social impact prevention and mitigation measures or environmental management and monitoring plan (EMMP), social management and monitoring plan (SMMP);
- i) to fail to comply with any conditions and advices those provided in the warning document;
- j) to fail to comply with any environmental quality standards and polluted discharge standards provided;

Water Resources and Environment Administration shall set out the specific legislation for the detail of the rate of fines separately.

Article 40: Additional Penalties

Except to the penalties provided in Article 37, 38, 39, individuals, entities or any organizations which operate several investment projects, the following penalties may also be imposed for violation of this Decree:

- a) confiscation of vehicle or equipment used involved in the production;
- b) temporary suspension of part or all of the investment project in accordance with the order of Water Resources and Environment Administration together with coordination with line ministries and local authorities concerned;

In determining the additional penalties to be imposed, including the period of any temporary suspension, the following factors shall be taken into account

- a) the affect of violation on the environment and society;
- b) the seriousness of the polluting event of violation;
- c) that environmental and social impacts is the foreseeable ability but without provision of mitigation measures or is the unforeseen ability;
- d) any previous violation history of the project developer;
- e) any previous violation history from the investment project;

If the violation creates damage on environment, the project developer may be ordered and required to be responsible for expense for clean up or remedy the environment.

Chapter IX

Final Provisions

Article 41: Impementatoin of Decree

The Water Resources and Enviornment Administraiton assigned to be a central coordination with line ministries and local authorities concerned to implement, desiminate and effectively comply this Decree.

Government and private individuals, entities and any organizations concerned shall realize and comply strictly this Decree.

Article 42: Effectiveness

This Decree is effective afterward 30 days from the date of signature; any previously issued agreements, provisoins and regulations which are in contrasdiction with this Decree are hereby annulled.

Signed and Sealed

Prime Minister of Lao PDR,

In the event of an emergency or where, in the opinion of the working unit there is a violation of the ECC, the project owner shall grant access to the working unit at any time.

Scoping for TOR means process of determination of essential impact that requires study, collection of necessary data to make up report on assessment of impact on environment and society which WREA will inspect and approve as framework.

Annex 7 - Weir Subprojects

Planning and construction phase

Weirs subprojects funded by the PRF are small structures on streams costing less than US\$50,000 and usually benefiting a single village, but sometimes several adjacent villages. They typically consist of both the structure and short sections of canal to divert water for village irrigation, but many are simple weirs that store water in the river channel for use in the dry season (for vegetable crops or water for animals).

Weirs and water control structures are constructed from either reinforced concrete or mass concrete and will usually be less than 10 meters wide and from 1 to 1.5 meters high with timber gates for sedimentation control. Irrigation canals may be lined with concrete or unlined and are usually about 1 m wide. The size of the weirs build is dependent upon the subproject budget ceiling (\$60,000).

OP 4.37 - Safety of Dams classifies dams less than 15m in height, with no expected increase in capacity, as “small dams”, requiring generic dam safety measures designed by qualified engineers. PRF weir sub-projects fall into this category. These generic dam safety measures include an environmental assessment (EA) for the project to determine that there would be no or negligible risk of significant adverse impacts due to potential failure of the structure to local communities and assets, including assets to be financed as part of the proposed project. PRF has standard designs for weirs (based on standard designs of the Department of Irrigation, Ministry of Agriculture and Forestry) that are adjusted to suit different stream width and depths. Where these designs cannot be used directly, they are used as a guideline for a custom design prepared by the qualified PRF District Engineer in each project area and approved by both the District Irrigation Office and the PRF Provincial Engineer. All designs and specifications are checked and approved, and stamped by the Department of Irrigation, Ministry of Agriculture and Forestry, before procurement. Additionally, there is a production manual for irrigation works which covers all aspects of weirs and micro-irrigation systems. Procurement is by competitive bidding, and a contractor is hired to implement weir construction subprojects. A Village Implementation Team (VIT) manages the construction and for larger subprojects will employ a Community Construction Supervisor (technician) for daily supervision of the contractor, reporting to the District Engineer who has an overall responsibility for supervision and quality management. The PRF District Engineer will inspect the construction site weekly.

The District Engineer first carries out the screening of potential environmental impacts using the Environmental Evaluation Control Sheet form provided in the ESMF, which is now revised to explicitly mention that the screening of subprojects and the environmental categorization would be carried out in line with the OP 4.01. An Initial Environmental Examination (IEE) may be conducted if the screening finds that the potential impact is considered small and manageable, while a full Environmental Assessment would be carried out if the expected impact is above the threshold provided in the ESMF. Under the original

project, all weir construction subprojects were found to require only an IEE through which potential environmental issues were identified and mitigation measures were incorporated into the design as per the project ESMF. An ECOP was recently developed and will be used for all PRF subprojects including for weir construction under the AF. During implementation the District Engineer uses “Quality Checklists” to document compliance with the designs and specifications and the Community Construction Supervisor used a Construction Site Log Book to record daily activities and instructions to the contractor. The subprojects are jointly inspected by the VIT, PRF District Engineer and District Authorities (Rural Development and Irrigation Office) before each payment is made to the contractor, through which the quality of the construction as well as the compliance with the ECOP will be certified and the completion certificates issued.

The PRF financed, and would continue to finance only about 10 weir construction subprojects per year on small streams and rivers, with each serving only one or a small cluster of villages. Population density is also low in poor rural areas. It is highly unlikely that the PRF investments in weirs will cause cumulative impacts although each subproject will continue to be monitored to assess impacts relative to other close-by subprojects that may be initiated in the area.

Table 1: Numbers and types of Weir subprojects from PRF II

Subprojects that involve construction or rehabilitation of weirs	Number
Irrigation Construction	7
Weir Construction	19
Weir renovation	2
Earth Dike Construction	2
Earth Dike Renovation	2
TOTAL	32

Post-construction phase.

The project has an operation manual in Lao language which has been distributed to district PRF teams. The PRF strengthened post-construction monitoring through conducting two site visits post-construction to monitor operation. These will be conducted jointly with District Authorities including representatives of competent agencies and district PRF staff in each district, with findings reported to capture lessons learned. Additionally, training needs will be scoped during these visits which can then be incorporated into the project.

These visits will also be utilized to check environmental and social matters that may have arisen as a result of any weir subproject. Such issues could include proper operation of sediment controls to ensure flushing is conducted at proper intervals in line with the manual, checks that stagnant water behind weirs has not become a breeding ground for disease vectors etc. Given the small size of the subprojects, it is not considered that water quality would be an

issue, although in the unlikely event that water quality could have been compromised, testing of samples and follow-up action based upon results would ensue.

ANNEX 8
PEST MANAGEMENT PLAN (PMP)
Revised – April 2015

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LIST OF ACRONYMS

CDD	Community Driven Development
CRPF	Compensation and Resettlement Policy Framework
DAFO	District Agriculture and Forestry Office
DoA	Department of Agriculture
DRM	Disaster Risk Management
EGPF	Ethnic Group Policy Framework
EIA	Environmental Impact Assessment
EPA	Environment Protection Agency
ESMF	Environmental and Social Management Framework
FAO	Food and Agriculture Organization
GHS	Global Harmonized System
GoL	Government of Lao PDR
IPM	Integrated Pest Management
JICA	Japan International Cooperation Agency
JSDF	Japanese Social Development Fund
KB	Koumban
LUFSIP	Lao Upland Food Security Improvement Project
MAF	Ministry of Agriculture and Forestry
MIS	Management Information System
NTFP	Non Timber Forest Product
OP	Operational Policy (of the World Bank)
O&M	Operation and Maintenance
PAFO	Provincial Agriculture and Forestry Office
PDO	Project Development Objective
PMP	Pest Management Plan
POM	Project Operations Manual
PRF	Poverty Reduction Fund
PRF I	PRF Phase I
PRF II	PRF Phase II
WB	World Bank
WHO	World Health Organization

INTRODUCTION

Annex 8 is the Pest Management Plan (PMP). It aims to provide basic knowledge to the national, provincial and district government, the PRF team, consultants, koumban (KB) staff, village officials, private and public sector agencies with adequate guidance for effectively addressing the safeguard issues in line with OP 4.09. The process will be implemented as part of the PRF project cycle and fully integrated into the subproject selection, approval, implementation, and monitoring and evaluation process. The PMP describes key issues related to procure and use of pesticide and chemical fertilizer and identified mitigation measures related to prohibited items, training, and guidelines related to safe use of pesticides. This PMP is adopted from ESMF of Lao Upland Food Security Improvement Project (LUFSIP) which was developed as part of PRF activity implementation support. The PMP will be applicable for all PRF II activity including its AF related to agriculture infrastructure development under the Component 1 and livelihood pilot grant funded under Japanese Social Development Fund (JSDF). The simplified PMP will be implemented along with other safeguard instruments developed for PRF II such as ESMF, CRPF and EGPF.

Village visits indicated that no chemical based fertilizers and pesticides were being used in village garden production. Some villages were experimenting with a natural locally produced fertilizer which uses a local plant (Kua Khao Hong) mixed with sugar and water and left for a number of days. The solution is added to the plants which does not kill insects but keeps them away from the vegetable gardens. There are no adverse impacts to the plants themselves and no impacts on palatability. Animal wastes are also utilized as natural fertilizers. Some villages also were experimenting with more advanced systems for localizing the waste from livestock, especially goats so that it could be collected and used on household gardens.

Responsible agency: The PRF staff at central and local levels will be responsible for implementation of the PMP and ensuring full compliance, including keeping proper documentation in the project file for possible review by the World Bank.

This document is considered a living document and could be modified and changed as it is appropriated. Close consultation with the World Bank and clearance of the revised PMP will be necessary.

SECTION I. POLICY AND REGULATIONS

World Bank's safeguard policy on pest management (OP 4.09)

OP 4.09 (pest management). The objective of this policy is to minimize and manage the environmental and health risks associated with pesticide use and promote and support safe, effective and environmentally sound pest management. The OP 4.09 was not triggered in the PRF I as the project was not involved and did not support any use of pesticide and/or chemical fertilizer. A review of safeguards issues in PRF I, however, has shown that providing agriculture infrastructure may provide indirect support to the use of chemical fertilizer and pesticide in some project areas. Differently from PRF I, PRF II will support livelihoods activities through the JSDF in selected communities with a view of testing models for effective and sustainable rural livelihood improvements for poor communities.

While the project will not procure and promote use of chemical pesticides and fertilizers, which are included in the *non eligibility list*, it may be unrealistic to completely prevent all farmers from applying chemical inputs. Specifically, rehabilitation of irrigation, building of small irrigation/agriculture production, and/or control of infestation of diseases may involve the use of pesticides and/or procurement of small amount of pesticides, herbicides, and insecticides. To mitigate this potential impact this simplified PMP has been prepared outlining clear regulations and procedures for management of pesticides and/or toxic chemical as well as providing knowledge and training on health impacts and safe use of pesticides and/or, when possible, promotion of non-chemical use alternatives such as organic farming. The PRF II will work closely with agriculture sector to apply the Conservation Agricultural Technology approved by Ministry of Agriculture and Forestry (MAF) in 2006 for the agricultural activities. This PMP is adopted and simplified from the PMP prepared for LUFSP project.

Government regulation related to pest management

In March 2000, with support from Japan International Cooperation Agency (JICA) and Food and Agriculture Organization (FAO), the MAF established the Regulation number 0886/MAF and recently updated in June 11, 2010 into the regulation number 2860/MAF (Annex 2) on Pest Management in Lao PDR. The regulation was developed based on the WHO recommended Classification of Pesticide by Hazard and Guideline to Classification 1994-1995. The GoL had registered in January 2010 the companies who import pesticides, fertilizers and seeds into Lao PDR. Registered pesticide has been adjusted in May 2010 based on the new regulation. The Department of Agriculture (DoA) under MAF is mandated to oversight all the usage of pesticide.

SECTION II KEY ISSUES AND MITIGATION MEASURES

Key issues related to use of pesticide and chemical fertilizer

The PMP is developed to support project community and a responsibility of all parties to support the implementation and proper applicability of the WB OP 4.09. Negative impacts from the use of pesticide and chemical fertilizers are expected to be minor and localized and could be mitigated during the planning and implementation of the project. Given that pesticide and chemical fertilizer are normal practice for many farmers PRF does not promote the use of either. However, it is important for PRF staff and local communities to understand the nature of such activities which could possibly encourage people to reduce the use pesticide and chemical fertilizer.

Below summarizes the possible activities which could be associated with the use of pesticide and chemical fertilizer under PRF II and the related AF.

- Implementation of subprojects related to irrigation (new and rehabilitation) may indirectly involve the use of pesticides and or chemical fertilizer. It often occurs when farmers aim to increase their productivity as their land can now be irrigated. It also obvious when intensive agriculture has been introduced given an opportunity of water is available in their agriculture areas.
- Livelihoods and nutrition pilot would be implemented in a select number of communities with a view of testing models for effective and sustainable rural livelihood improvements for poor communities. This activity could encourage community engagement with intensive on-farm activities such as a rice production, vegetable garden, industry tree plantation, and livestock husbandry where pesticide and chemical fertilizer could be applied by local communities.

From the experience of on-going project, many target villages are using pesticide and chemical fertilizer on their agriculture activity and rubber plantation which has already polluted nearby streams.

Actions for mitigation

The negative impacts from the use of pesticide and chemical fertilizer from AF activities would be minor and localized and could be mitigated during the planning and implementation of the project. During the consultation stage with koumbans, there are also opportunity to enhance positive impact during the planning and selection of the subprojects. Below summarizes the activities to be carried out during the planning and implementation of PRF II on pest management.

(a) Prohibition

To avoid adverse impacts due to pesticides, procurement of pesticides will be prohibited and this has been included in the “*non eligibility list*”.

(b) PRF staff training

The PRF II AF will continue providing basic knowledge on alternative options for agriculture development and /or livelihood activities, including safe use of pesticides and other toxic chemicals. Budget would be allocated for project staff training to understand 1) overall policy on Pest Management (government and Bank policy); 2) basic knowledge on possibly negative impact on environmental and health from the use of pesticide and chemical fertilizer; and 3) basic knowledge on how to prevent it including what are the prohibited items in the country for pesticide and chemical fertilizer, how to prevent or mitigate the negative impact from the use etc (staff training could be done jointly with other topics). This training would be provided for subprojects that involve the use of fertilizer, pesticides, and/or toxic chemicals.

(c) Provide knowledge to farmers

Prior consultation would be provided to project KBs. Pest management will be included as one topic for village consultation meeting at the KB. If likely that the agriculture support would be priority for a particular village either agriculture infrastructure and livelihood support, training on pest management should be provided in the following areas:

- *Pest management training:* The objective is to provide basic knowledge to the target farmer on prohibited type of pesticide, the negative on the use of pesticide and chemical fertilizer both on environmental and human health, and how to mitigate the negative impact from the usage of pesticide and chemical fertilizers if there is a need for the use. It is also to inform farmers that, the GoL is not intended to support the use of any pesticide and chemical fertilizer in any agricultural productivity but promote conservation agriculture instead; however the country has experienced severe pest invasions, and could lead to the usage of pesticide and chemical fertilizer in some cases to limit losses and damages to the agriculture product. The procurement of pesticide and chemical fertilizer will not be funded under PRF II or PRFII AF budget; however any PRF II villages that get support for either agriculture infrastructure and livelihood activity through JSDF would need to have training on pest management described under this PMP.
- *Training on GoL regulation:* The country is experienced in the use of pesticide and chemical fertilizer and learnt from its neighboring countries. The PRF II AF will train the target farmers on the Regulation number 2860/MAF on Pesticide Management before the subproject can be implemented and subject to compliance with the Bank safeguard policy OP 4.09 on Pest Management.
- *Technical training;* This training would aim at providing the target farmers to understand clearly the technical aspect of pesticide and skill in using them such as what are the eligible and prohibited items of pesticide in Lao, the level of negative impact of each eligible item, how to use them, how to protect and minimize the negative impact while using them, how to keep them before and after used etc. Thus the trainer would be someone from PAFO or DAFO who is knowledgeable on this. PRF II will finance the training cost and per diem and transportation cost for the trainer if needed.
- *Procurement, storage, and usage of pesticide;* Procurement, storage and monitoring of the usage of pesticide financing under LUFSP is fully a responsibility of DOA. The DOA should strictly follow with articles 18 and 19 of the MAF's regulation number 2860/MAF for procuring the pesticide; articles 20, 21 and 22 for transportation, storage and trans-boundary transportation of pesticides; and articles 23 and 24 for the safety use of pesticide. The DOA or user may refer in addition to the article 25 and 26 for the storage and usage of pesticide.
- *Continued monitoring of pesticide use:* As part of the regular monitoring of project activity, the World Bank and PRF teams will continue to monitor changes in pesticides, insecticides and chemical fertilizers use in all project related activities. Programs and trainings will be specifically amended to address any such changes.

Promotion of non-chemical agriculture

The PRF II AF has been designed also to promote conservation of natural resources when possible. It is anticipated that linking PRF II agriculture's activity with conservation agriculture technique is important for improving the quality of life among farmers. Given that most of PRF subprojects are located in remote area and sustainable use of natural resources would be critical for their livelihood development and poverty reduction. If protected areas or critical natural habitats are located nearby, it

is necessary to also take measures to minimize potential negative impacts and/or enhance positive impacts through the community-driven process. In this context, a “conservation agriculture technique” should be introduced for target communities. During the planning process, action will be carried out jointly between the PRF and DAFO to plan and train farmers.

Implementation arrangement and budget

(a) Planning and implementation


In close cooperation with PAFO, PRF staff at central level will be responsible for providing training to PRF staff at province and local level and koumban facilitator during the consultation and planning stage. Budget for training will be included in the subproject cost or capacity building as appropriate.

(b) Monitoring

PRF staff at local level will work with DAFO staff for the monitoring of the use of pesticide in target community including: a) ensure the procured pesticide is not in the non eligibility list provided in Annex 1; b) ensure procured pesticides are properly kept and transport them to the target area; c) ensure training delivery to the user before distribution; and d) monitor compliance usage of pesticide according to the MAF’s regulation number 2860/MAF (in Annex 2). The World Bank and PRF team at central will carry out a joint Implementation Support Mission in every six months period to review the compliance. The World Bank will use its Pest Management Guidebook as a standard to monitor compliance of the use of pesticide procured under the project.

Annex 1: Regulation number 2860/MAF

People's Democratic Republic
Peace Independence Democracy Unity Prosperity



Ministry of Agriculture and Forestry

No 2860/MAF
Vientiane Capital, date June 11, 2010

**Regulation
on the control of pesticides in Lao PDR**

- Pursuant to the Law on Agriculture No. 01/98/NA, dated 6 November 1998.
- Pursuant to the Environment Protection Law No. 02/99/NA, dated 3 April 1999.
- Pursuant to Law on Local Administration No. 03/NA of 5 October 2003;
- Pursuant to the Law on Food No. 04/NA, dated 15 May 2004.
- Based upon the proposal of the Minister of Agriculture and Forestry No./MAF, dated.....2009.

The Minister of Agriculture and Forestry issues the Regulation on the Control of Pesticide as follows:

**PART I
General provision**

Article 1. Objective

This regulation defines the principles, rules and measures for controlling activities involved with pesticide in Lao PDR in order to protect human health, animal plant and environment, and to be consistent with agreements and international regulations.

Article 2. Output

This regulation is as a tool of monitoring, control of the production processing, import-export, distribution, transport, storage, usage, destroy, disposal properly and safety to human health, animal plant and environment; to ensure the usage, making the business units and pesticide activities smoothly undertake accordingly to the defined rules and principles.

Article 3. Definitions

Terms used in this regulation shall be interpreted as follows:

Pesticide means any substance or mixture of substances intended for preventing, destroying or controlling any pest, including vectors of human or animal disease, unwanted species of plants or animals causing harm during or otherwise interfering with the production, processing, storage, transport or marketing of food, agricultural commodities, wood and wood products or animal feedstuffs, or substances which may be administered to animals for the control of insects, arachnids or other pests in or on their bodies. The term includes substances intended for use as a plant growth regulator, defoliant, desiccant or agent for thinning fruit or preventing the premature fall of fruit, and substances applied to crops either before or after harvest to protect the commodity from deterioration during storage and transport.

Banned pesticide means a pesticide for which all uses have been prohibited by final regulatory action, in order to protect human health or the environment. The term includes a pesticide that has been refused approval for first-time use, or has been withdrawn by industry either from the domestic market or from further consideration in the domestic approval process,

and where there is clear evidence that such action has been taken in order to protect human health or the environment.

Unwanted plant means the plant is not in the target of growing.

Pesticide industry means all those organizations and individuals engaged in manufacturing, formulating or marketing pesticides and pesticide products.

Trader means anyone engaged in trade, including export, import and domestic distribution.

Formulation means the combination of various ingredients designed to render the product useful and effective for the purpose claimed; the form of the pesticide as purchased by users.

Active ingredient means the biologically active part of the pesticide.

Registration means the process whereby the responsible national government or regional authority approves the sale and use of a pesticide following the evaluation of comprehensive scientific data demonstrating that the product is effective for the intended purposes and does not pose an unacceptable risk to human or animal health or the environment.

Label means the written, printed or graphic matter on, or attached to, the pesticide or the immediate container thereof and also to the outside container or wrapper of the retail package of the pesticide.

Manufacturer means a corporation or other entity in the public or private sector or any individual engaged in the business or function (whether directly or through an agent or entity controlled by or under contract with it) of manufacturing a pesticide active ingredient or preparing its formulation or product.

Distribution means the process by which pesticides are supplied through trade channels to local or international markets.

Advertising means the promotion of the sale and use of pesticides by printed and electronic media, signs, displays, gift, demonstration or word of mouth.

Personal protective equipment means any clothes, materials or devices that provide protection from pesticide exposure during handling and application.

Disposal means any operation to recycle, neutralize, destruct or isolate pesticide waste, used containers and contaminated materials.

Residue means any specified substances in or on food, agricultural commodities or animal feed resulting from the use of a pesticide. The term includes any derivatives of a pesticide, such as conversion products, metabolites, reaction products and impurities considered to be of toxicological significance. The term "pesticide residue" includes residues from unknown or unavoidable sources (e.g. environmental) as well as known uses of the chemical.

Risk is a function of the probability of an adverse health or environmental effect, and the severity of that effect, following exposure to a pesticide.

Toxicity means a physiological or biological property which determines the capacity of a chemical to do harm or produce injury to a living organism by other than mechanical means.

Integrated Pest Management (IPM) means the careful consideration of all available pest control techniques and subsequent integration of appropriate measures that discourage the development of pest populations and keep pesticides and other interventions to levels that are economically justified and reduce or minimize risks to human health and the environment. IPM emphasizes the growth of a healthy crop with the least possible disruption to agro-ecosystems and encourages natural pest control mechanisms.

Natural enemies' means disease and insect usefully controlling pest in the nature include predators, parasitoids, and pathogens.

Article 4. Scope

This regulation applies to all persons, juristic persons or organizations engaged in manufacturing, importing, exporting, selling, using, transport, storage, destroying and disposal of pesticide in Lao PDR.

PART II Business on pesticides

Article 5. Business on pesticides

A person, juristic person or organization having the intention to conduct business on pesticide shall submit a request licenses through agriculture sector and others related sector for getting an approval and shall register its enterprise with industrial and commerce sector as determined in the Law of Enterprise.

Article 6. Import and export, selling license

Registered Pesticide prior to import and export shall be applied document to Agriculture Sector prior import or export 3 working days, 20 days for selling.

Article 7. Recording

A Person, juristic person or organization intend to import, export, manufacture, store pesticide shall record on whole of quantities of pesticides and other related information for using as a statistic providing to pesticide management.

Article 8. Responsibility on pesticide business

A person conducting pesticide business shall ensure the safety to minimize risks to human health, animal and the environment. In the case of accident where pesticide caused damage to human, animal and environment the pesticide business operator shall be responsible according to the laws. In addition the pesticide business operator shall be cooperated and facilitated to pesticide inspectors and other related authorities.

PART III Registration of pesticides

Article 9. Registration of pesticide

All pesticides that are produced, imported, exported, distributed and used in Lao PDR must be registered with the Department of Agriculture, Ministry of Agriculture and Forestry.

Article 10. Exception pesticide registration

1. Registration is not required for botanical pesticide that are not packed for sale;

2. Provisional registration can be granted for products imported for the purpose of research, trial or exhibition, but need to be requested from DOA, MAF, with requires evidence that the products register in the country of origin.

Article 11. Qualifications for pesticide registration

A person, juristic person or organization who wants to register pesticide shall have the following qualifications:

1. Person holding license as described in article 19 of this regulation;
2. Imported pesticide shall be registered in exported country.

Article 12. Application for registration

A person, juristic person or organization having intention to register pesticide shall submit application to pesticide registration committee in Ministry of Agriculture and Forestry.

The registration application shall consist of following documents:

1. Copy of enterprise registration certificate;
2. Copy of pesticide registration certificate of exporting country or/and original country;
3. Nomination letter for registration from manufacturer or exporting country;
4. Instruction of pesticide use;
5. Sample of pesticide.

Article 13. Registration consideration

Pesticide registration Unit of DOA shall consider application whether to register or denied registration within 60 days from the date the application is received. In the case of denial of registration, the written notice shall be given to applicant by the DOA.

Article 14. Pesticide registration certificate

Pesticide registration certificate is an official document issued by Director General of DOA, Ministry of Agriculture and Forestry and valid for two year. Prior two months of expiration, the Certificate Owner shall submit a request for renewal certificate to the DOA. The application and process of consideration will be proceed as described in article 12 and 13 of this regulation.

Article 15. Withdrawal of pesticide registration certificate

The pesticide registration certificate may be withdrawn prior to its expiration date by the Director General of Department of Agriculture in any following case:

- there is a material violation of this regulation or other related laws by the certificate owner or his authorized representatives;
- the pesticide is no longer effective for its intended use;
- the pesticide has been withdrawn from the market;
- in case of cancellation of a registration, the Registration Committee shall fix a reasonable phasing-out period for the distribution and use of the product concerned.

Withdrawn certificate of registration shall be informed to related agencies.

Article 16. Pesticide registration Unit

Pesticide registration Unit is a unit under administration of the Department of Agriculture, Ministry of Agriculture and Forestry, which has the main role and task as following:

1. Review application for registration of pesticide and take registration decision;
2. Regularly review the list of registered of pesticide to determine whether they still meet the requirements, taking into consideration the latest scientific information;
3. Edit and approve labels of pesticide;
4. Implement others right and task as described in related legislations.

PART IV

Management of production, import, export, distribution, transportation, storage and transit of pesticide

Article 17. Formulating pesticide

A person, juristic person or organization having the intention to formulate pesticides shall submit an application to Ministry of Agriculture including socio-economy document and production technique.

Article 18. Import-Export of pesticide

Only registered pesticides can be imported or exported. Registration has to be applied for from the Department of Agriculture, Ministry of Agriculture and Forestry and shall comply with other related laws, exclude the pesticide determined in article 10 of this regulation.

Article 19. Distribution or selling pesticide

Distributors or traders must have criteria as following:

1. Attended in training of pesticide and have related certificate;
2. Have material safety data sheets, instruction of pesticide for customer using properly;
3. To ensure there are not harmful to neighboring people or environment;
4. To supply plant protection clothes for customers;
5. Storage must strictly follow article 21;
6. Must have records purchase orders and selling.

Prohibitions of distributors or traders of pesticide are following:

1. Distribute without license of related authorities;
2. Sale pesticides which:
 - did not register in Lao PDR
 - have exceeded their expiry date, or have changed their physical appearance or behavior, such as color, sedimentation, inability to disperse, etc... or container break or leak container;
 - lack of sign or was destroyed that could not read;
 - repack for sale

Article 20. Transportation

Transporters/carriers of pesticide shall adhere to the following rules:

- 1) For consignment of Pesticides, either of same or different groups, exceeding 100 liters (fluids) or 1000 kg (solids), separate documentation has to be issued and be kept with the driver. The documentation shall have the following content:
 1. Name, address, phone number of owner and shipper;
 2. Trade name or common name of transported Plant Protection Products;
 3. Formulation types and concentrations of Plant Protection Products transported;
 4. Volume of Plant Protection Products;
 5. Emergency procedures, in the case of breakage or spill;
 6. A safety data sheet for each of the materials transported.
- 2) For consignments greater than 1000 liters or 1000 kg the transport route must be declared in advance;
- 3) Plant Protection Products carried by means of public transport, shall not exceed 20 l for liquids or 20 kg for solids. However, they shall be wrapped properly and kept separately from the passengers and other goods;
- 4) The drivers of vehicles carrying Plant Protection Products shall be selected properly – they shall be reliable and competent;

- 5) Prohibit to transport pesticides with living organism and others goods.

Article 21. Storage

If pesticides are store more than 10 liters/kilogram the following requirement should be met:

- 1) A pesticide storage facility should be located in an area where flooding is unlikely and far from people and domestic animal farm at least 100 m;
- 2) All pesticides must be kept in a facility that can be locked and posted as a pesticide storage area;
- 3) Kept pesticide far from sources of heat or directly in the sun;
- 4) Separate pesticide from others goods;
- 5) Lay out pesticide by group and hazard classification;
- 6) Kept pesticide in original containers with label;
- 7) Absorbed substances such as charcoal, sawdust, sand;
- 8) Take care floor clean and dry, clean up when spillage of pesticide occurred, leaking from container;
- 9) Soap and water are available for washing when contact with pesticide;
- 10) Use stand or pallets for placing pesticide and avoid direct on floor;
- 11) Kept empty containers in safety place prior to disposal.

Article 22. Transition

All pesticides passing through Lao PDR in transit shall comply with relevant bilateral or multilateral agreements to which Lao PDR is a party.

PART V

Use of pesticide and disposal

Article 23. Use of pesticide

A person intending to use pesticide shall recognize its characteristic and pay attention to following matters:

1. Use Integrated Pest Management especially controlling pest by using natural enemies;
2. Use pesticide in proper way and implement as described on the label;
3. Wear protective equipments whenever apply pesticide; employers should provide proper equipments including training on pesticide application for employees;
4. Ensure preventing dangerous effects of pesticide to human health, animal and environment;
5. Any accident involving pesticides that requires specialist assistance or poses a threat to human health or the environment should immediately be reported to the relevant authority.

Article 24. Disposal of pesticide

Substandard pesticide, counterfeit, expired products, pesticide waste including empty containers shall be properly disposed or buried in an approved landfill without effecting to environment, the location is on flat ground, far from water resource and well or underground water and follow technical guideline as specified by Water Resources and Environment Administration (WREA).

PART VI

Packaging Labeling and Advertising

Article 25. Packaging

Repackaging of pesticide is prohibited unless specific permission has been obtained from pesticide registration unit, DOA.

Pesticides should be in original package which safety while import, transport, store or distribute and ensure safe when handle to protect harmful to human health, animal and environment.

Article 26. Labeling

All packaging of pesticide should be affixed label on or attached label in the pesticide container. The label must be in Lao language and/or English which could easily to read, clear and does not easily to tear.









1. The contents and form of label shall be approved by the pesticide registration unit, and contains the following information:
 - 1.1 Trade name;
 - 1.2 Chemical (common) name, formulation and concentration of active ingredient;
 - 1.3 Purpose of usage, e.g. which crops and pests;
 - 1.4 Dosage and mode application;
 - 1.5 Signs and instructions see paragraph 2 of this article;
 - 1.6 Directions for storage, mixing, usage, packaging and recommended personal protection from hazards;
 - 1.7 Pre-harvest interval;
 - 1.8 Warnings;
 - 1.9 Symptoms of poisoning, methods of mitigation, directions for physician;
 - 1.10 Hazard classification (WHO or GHS);
 - 1.11 Name of producer;
 - 1.12 Volume of package;
 - 1.13 Production or expiry date;
 - 1.14 License number;
2. Instruction for labeling
 - 2.1 Pesticide under WHO hazard Class Ia must be labeled with a clear danger sign, the skull and crossed bones, and bear the text ‘extremely toxic’ which should be accompanied by the appropriate signs as under 3 below.
 - 2.2 Pesticide under WHO hazard Class Ib must be labeled with a clear danger sign, the skull and crossed bones, and bear the text ‘highly toxic’, accompanied by the appropriate signs as under 3 below.
 - 2.3 Pesticide under WHO hazard Class 2 must be labeled with a clear danger sign, flash, and bear the text: ‘dangerous’, accompanied by the appropriate signs as under 3 below.
 - 2.4 Pesticide under WHO hazard Class 3 must bear the text: ‘attention’ accompanied by the appropriate signs as under 3 below.
3. The following phrases shall be used to mark characteristics of usage and to Mark of usage and characteristic precautions:



- 3.1 Keep away from children



- 3.2 Wash after handling

- | | | |
|-------|-----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 3.3 |  | Dangerous to animals |
| 3.4 |  | Dangerous to fish and aquatic animals, prohibited to contaminate water ways |
| 3.5 | The following phrases shall be used in either “usage” or “mixing” directions, as appropriate: | |
| 3.5.1 |  | Wear eye protection |
| 3.5.2 |  | Wear breathing protection |
| 3.5.3 |  | Wear mask |
| 3.5.4 |  | Wear gloves |
| 3.5.5 |  | Wear protective clothing during spraying or handling |
| 3.5.6 |  | Wear rubber boots |

Article 27. Advertising

A person, juristic person or organization shall only advertise registered pesticide.

Prohibit advertising over reality or not correctly as characteristic of pesticide which lead misunderstanding of customers and users.

PART VII

Management and inspection

Article 28. Management and inspection of pesticides

Pesticide management and inspection sections comprise of:

- Department of Agriculture, Ministry of Agriculture and Forestry;
- Provincial Agriculture and Forestry Office;
- District of Agriculture and Forestry Office.

These three sections will assign pesticide inspection unit which include trained staffs on pesticide management from DOA.

Article 29. Inspection of pesticide

Inspection of pesticide refers to monitoring of pesticide manufacture process, import – export, distribution, advertising, storage, using and disposal of expired pesticide or pesticide waste include empty containers on farm, concession farm, individual farm, governmental and private farm to compliance with laws of Lao PDR.

Article 30. Types of pesticide inspection

There are three types of pesticide inspection:

1. Regular inspection;
2. Inspection with advance notice;
3. Immediate inspection.

Regular inspection refers to an inspection performed regularly according to plans at pre-determined times which shall conduct at least once a year.

Inspection by advance notice refers to an inspection which is not included in the plan, which is performed when deemed necessary and for which advance notice is given.

Immediate inspection refers to a sudden inspection performed without advance notice to the person to be inspected.

Article 31. Right and duties of Department of Agriculture

In the management and inspection of pesticide, the Department of Agriculture has following rights and duties:

1. To conduct research on policies, laws and regulations on management and inspection of pesticide and then propose to Minister for consideration;
2. To disseminate and train policy, laws and regulations on pesticide management and inspection;
3. To cooperate with related agencies and local administration for pesticide management and inspection;
4. To implement the pesticide registration and make available regular update of the lists of registered and banned pesticides;
5. To monitor the licensing for the import-export of pesticide;
6. To train and upgrade officials involving to pesticide management and inspection on politic, ideology, moral, and technique;
7. To appoint inspectors taking into consideration based on proposal and to provide them with the necessary badge that empower them to conduct their task;
8. To provide training to traders to obtain basic knowledge about pesticide and their risks;
9. To cooperate with international organizations on pesticide management and inspection;
10. To regularly report to government on the implementation of its duties in pesticide management and inspection throughout the country.
11. To exercise other rights and duties as stipulated in related legislations.

Article 32. Right and duties of Provincial Agriculture and Forestry Office (PAFO)

In the management and inspection of pesticide, Provincial Agriculture and Forestry Office has following rights and duties:

1. To supervise the implementation of laws and regulations on pesticide management and inspection within its own province;
2. To issue the imported license to person or juristic person which registered pesticide, or to be representative of pesticide distributor, and must be based on requirement of use of pesticide in local province to avoid over supply leading to expire date;

3. To issue sell and/or imported license to person or juristic person which meet the requirement for such business;
4. To implement the inspection of pesticide shops in their provinces and to follow up in cases of violation;
5. To make available the necessary staffs and budget to exercise the duties assigned under the regulation;
6. To make proposal regarding appointment of pesticide inspectors under its control to the Minister of Agriculture and Forestry ;
7. To cooperate with other involving agencies on pesticide management and inspection;
8. To regularly report to the Ministry of Agriculture and Forestry on the implementation of its duties in pesticide management and inspection;
9. To exercise other rights and duties as stipulated in the laws.

Article 33. Right and duties of District Agriculture and Forestry Office (DAFO)

District Agriculture and Forestry Office has following rights and duties:

1. To implement the laws and regulations on pesticide management and inspection within its responsible area;
2. To cooperate with other involving agencies on pesticide management and inspection;
3. To regularly report to PAFO on the implementation of its duties in pesticide management and inspection ;
4. To exercise other rights and duties as stipulated in the laws.

Article 34. Rights and duties of pesticide inspectors

The pesticide inspectors have following rights and duties:

1. Inform traders (import-export, sale, storage) of their obligation under this regulation;
2. While conducting inspection of pesticide, inspectors shall show the nominated certificate and identity card to persons subject to the inspection and shall duly and strictly comply with the laws and regulations;
3. carry out periodic inspections of all persons, juristic person or organizations who involved in import, export, manufacture, pack, repack, label, store, distribute, advertise or use pesticides to determine whether the provisions of this Decree are being complied with;
4. require for inspection, the production of certificates, permits, licenses, records or any other document or authorization granted or issued under this Decree;
5. take samples of any pesticide, substances or other objects related to pesticide for analysis;
6. seize any equipment, pesticide, document, record, or other thing which the Inspector believes has been used in, or which appears to afford evidence of, a contravention of national legislation, so long as:
 - the inspector gives a receipt in the prescribed form to the person from whose custody the item was taken;
 - the item is returned to that person once the inquiry has been completed, except for illegal pesticides, which if so declared by the court, shall be disposed as prescribed in article 11 of this regulation;
7. Take the appropriate action with the responsible authorities to follow up on violation;
8. Report violation that required fining to the PAFO on the result of inspection to the Head of Provincial Agriculture and Forestry Office and Director General of DOA.

PART VIII

Fees and Service charges

Article 35. Fees and service charges

Fees and service charges for registration certificate or licenses of pesticide shall be based on curricular of Ministry of Finance on fees and service charges which have been promulgated from time to time.

PART IX

Rewards and sanctions

Article 36. Rewards

Any person, juristic person or organization having good deeds in implementing this regulation shall be adequately rewarded and privileged from treatments determined by Ministry of Agriculture and Forestry.

Article 37. Rewards for government officials

Government official work involved pesticide continuously over 5 years shall be received pension before the date as described in article 59 of Labor Law.

Article 38. Measures towards violators

Any person, juristic person or organization having violated of this regulation shall be educated, warned fined and punished, depending on the gravity of the cases as follow:

- 1st violation: educate, warn and record in file;
- 2nd violation: seize goods and fine 50% of the goods according to the market price and record in the file;
- 3rd violation: seize goods and fine twice of the goods value according to the market price, record in the file, collaborate and submit to the concerned authority for temporally or closing the business depending on the case.

Any violation in the first time, second or third, if it being strong consequences to the human health, animal, plant or environment shall be punished according to criminal law.

Any person who suffers from the imports, exports, manufacture, packaging or storage of pesticides which are unqualified and dangerous to human health and the environment, or from their illegal use, shall be compensated by the competent court.

In case of disposal pesticides or send back to exported country the violators must be responsible for all expenditure.

PART X

Final provision

Article 39. Implementation

The Department of Agriculture, Ministry of Agriculture in collaboration with concerned organizations has to develop and implement this regulation for effectively result.

Article 40. Effectiveness

This regulation comes into force after the date of its signing.

Regulations and provisions which are contradicted to this regulation shall be null.

Minister of Agriculture and Forestry

Annex 2: List of eligible and banned Pesticide in Lao PDR. May 2010 - List of eligible and registered pesticides

No	Common name	a.i (%)	Trade name	Type of application	Countries of origin	Toxicity class
1	2,4- D	80%	Zico 80 WP	Herbicide	Vietnam	WHO II
2	2,4-D dimethy Lammonium	84%	Dee Jai	Herbicide	Thai	WHO II
3	2,4-D dimethyl ammonium	82.1%	Obet	Herbicide	Thai	WHO II
4	2,4-D dimethyl ammonium	84%	B K Amin	Herbicide	Thai	WHO II EPA II
5	2.4 D	60%	ZICO 720 SL	Herbicide	Vietnam	WHO II
6	2.4 D	48%	Zico 48 SL	Herbicide	Vietnam	WHO II
7	45% buprofezin + 15% Imidacloprid	60%	DIFLOWER ® 600WP	Insecticide	Vietnam	WHO U
8	Abamectin	1.80%	Khum Pleum	Insecticide	Thai	EPA IV
9	Abamectin	1.8%	Countdown	Insecticide	Thai	EPA IV
10	Abamectin	1.8%-3.6%-5%	DIBAMEC®1.8E C-3.6EC-5WG	Insecticide	Vietnam	EPA IV
11	abamectin	1.8%	Intake	Insecticide	Thai	EPA IV
12	Abamectin 0.9% + Bacillus thuringensis 1.15	2%	ABT 2 WP	Insecticide	China	EPA IV
13	Acetochlor	50%	Dibstar 50 EC	Herbicide	Vietnam	WHO III
14	Acetochlor	80%	Saicoba 80 EC	Herbicide	Vietnam	WHO III
15	Acting		AI-Net Acting	Plant Growth regulator	Thai	
16	Agrio-streptomycin	72%	Agrio-streptomycin	Bactericide	China	
17	Alachlor	48%	Anchor	Herbicide	Israel	WHO III
18	Alpha cypermethrin	5%	Sapen-Alpha 5 EC	Insecticide	Vietnam	WHO II
19	Alpha-Cypermethrin	2%	Dominex	Insecticide	Thai	WHO II
20	Alpha-Cypermethrin	5%	DANTOX®5EC	Insecticide	Vietnam	WHO II
21	Ametryn	50%,80%	Sametrix 50 WP, 80 WP	Herbicide	Vietnam	WHO III
22	Atrazine	80%	Mizin 80 WP	Herbicide	Vietnam	WHO U
23	Atrazine	90%	B K Mac P 90WG	Herbicide	Thai	WHO U EPA III
24	Azoxystrobin + Propiconazole	32,5 %	Saiprobin 325 SC	Fungicide	Vietnam	WHO U
25	Bensulfuron methyl	10%	Beron 10 WP	Herbicide	Vietnam	WHO U
26	Bifenthrin	24%	Biflex - TC	Termiticide	Thai	WHO II
27	Bifenthrin	0.50%	Fentax 10 WP	Insecticide	Thai	WHO II
28	Bifenthrin	1.25%	Bistar- D	Insecticide	Thai	WHO II
29	Bifenthrin+Malathion	2%+40%	Bistar - M	Insecticide	Thai	WHO II
30	buprofezin	40%	Lang van	Insecticide	Thai	WHO U
31	Butachlor	5%-10%	DIBUTA®60 EC	Herbicide	Vietnam	WHO U
32	Butachlor	60%	Butaxim 60 EC	Herbicide	Vietnam	WHO U
33	Butachlor + Propanil	70%	Por Jai	Herbicide	Thai	WHO U

34	Butachlor+Bensulfuron Methyl	21%+4%	ALOHA®25WP	Herbicide	Vietnam	WHO III
35	Carbendazim	50%	Sabay Dee	Fungicide	Thai	WHO U
36	Carbendazim	50%	DIBAVIL® 50FL -50WP	Fungicide	Vietnam	WHO U
37	Carbendazim	50%	Carbendazim 500 FL	Fungicide	Vietnam	WHO U
38	Carbendazim	50%	Carbendazim 50 WP	Fungicide	Vietnam	WHO U
39	Carbendazim + Mancozeb	6.2%+73.8%	C M plus	Fungicide	Thai	WHO U
40	Carbosulfan	20%	Kanir	Insecticide	Thai	WHO II
41	Cartap	95%	Big cock 95 SP	Insecticide	China	WHO II
42	Cartap	4%	Big cock 4 G	Insecticide	China	WHO II
43	Cartap hydrochloride	50%	Chodsanit	Insecticide	Thai	WHO II
44	Chlorothalonil	75%	Mention	Fungicide	Thai	WHO U
45	Chlorothalonil	53.0%	Daconil 720 SC	Fungicide	Japan	WHO U
46	Chlorpyrifos methyl	3%	Sago-Super 3 G	Insecticide	Vietnam	WHO U
47	Chlorpyrifos methyl	20%	Sago-Super 20EC	Insecticide	Vietnam	WHO U
48	Chlorpyrifos	40%	Temsoob	Insecticide	Thai	WHO II
49	Chlorpyrifos	40%	Casto	Insecticide	Thai	WHO II
50	Chlorpyrifos	40%	CJ - 40	Insecticide	Thai	WHO II
51	Chlorpyrifos Ethyl + Cypermethrin	532g/l+55g/l	Golden dragon 585 EC	Insecticide	Vietnam	WHO U
52	Chlorpyrifos+cypermethrin	50%+5%	New teen 55	Insecticide	Thai	WHO II
53	Chlorothalonil	75%	Chlorothalonil	Fungicide	China	WHO II
54	Copper hydroxide	77%	Microbucob	Fungicide	Thai	WHO III
55	Copper Oxyclozide	85%	Saicoxy 85 WP	Fungicide	Vietnam	WHO III
56	Cyhalofop-Butyl	10% , 20%	Sagolince 100 EC,200 EC	Herbicide	Vietnam	WHO U
57	Cyhalofop-Butyl + Pyribenzoxim	50% + 20%	Sagoshots 70 EC	Herbicide	Vietnam	WHO U
58	Cymoxanil + Mancozeb	8% + 64%	Saicymance 72 WP	Fungicide	Vietnam	WHO III
59	Cypermethrin	10%	Jud Hai	Insecticide	Thai	WHO II
60	Cypermethrin	35%	Rup four 35	Insecticide	Thai	WHO II
61	Cypermethrin	5%-10%-25%	DANTOX®5EC-10EC-25EC	Insecticide	Vietnam	WHO II
62	Cypermethrine	25%	Secsaigon 25 EC	Insecticide	Vietnam	WHO II
63	Cypermethrine	10%	Secsaigon 10 EC	Insecticide	Vietnam	WHO II
64	Cypermethrine	5%	Sec saigon 5 EC	Insecticide	Vietnam	WHO II
65	Cypermethrine	50%	Secsaigon 50 EC	Insecticide	Vietnam	WHO II
66	Cyst-Forming protozoan	200,000- §ð¹p	Prorodent	Rodenticide	Thai	
67	Denotefuran + Imidacloprid	5%+15%	EXPLORER® 200WP	Insecticide	Vietnam	WHO II

68	Diazinon	10%	Diaphos 10 G	Insecticide	Vietnam	WHO II
69	Diazinon	50%	Diaphos 50 EC	Insecticide	Vietnam	WHO II
70	Dimethoate	40%	Dimenat 40 EC	Insecticide	Vietnam	WHO II
71	Dimethoate + Fenvalerate	21.5% +3.5%	Febis 25 EC	Insecticide	Vietnam	WHO II
72	dinotefuran	20%	Sagoshin 20 WP	Insecticide	Vietnam	WHO U
73	Diuron	80%	Ansaron 80 WP	Herbicide	Vietnam	WHO U
74	Effective Microorganism (EM)	5%	GENO-MI® 5 SL	Plant Growth regulator	Vietnam	
75	Emamectin + Benzoate	5%+2%	COMDA 5WDG,2EC,2SC, 5EC,5SC	Insecticide	Vietnam	WHO II
76	Emamectin benzoate	0.20%	Emamectin benzoate	Insecticide	China	WHO III
77	Ethephon	2,5%	Sagolatex 2.5 PA	Plant Growth regulator	Vietnam	
78	Fenobucard	50%	Bascide 50 EC	Insecticide	Vietnam	WHO II
79	Fipronil	5%	Sagofipro 5 SC	Insecticide	Vietnam	WHO II
80	Fipronil	5%-0.3%-80%	LEGEND®5SC-0.3G-800WG	Insecticide	Vietnam	WHO II
81	Fluazifop-p-butyl	15%	Hekio	Herbicide	Thai	WHO III
82	Flumetralin	25%	Flumetralin	Plant Growth regulator	China	WHO U
83	Fomesafen	25%	Dilamma	Herbicide	Thai	WHO III
84	Fosetyl aluminium	80%	Kan Aeng	Fungicide	Thai	WHO U
85	Fosetyl aluminium	80%	Alpine 80 WP; 80 WDG	Fungicide	Vietnam	WHO U
86	Fosetyl aluminium	80%	DIBAJET®80WP	Fungicide	Vietnam	WHO U
87	Glyphosate	41%	Lyphoxim 41 SL	Herbicide	Vietnam	WHO III
88	Glyphosate IPA Salt	48%	Dibphosate 480 SL	Herbicide	Vietnam	WHO III
89	Glyphosate isoproylammonium	48%	Burn up 48	Fungicide	Thai	WHO III
90	Glyphosate isoproylammonium	48%	Glyfosate 48	Herbicide	Thai	WHO III
91	Glyphosate isoproylammonium salt	48%	Grafic	Herbicide	Thai	WHO III
92	Glyphosate isoproylammonium salt	48%	Baca up 48	Herbicide	Thai	WHO III
93	Glyphosate isoproylammonium salt	48%	Baka up 48	Herbicide	Thai	WHO III
94	Greenfast		AI-Net Greenfast	Plant Growth	Thai	

				regulator		
95	haloxyfop-R-methylester	10.8%	Hork	Herbicide	Thai	WHO II
96	Hexaconazole	5%,10%	Saizole 5SL, 10EC,10SC	Fungicide	Vietnam	WHO U
97	Hexaconazole	5%-10%	DIBAZOLE ® 5 SC-10SL	Fungicide	Vietnam	WHO U
98	Imidacloprid	10%	Saimida 100 SL	Insecticide	Vietnam	WHO II
99	Imidacloprid	5%-10%- 70%	ARMADA®50EC -100SL-100EC- 100WG-700WG	Insecticide	Vietnam	WHO II
100	Imidacloprid	50%	Imidacloprid	Insecticide	China	WHO II
101	Iprobenfos	50%	Kisaigon 50 EC	Insecticide	Vietnam	WHO III
102	Iprobenfos+ Tricyclazole	14%+6%	Lua vang 20 WP	Fungicide	Vietnam	WHO III
103	isoxaflutole	75%	Balance	Herbicide	Thai	EPA III
104	Lamda Cyhalothrin	2,5 %	Vovinam	Insecticide	Vietnam	WHO II
105	Magnesium Phosphide	66%	MAGTOXIN	Fumigant	Germany	EPA I
106	Malathion	73%	Malate 73 EC	Insecticide	Vietnam	WHO III
107	Mancozeb	80%	Dipomate 80 WP	Fungicide	Vietnam	WHO U
108	Mancozeb	80%	Kroche	Fungicide	Thai	WHO U
109	Mancozeb	25%	Khob Jai	Fungicide	Thai	WHO U
110	Mepiquat chloride	97%	Animat 97 WP	Plant Growth regulator	China	WHO III
111	Metalaxyl	25%	Chiket	Fungicide	Thai	WHO III
112	Metalaxyl	25%	Chud Jen	Fungicide	Thai	WHO II
113	Metalaxyl + Mancozeb	8% + 64%	Mexyl MZ 72 WP	Fungicide	Vietnam	WHO II
114	Metsulfuron Methyl	20%	DANY®25 DF	Herbicide	Vietnam	WHO III
115	N - ONE		AI-Net N- One	Plant Growth regulator	Thai	
116	N- TWO		AI-Net N- Two	Plant Growth regulator	Thai	
117	N-Function		AI-Net N- Function	Plant Growth regulator	Thai	
118	Nitrogen	4%	GENO-SUPER	Plant Growth regulator	Vietnam	
119	Nitrogen	21%	GENO-N-SUA	Plant Growth regulator	Vietnam	
120	Pacecilomyces lilacinus	50%	Palila 500 WP	Fungicide	China	
121	Paclobutrazol	15%	Saigon P1 15 WP	Plant Growth regulator	Vietnam	WHO III
122	Pendimethalin	330g/l	Pendimethalin	Herbicide	China	WHO III
123	Phosalone + Cypermethrin	17,5% + 3%	Sherzol 205 EC	Insecticide	Vietnam	WHO II
124	Pretilachlor	30%	Venus 300 EC	Herbicide	Vietnam	WHO U
125	Propanil	36%	Protocom	Herbicide	USA	WHO III

126	Propiconazole+Prochloraz	49%	Sai Jai	Fungicide	Thai	WHO II
127	Propineb	70%	Saitracone 70 WP	Fungicide	Vietnam	WHO U
128	Pyrazosulfuran ethyl	60%	Red dragon60WDG	Herbicide	Vietnam	WHO U
129	Pyribenzoxim	3%	Pyanchor 3 EC	Herbicide	Vietnam	
130	Quinalphos	25%-5%	FAIFOS®25EC-5G	Insecticide	Vietnam	WHO II
131	Quinclorac	50%	DANY®25 DF	Herbicide	Vietnam	WHO U
132	Seaweed Extract	6%	GENO-ROOTS	Plant Growth regulator	Vietnam	
133	Sulfur	80%	Sulox 80 WP	Fungicide	Vietnam	WHO U
134	Tebuconazole	2,5% + 4,5 %	Saifolicer 250 WG, 430 SC	Fungicide	Vietnam	WHO III
135	Tebuconazole + Trifloxystrobin	5% + 2.5 %	Sainative 750 WG	Fungicide	Vietnam	WHO III
136	Temephos	1%	Chemfleetsan dagarid	Insecticide	Thai	WHO U
137	Thiophanate methyl	70%	Thio - M 70 WP	Fungicide	Vietnam	WHO U
138	Thiophanate methyl	50%	Thio-M 500 FL	Insecticide	Vietnam	WHO U
139	Thiophanate methyl + Tricyclazole	36%+14%	Pysaigon 50 WP	Fungicide	Vietnam	WHO U
140	Tricyclazole	20% + 75 %	Trizole 20WP, 75WP.75WG	Fungicide	Vietnam	WHO II
141	Validamycin	5%	Vanicide 5 SL	Fungicide	Vietnam	WHO U
142	Validamycin	3%	Kwan Jai	Fungicide	Thai	WHO U
143	Validamycin A	5%	Vanicide 5 WP	Fungicide	Vietnam	WHO U
144	Validamycin A	3%	vanicide 3 SL	Fungicide	Vietnam	WHO U

List of banned pesticides

Insecticides and acaricides

1. Aldrin
2. BHC
3. Chlordane
4. Chlordimeform
5. Chlorfenvinphos
6. Chlorthiophos
7. Cyhexatine
8. DDT
9. Dieldrin
10. Dimefox
11. Dinitrocresol
12. Demeton
13. Endrin
14. Endosulfan
15. Ethyl Parathion
16. EPN
17. Heptachlor
18. Hexachloro cyclohexane
19. Leptophos

20. Lindane
21. Methamidophos
22. Methomyl
23. Methyl parathion
24. Monocrotophos
25. Pholy chlorocamphene
26. Phorate
27. Schradan
28. TEPP
29. Toxaphene

Fungicides

30. Binapacryl
31. Captafol
32. Cycloheximide
33. Mercury and mercury compounds
34. MEMC
35. PMA
36. Selenium compound

Rodenticides

37. Chlorobenzilate
38. Sodium fluoasetate

Herbicides

39. 2,4,5 -T
40. Dinoseb
41. Dinoterb acetate / Dinitrobutyphenol
42. Paraquat
43. Sodium chlorate

Fumigants

44. EDB
45. Ethylene oxide
46. Methyl bromide

Others

47. Arsenic compound
48. Calcium arsenate - Herbicide, rodenticide, molluscicide, insecticide
49. DBCP - Nematocide
50. Daminozide - Plant growth regulators
51. Fluoroacetamide - Insecticide, rodenticide
52. Oxamyl - Insecticide, acaricide, termiticide
53. Phosphamidon - Insecticide, nematocide
54. Sodium Arsenite - Insecticide, fungicide, herbicide, rodenticide
55. Thallium (i) sulfates - Rodenticide, insecticide

Minutes of the Consultation Meeting on Social and Environmental Safeguards

March 18, 2014, Pakse, Champasak province
March 20, 2014, Oudomxay, Oudomxay province
March 23, 2014, Vientiane Capital

I. Introduction

Three consultation meetings were held on Social and Environmental Safeguards documentation relevant to PRF II AF project between March 18 and 23, 2015. The draft safeguard documents were disclosed on March 12, 2015. Invitation to the safeguard consultation meetings was posted at the PRF website and sent out to concerned stakeholders on the same day.

Regional consultation meetings were held in Pakse, Champasak province on March 18, 2015, and in Oudomxay, Oudomxay province on March 20, 2015. Safeguard consultation meeting was also held on March 23, 2015 in Vientiane capital. The consultation meeting held in Pakse was attended by 12 people, while 20 people participated in consultations in Oudomxay and 77 people including representatives of donors and CSOs attended consultations in Vientiane.

II. Discussion session

The consultation meetings started with the presentation by the PRF staff of key principles and procedures provided in (1) Environmental and Social Management Framework (ESMF), (2) Pesticide Management Plan (PMP), (3) Compensation and Resettlement Policy Framework (CRPF), and (4) Ethnic Group Planning Framework (EGPF). The floor was then opened for discussion with all participants who were invited to provide comments. The summary of comments provided is presented as follows:

1. How are the PRF subgrants allocated?

- In accordance with PRF's implementation procedures, budget will be allocated for each target kum ban in reference to the number of population in each kum ban as follows:
 - A kum ban with less than 2,000 people, have a yearly Kum ban budget ceiling of US\$30,000
 - A kum ban with a population between 2,000 – 4,000 people, have a yearly Kum ban budget ceiling of US\$40,000
 - A kum ban with a population of more than 4,000 people will have a yearly kum ban ceiling of US\$50,000. Providing support to individual is not possible due to the CDD basic principles.

2. How does PRF participate in promoting sanitation?

- The AF will cooperate with the Ministry of Public Health (National Center for Water Supply and Environmental Health) with the focus on hygiene and sanitation awareness raising in 3 southern provinces in order to support Defecation Free Villages. Exact target provinces will be identified in cooperation with concerned sectors and donors. PRF will assist Namsaath to promote the construction of latrine by communities themselves. To do this, Head of villages, village coordinators will participate in the training on construction of latrine at district level. The emphasis

will be on those from villages who received water related sub projects from PRF since latrines will not be feasible if water is not accessible.

3. **How will sub-project Impact be assessed?** For example: as mentioned during the presentation, road sub project with 3.5 meters wide and 10 kilometers long will be assessed. However, if there is a case where smaller road does have impact on communities, will there be an assessment or what procedures will be taken?
 - Size of road does not necessary connect to environment issues. At the same time, it can also be link to social issues. For any construction that impact households or communities, there will be an assessment no matter how small or large the sub project is. It was also agreed that for community request for road of more than 4 kilometers, the PRF will only support road improvement.
4. **For the use of pesticides, do PRF have guideline or not. If yes what policy is recommended for community?** For such work, if you have to use pesticides how the PRF advised and manages using?
 - We have a Pest Management Plan with all the advice related to use of pesticides, but it is currently use for the LONG pilot project, not much on the PRF side.
5. **Does PRF have Feedback and Conflict Resolution Mechanism (FRM) at provincial level? For such kind of work if yes what unite does PRF is cooperate with?**
 - Regarding the FRM at provincial level PRF have the FRM provincial committee, but the project focuses mainly at the district level through the FRM District Committee, as most of the activities are facilitated by a PRF team based at the district level. In the future, PRF plans to establish a team which will be called “Appraisal team” who will responsible for internal audit and at the same time will also help to solve problems in case of conflict or if any others problem arises.
6. **Will PRF support activities that aim to develop a decree or a policy?**
 - PRF mainly support new construction/rehabilitation of community infrastructure to improve access to basic services at local level. Support to developing a decree and others policies is not included in our Operation manual. However, in the end of March 2015 we will have meeting with our Government partners and others concerning partners as we think it can be a good opportunity to propose such activities for consideration and cooperation with related project’s partners.
7. **Fish Conservation Areas- Regarding the establishment of Fish Conservation Areas of PRF, do you need to report to the concerning international organization or not?**
 - Fish Conservation Areas are not eligible for funding under the PRF, but following on the community needs and willingness, the PRF can provide information to the community for the establishment of Fish Conservation Areas. Hence, the purpose of establishing Fish Conservation Areas is to save fish breeders. If fish conservation implies to build a weir, then we need to report to the riparian countries as it may impact the Melong tributaries. This is a new safeguards policy that we need to apply.
8. **Is PRF having mechanism to coordinate with DDF to make sure that the activities of PRF and DDF are not overlapping?**
 - PRF supports access to basic services at village level while DDF is focusing more at the district level. Therefore, the implementation is not overlapping. Regarding other work, the concerned line Ministries are responsible for implementation.

9. For the compensation to the families who have impacted by the project, in the negotiations process, do PRF invites community representatives to participate to avoid willingness for contribution or not?

- Before the construction of any infrastructures, a Consultation meeting has to be organized at village level. If there are any sub-projects that involve compensation, we ask community to organize a special meeting. The objectives of the meeting is to solve those problem in a participatory manner. We have forms to record the agreement by referring to participatory consultation from community. If any problem or conflict, we have to continue to solve the problems until the person who have been impacted agreed upon.

10. In terms of reforestations of traditional trees, we would like to know if it is possible that the PRF includes these type of activities as the project staff going regularly to visit villages?

- The PRF will be happy to support your proposal. At the same time, we would suggest to cooperate with the Department of Forestry to establish a pilot project, but Department of Forestry should provide young trees to the PRF. Then PRF can mobilizes community for participating in planting and take care of growing trees.