

Resettlement Plan

November 2013

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

Chom Ong Cave Access Improvements, Oudomxay

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

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CURRENCY EQUIVALENTS

(as of 1 February 2014)

1USD = KN 7,874

ABBREVIATIONS

ADB	Asian Development Bank
AP	affected persons
DMS	detailed measurement survey
DRC	District Resettlement Committee
GMS	Greater Mekong Subregion
Government	Government of Lao PDR
IOL	inventory of losses
Lao PDR	Lao People's Democratic Republic
DICT	Department of Information, Culture and Tourism
LWU	Lao Women's Union
PCU	project coordination unit
PIB	public information booklet
PIU	project implementation unit
PRC	Provincial Resettlement Committee
RC	Resettlement Committee
RP	resettlement plan
SES	socioeconomic survey
VRC	Village Resettlement Committee

WEIGHTS AND MEASURES

km	kilometre
kg	kilogram
ha	hectare
mm	millimeter

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

DEFINITION OF TERMS

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

ownership and possession of that agency for public purposes in return for compensation at replacement costs.

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

EXECUTIVE SUMMARY

Project and Subproject Description

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

This resettlement plan (RP) has been prepared for the Chom Ong Cave Access Improvement subproject in Oudomxay Province, included under output 1 of the project.

Chom Ong cave comprises an extensive and unique subterranean system with a total length of more than 16 km. Beginning at two entry points connected to Route 13, the subproject will (i) upgrade 54 km of the main looping rural access road to DBST standard with variable 5–6 m carriageway, including construction of bridges, roadside drainage, culverts and embankment stabilization; (ii) upgrade 3.0 km secondary access road to double bituminous surface treatment (DBST) standard with 3 m carriageway and 30m bridge; (iii) construct a 2,000m² parking area; (iv) upgrade the 500 m footpath and steps to the cave entrance; (v) construct a tourist information/reception center with vendor kiosks, male and female toilet blocks, and landscaped riverside picnic areas; and (vi) install a network of illuminated raised walking paths and other facilities inside and around the cave.

Land Acquisition and Resettlement Impacts

The main resettlement impacts are on the 3 km section of the road from National Highway 13 to Chom Ong Cave, the section leading from Chom Ong Village to the cave, and the parking area. The road upgrade will require acquiring agriculture land of 5460 m² of land from 6 households with a total of 42 affected persons from the Khmu ethnic minority. In all case less than 10% of the land will be affected.

At the time of the initial feasibility visits the Provincial Department of Public Works was already in the process of widening a 3 km segment of road in anticipation of the ADB funding to complete the road. This required the acquisition of land from 1 of the 5 affected household (AH). As this acquisition is already made compensation must be provided to the AHs in accordance with the provisions of this resettlement plan in order for ADB to finance the subproject.

Legal Framework

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

Entitlements

The main entitlements relate to cash compensation for the loss of agriculture land of less than 10% at prevailing market value, and cash compensation at replacement cost for any crop loss at

the time of acquisition. The entitlement matrix also provides for a vulnerability allowance in recognition that a number of APs are from ethnic minority groups and dependent on subsistence agriculture. Project entitlements described in this RP cover all the impacts identified in the Inventory of Losses (IOL) based on the preliminary design. During project implementation, a Detailed Measurement Survey will update the list of affected persons and assets, and the RP will be updated accordingly. This will include updating of the entitlement matrix in accordance with the ADB's SPS to include any losses and impacts unanticipated at design stage.

Resettlement Budget

The total cost of resettlement is \$12,848. Of this total, \$10,123 is direct costs of compensation for land acquisition and transition allowances, \$1,713 (17% of direct costs) is implementation costs and \$1,012 (10% of direct costs) has been allocated for contingency. The updated budget will be updated based on the DMS. The Government will cover all cost related to land acquisition and resettlement.

Institutional Arrangements

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

Monitoring

The PCU in MICT will be responsible for overseeing the formation, function, and activities of the implementing agencies, and through quarterly monitoring reports, summarize project progress including the status of implementation of the resettlement plans. The main form of monitoring will be internal by the PCU as well as by the PIUs in DICTs in each province. The National and International Resettlement Specialists will support the PCUs and PIUs in monitoring. The number of affected households covered by this RP does not warrant the engagement of an external monitor. However, this provision will be reassessed at the time of detailed design, if the number of AP's increases to 200 or more APs will be physically displaced or lose 10% or more of their total productive assets (income generating).

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

I. PROJECT DESCRIPTION

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

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

3. This Resettlement Plan concerns resettlement impacts of the subproject activities under Output 1: improved last-mile tourism access infrastructure in Oudomxay, namely, the Chom Ong Cave Access Improvement subproject. The summary description of the subproject is given below:

4. Chom Ong Cave Access Improvements: Chom Ong cave in Oudomxay Province comprises an extensive and unique subterranean system with a total length of more than 16 km. Although Oudomxay received 142,307 visitors in 2012 only 500 reached the cave due to the very poor condition of the road, which becomes impassable in the rainy season. Beginning at two entry points connected to Route 13, the subproject will (i) upgrade 54 km of the main looping rural access road to DBST standard with variable 5–6 m Right of Way (ROW), including construction of bridges, roadside drainage, culverts and embankment stabilization; (ii) upgrade 3.0 km secondary access road to DBST standard with 4 m ROW and 30 m bridge; (iii) construct a 2,000 m² parking area; (iv) upgrade the 500 m footpath and steps to the cave entrance; (v) construct a tourist information/reception center with full range of utilities, vendor kiosks, male and female toilet blocks, and landscaped riverside picnic areas; (vi) install a network of illuminated raised walking paths inside the cave¹ to include handrails and other safety features; and (vii) install rubbish bins, directional signage and information boards to present the special features of the cave. It is expected that all residents of Ban Chom Ong (population 730) and 10 other villages in the road catchment (with a total population of 7,989) will directly benefit from the subproject as a result of increased tourism activity and improved access to markets and social services.

II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

5. The project is upgrading infrastructure at targeted tourist sites to draw more tourists. As the sites are already designated tourist access areas that are managed by local communities, the project entails only minimum land acquisition, and no relocation. The roads are all upgrades and do not entail construction of new road alignments.

¹ A suitable lighting system will be installed to minimize the negative environmental impact of cave illumination.

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

- The road upgrade is primarily to improve the road surface and will apply the same width and alignment as the existing road to the extent possible while ensuring safety standards.
- The preliminary design proposes culverts instead of bridges where technically feasible, to be confirmed at detail design. Embankment stabilization is of existing embankments.
- Facilities such as parking lots, tourist booths / information centers and other facilities are constructed on public land or unproductive land; the original design to use a rice paddy field for parking area has been modified to use uncultivated private land with low production value that has no impact on food security.

7. Resettlement impacts: In July 2013, the Project Preparatory Technical Assistance (PPTA) consultants undertook an Inventory of Losses that was completed by 31 July 2013 to identify the area of land already acquired for the road widening and the additional land to be acquired for implementation of the subproject activities. The road improvements require the acquisition of a total of 5,460 m² of land from 6 households (42 APs) including land from 1 AH already acquired and land of 5 AHs to be acquired at implementation. All AHs are from the Khmu ethnic minority. In all cases less than 10% of the AH's total land will be affected. All affected persons live in Chom Ong Village. The main resettlement impacts for the project are located on the 3 km section of the road from Chom Ong Village to Chom Ong Cave. The land acquisition will be on the roadway as well as near the cave in the planned parking area. Information on the affected households is below in Table 1.

8. At the time of the initial feasibility visits in June-July 2013, the Provincial Department of Public Works and Transport (DPWT) were already in the process of widening this 3 km of road in anticipation of the ADB funding to complete the road. Land was acquired from one affected household (7 APs) as part of this DPWT roadwork. Although the land was acquired prior to ADB financing, compensation to this affected household will be carried out as a corrective action, in accordance with this resettlement plan. The monitoring report will specify actions undertaken to address this in accordance to the RP.

Table 1: No. of Affected Households for Chom Ong Cave Access

AH Name	Affected persons	Total Area (m2)	Affected Area (m2)	Remaining Areas (m2)	% Loss
Kham Gnuan	8	103,500.0	770	102,730	0.74
Boun Kho	7	92,000.0	770	91,230	0.84
Pan	6	34,000.0	1,575	32,425	4.63
Lai	8	40,000.0	70	39,930	0.18
Pheng	7	37,000.0	175	36,825	0.47
Sen	6	37,000.0	2100	34,900	5.68
Total	42	343,500.0	5,460	338,040	1.59

Source: Inventory of Losses July 2013

11. Two respondents were aware of the subproject prior to the consultations and had learned about it from the village chief. The respondents were all in favor of the project activities and wished to see more tourists visit the areas. They also considered the project would benefit them with increased access to transport services from the road upgrade.

12. Chom Ong Village opened access to the cave for tourists in 2004. Since that time the village has introduced home-stay and guide services with support from the provincial DICT. This activity is considered an important economic diversification for the villagers the majority of whom depend on subsistence farming. In the socioeconomic survey in Chom Ong respondents considered the villagers generally have just enough to live or are poor. The average income is 17 million kip per year per household (\$2,200). The affected households' average income is in line with the overall village average.

IV. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

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

14. On 25 July 2013 during the RP preparation, consultation was undertaken with the APs and local authorities. A meeting was held by the PPTA consultant team along with the provincial DICT, district officials and affected persons. Twenty villagers attended the meeting, including representatives from the affected households. All participants were Khmu and 8 were women. The consultation meeting involved the following discussions:

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

15. In the consultations, the villagers including the APs agreed that the activity to upgrade their road was overall beneficial. They understood that they would experience temporary impacts during construction but welcomed the fact that they would have less dust from traffic after the upgrade, and more tourists passing through in the long term. The APs requested the following:

- To be compensated for the land acquisition, in cash or in kind at a fair market rate;
- To avoid acquisition of productive land especially fertile paddy land that is less available in upland area. Proper management of materials and dirt during construction to reduce pollution; provide clearance for them to access their homes; parking area for motorbikes during construction;
- Continue the consultation process to enable them to plan ahead and be ready during the actual relocation.

16. Consultation with the APs will be carried out throughout the project cycle so that their needs and preferences can be further incorporated into the design arrangements. APs will also participate in the various RP processes: Detailed Measurement Survey (DMS), Replacement Cost Survey (RCS), identification of sites, hand-over of entitlements, monitoring of impacts and benefits, and discussion and settlement of grievances. The scope of information to be provided to APs includes: (i) description of project and overall implementation schedule, (ii) Detailed Measurement Survey and Replacement Cost Survey results, (iii) policy principles and entitlements and special provisions, (iv) grievance redress procedures, (v) timing for payments and displacement schedule, and (vi) institutional responsibilities.

17. The RP will be translated into Lao and distributed to the provincial and district authorities. This RP will be posted on ADB's website prior to appraisal. The PIUs will be responsible for the disclosure of the RP to affected persons. At the start of implementation and prior to the DMS, a Public Information Booklet (PIB) will be prepared and translated and disclosed to the affected people. The updated RP will be posted on the ADB website following the DMS and RP updating to be done at the detail design stage. Monitoring reports on any resettlement will also be uploaded on ADB's website.

V. GRIEVANCE REDRESS MECHANISM

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

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

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

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

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

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

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

20. The complaint, as a last resort, will be lodged with the Court of Law whose decision would be final. Although the technical guidelines for resettlement designate this elevating of the complaint to the local mass organizations, non-benefit organizations and AP representatives, in order to ensure the availability of adequate resources to carry out this procedure, the DICT/MICT will be responsible for forwarding the complaint and ensuring its process in the courts. All legal and administrative costs incurred by APs and their representatives are to be covered by the project.

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

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

VI. LEGAL FRAMEWORK

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

A. Government Laws, Decrees, and Guidelines

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

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

B. ADB Policies

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

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

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

29. ADB's Policy on Indigenous Peoples (SPS 2009) states that the borrower/client will ensure (i) that affected Indigenous Peoples receive culturally appropriate social and economic benefits; and (ii) that when potential adverse impacts on Indigenous Peoples are identified, these will be avoided to the maximum extent possible. Where this avoidance is proven to be impossible, based on meaningful consultation with indigenous communities, the Indigenous Peoples Plan will outline measures to minimize, mitigate, and compensate for the adverse impacts³.

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

³ An Indigenous People's Plan has been prepared for this project that sets out actions to addressing how ethnic minority groups will benefit from this project and negative impacts will be avoided/mitigated.

grievance redress mechanism, therefore, must be included in the resettlement plans and disclosed to the affected people.

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

C. Gap Analysis

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

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

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

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

36. The updates to Laos PDR policies have brought them more in line with ADB's safeguards. The main differences are summarize below:

Table 2: Gap Analysis Lao PDR and ADB Resettlement Policies

Decree 192 Requirements	ADB SPS Requirements	TIIG Project measures
Definition of severely affected APs (Article 8) is 20% of productive and/or income generating assets affected.	Definition of severely affected APs is same as significant impact i.e. 10% or more of productive (income generating assets) affected.	ADB standard is adopted and applied in the Project's entitlement matrix.
Requires consultation with AHs and stakeholders during RP preparation.	Requires consultation with AHs and stakeholders during RP preparation and ongoing during implementation and monitoring.	Project's CPP will ensure that adequate and meaningful consultations continue throughout the project cycle.
Vulnerable groups: (i) divorced or widowed female headed	Vulnerable groups: those below the poverty line, the	Vulnerable groups: (i) Female headed households

households with dependents and low income; (ii) households with disabled or invalid persons; (iii) poor or landless households; (iv) elderly households with no means of support.	landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land.	with dependents; (ii) disabled household heads; (iii) poor households; (iv) children and the elderly households who are landless and with no other means of support; (v) landless households; (vi) Indigenous people.
Voluntary contributions: Only if marginal impacts (less than 20% of productive assets) and do not result in displacement. APs aware of entitlements.	ADB SPS is limited to involuntary resettlement. However, the sourcebook does inform that voluntary contributions are only allowed for specific types of projects with direct community benefits - generally applies where land is used for community social services (e.g. Health post, primary school).	No voluntary contributions will be allowed.

Source: PPTA Consultants

D. Guiding Principles for Implementation

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

- Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations.
- Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
- Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, social and economic integration of resettled persons into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities,

training, or employment opportunities; and (iii) civic infrastructure and community services, as required.

- Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas, provide them with legal and affordable access to land and resources, and in urban areas, provide them with appropriate income sources and legal and affordable access to adequate housing.
- Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain an equal or better income and livelihood status.
- Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- Prepare a resettlement plan elaborating displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- Disclose the draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
- Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

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

VII. ENTITLEMENTS, ASSISTANCE AND BENEFITS

39. Table 3 provides the compensation and benefits to which affected persons will be entitled. This entitlement covers all the compensation required based on the Inventory of Losses based on preliminary design. During the project implementation, a Detailed Measurement Survey will update the list of affected persons and assets.

Table 3: Matrix of Entitlements

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
Agriculture Land	<p>Owners with legal title (legal users are those with recognized land use rights such as registered title, land certificate, survey certificate, tax receipts and including unregistered users as per Land Law)</p> <p>AH = 6 (all less than 10%)</p>	<ul style="list-style-type: none"> • With less than 10% loss of productive land, cash compensation for area of land acquired. • With more than 10% loss of productive land, but less than 50% cash compensation for area of land acquired. • For 50% or more loss of productive land, priority is for replacement land of equivalent productive value; if not land is available, cash compensation. 	
Loss of crops and assets	<p>Owners with legal title (Legal users are those with recognized land use rights such as registered title, land certificate, survey certificate, tax receipts and including unregistered users as per Land Law)</p> <p>AH = 6 (all less than 10%)</p>	<ul style="list-style-type: none"> • Cash compensation for crops and other assets based on prevailing market value • Provision of 6 months' notice to harvest 	
Temporary Use of Land	<p>Legal owner or occupant</p> <p>AH = 0</p>	<p>For land temporarily acquired by the project during construction,</p> <ul style="list-style-type: none"> • 60 day advance notice • Provision of rental values during duration of temporary acquisition • cash compensation at replacement cost for affected fixed assets (e.g., structures, trees, crops); and • Restoration of the temporarily used land within 1 month after closure of the by-pass route or removal of equipment and materials from contractor's working space subject to the conditions agreed between the landowner or tenant and the civil works contractor 	<ul style="list-style-type: none"> • The construction supervision consultant will ensure that the (i) location and alignment of the by-pass route to be proposed by the civil works will have the least adverse social impacts; (ii) that the landowner is adequately informed of his/her rights and entitlements as per the project resettlement policy; and (iii) agreement reached between the landowner and the civil works contractor are carried out.
Vulnerable APs	<p>Vulnerable APs such as the poor households⁴, ethnic group members or</p>	<ul style="list-style-type: none"> • An additional allowance of 1 month wages (50,000/day) per factor of vulnerability per 	<p>The poorest will be those below the national poverty line.⁵</p>

⁴ 180,000 kip per person per month for people in rural areas and 210,000 kip per person per month for people in urban areas

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
	households headed by women, the elderly, or disabled, and AH = 1 Poor AH = 6 Ethnic minority households	HH <ul style="list-style-type: none"> The contractors will make all reasonable efforts to employ vulnerable APs for construction 	
Temporary loss of access	Temporary loss of access to land, structure, common property resources (Owners, tenants, squatters, etc)	<ul style="list-style-type: none"> Provision of 60 days' notice Provision of temporary access where possible Restoration of affected land area, structure, utilities and common property resources. 	

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

VIII. INCOME RESTORATION AND REHABILITATION

41. Vulnerable households' livelihood restoration: The compensation for affected persons for productive land will ensure that they do not experience losses as a result of the subproject. However, while the resettlement impacts are limited, the project recognizes the need to provide additional support to ethnic minorities to minimize negative impacts. All 6 AH are ethnic Khmu. As shown in the entitlement matrix, the RP provides for an additional transition allowance of 1 month of wages at 50,000 per day for one family member per HH, as the AH are ethnic minority group members.

42. The project has also prepared an IPP that recognizes the need to implement specific measures to ensure Khmu, (as well as Hmong groups also living in the project area but not affected by resettlement), benefit from the subproject activities to enhance their livelihoods. The subproject will result in higher traffic and tourists visits in the market area and the affected persons will benefit from the investments in tourism development.

43. The affected households are living near the Chom Ong Cave site and will have priority for inclusion in subproject activities to promote improved livelihoods (under Output 3). The targeting of affected households participation in project income generation activities will target women household members. The specific measures will include i) inclusion of one or more family member (preference to female family members) to receive microenterprise and/or hospitality training in order to start a retail or food related service at the site (ii) priority to affected household members to receive training as cave guides and (iii) priority to affected household members to operate kiosks, ticket booth or other site related services.

44. The SES identified one poor household in this location. The entitlement matrix provides for an additional cash compensation equivalent to one month of daily wages for one family

member from this poor household. It also states that family members from poor and vulnerable households will have priority to be engaged as unskilled labor during construction. If during the DMS project changes affect more vulnerable households, they will be provided with additional cash compensation as per the entitlement matrix.

45. Gender: As noted above, the targeting of affected households participation in project income generation activities will target women household members. In addition, during the updating and implementation, targeted consultations will be held with women. Women participated in the consultations during project preparation design. These will continue in areas easily accessible by women throughout the project cycle and during RP updating and implementation on compensation, relocation and rehabilitation of livelihoods.

IX. RESETTLEMENT COSTS

46. The total cost of resettlement is \$12,848. Of this total \$10,123 are the direct costs of compensation for land acquisition and transition allowances, \$1,713 (17% of direct costs) is implementation costs and \$1012 (10% of direct costs) has been allocated for contingency. The budget will be updated at the time of the DMS. The Government will cover all cost for land acquisition and resettlement (LAR). Detailed calculations are in Table A1, Annex 1.

Table 4: Costs of Land Acquisition and Resettlement

No.	Items	Unit	Rate (\$/unit)	Qty	Amount (Kip)	Amount (USD)
Land and Structures						
1	Replacement cost of land	m ²	9,000	5,460	49,140,000	6,241
2	Cost of crops	kg	5,000	14	70,000	9
Sub-total 1					49,210,000	\$6,250
Assistance						
3	Assistance - Ethnic Minority	AH	1,500,000	6	9,000,000	1,143
	Assistance - Poor - HH	AH	1,500,000	1	1,500,000	191
4	Sub-total 2				10,500,000	\$1,334
5	During Construction					
6	Compensation cost, land for construction				20,000,000	2,540
TOTAL DIRECT COST					79,710,000	\$10,123
7	Detail Measurement Survey	LS			2,000,000	254
8	Community consultations	Event	2,000,000	3	6,000,000	762
8	Capacity building for RP implementation	LS			1,500,000	191
9	Monitoring	LS (3%)			2,391,300	304
10	Administrative costs	LS (2%)			1,594,200	202
TOTAL IMPLEMENTATION					13,485,500	\$1,713
11	Contingency	10%			7,971,000	\$1,012
TOTAL RESETTLEMENT COST					101,166,500	\$12,848

X. INSTITUTIONAL ARRANGEMENTS

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

Ministry of Information, Culture and Tourism

48. MICT will be the EA for the Project. It will be responsible for the overall technical supervision and execution of the Project and will establish a central Project Coordination Unit (PCU). The PCU will be responsible for the day-to-day management and monitoring of all project activities including coordination with the Provincial Implementation Units. The PCU will have a project management team with a Safeguards Coordinator and will be supported by international and national consultants.

Departments of Information, Culture and Tourism

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

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

Resettlement Committees (RCs)

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

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

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

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

Project Implementation Consultants

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

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

56. The National Social Safeguards Specialist will:

- Support the PCU and provincial PIUs in implementing the Resettlement Plans and Indigenous Peoples Plan for all subprojects;
- Assist in the conduct of the information campaigns, public consultation and community participation on social safeguards;
- Coordinate the detailed measurement survey with information from the infrastructure detailed design and update the list of affected persons;
- Assist the International Resettlement Specialist to update the Resettlement Plans and Indigenous Peoples Plan;
- Advise PCU and International Resettlement Specialist on how to improve procedures for the coordination of resettlement, compensation and implementation of actions in the Indigenous Peoples Plan;
- Verify the calculations of compensation made by the Provincial and District Resettlement Committee in relation to the provisions of the RP entitlement matrix, and advise the PCU/PIUs on any required measures to take to ensure compensation levels are made according to the RP provisions

- Monitor compensation payment and advise the PCU/PIUs of an actions to take to ensure compensation is paid in full and in a timely manner
- Ensure that grievances are addressed promptly and properly and that the grievance redress mechanism is functioning well;
- Provide periodic training on grievance if needed;
- Establish and implement liaison mechanisms to ensure proper technical and logistical support to PMU, local administrative authorities, resettlement committees and concerned government departments;
- Establish and implement procedures for ongoing internal monitoring;
- Design and deliver capacity development activities on ADB social safeguard policies for all relevant agencies, as needed, including requirements for participation, communication and gender mainstreaming;
- Train DICT/PCU assigned social safeguards focal persons to carry out internal monitoring and reporting of RPs and IPPs;
- Monitor grievance process from all the affected households.

XI. MONITORING AND REPORTING

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

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

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

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

61. The indicators that will be monitored regularly will include any of the following, if applicable, as set out in Table 5.

Table 5: Monitoring and Evaluation Indicators

Type	Indicator	Examples of Variables
Inputs Indicators	Staffing and Equipment	<ul style="list-style-type: none"> • Number of PRC and DRC members and job function • Trainings undertaken • External monitor contracted and mobilized • Construction contractor meeting local employment targets for

Type	Indicator	Examples of Variables
		unskilled labour
Process Indicators	Consultation, Participation, and Grievance Resolution	<ul style="list-style-type: none"> • Distribution of PIB to all APs • Translated RP available in all districts • Translation of materials in indigenous peoples villages and for individual minority APs in villages of other ethnicity • Consultations and participation undertaken as scheduled in the RP • Grievances by type and resolution • Number of local-based organizations participating in project
Output Indicators	Acquisition of Land	<ul style="list-style-type: none"> • Area of agriculture land acquired
	Trees and Crops	<ul style="list-style-type: none"> • Number and type of private trees acquired • Number and type of government/community trees acquired
	Compensation and Rehabilitation	<ul style="list-style-type: none"> • Number of households affected (land, buildings, trees, crops) • Number of owners compensated by type of loss • Amount compensated by type and owner • Number and amount of payment paid • Compensation payments made on time • Compensation payments according to agreed rates • Number of structures demolished or partially dismantled • Number of replacement structures built by APs on the same plot • Number of replacement structures built by at other location • Number of replacement houses built by APs on allocated plots • Number of temporary replacement businesses constructed by APs • Number of owners requesting additional assistance
	Reestablishment of Community Resources	<ul style="list-style-type: none"> • Number of community buildings repaired or replaced

XII. IMPLEMENTATION SCHEDULE

62. The tentative implementation schedule (Table 6) for the resettlement plan is aligned with the key dates in the project implementation plan.

Table 6: Implementation Schedule

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

ANNEX 1: AFFECTED PERSONS AND COMPENSATION RATES

Table A1 – List of APs and compensation rates

APs Name	Productive Land									Total Compensation (Kips)
	Total Area	Affected Area (m2)	Remaining Areas	% Loss	Unit cost	Total Cost	Type of Crop	Cost	Sub total Cost	
	(m2)	(m ²)			(Kips/m2)	(Kips)	Corn (seed)/kg	(Kips)	(Kips)	
Mr. Kham Gnuan	103,500.0	770	102,730	0.74	9,000	6,930,000	1.5	5,000	7,700	6,937,700
Mr. Boun Kho	92,000.0	770	91,230	0.84	9,000	6,930,000	1.5	5,000	7,700	6,937,700
Mr. Pan	34,000.0	1,575	32,425	4.63	9,000	14,175,000	4.7	5,000	23,625	14,198,625
Mr. Lai	40,000.0	70	39,930	0.18	9,000	630,000	1.4	5,000	7,000	637,000
Mr. Pheng\ (affected by anticipatory land acquisition)	37,000.0	175	36,825	0.47	9,000	1,575,000	0.4	5,000	1,750	1,576,750
Mr.Sen	37,000.0	2,100	34,900	5.68	9,000	18,900,000	4.2	5,000	21,000	18,921,000
	343,500.0	5,460	338,040	1.59		49,140,000			68,775	49,208,775

ANNEX 2 – MINUTES OF CONSULTATION MEETING IN CHOM ONG AND VERIFICATION OF REPLACEMENT COST

Village consultation collection in Chom Ong village, Xay District (23 July 2013)

20 people attended (8 women) including 4 affected persons

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

Chom Ong village has 120 HH, population 730, 375 women, Khmu ethnic group 100%; has primary school, dispensary, no hospital, no market, no bus, use government electricity; spring for water supply, earth road; most villagers plant corn and rice; income from rice, corn and some tourism; tourism resource is Chom Ong cave, waterfall, forest, mountain; no guesthouse but homestay in village.

Village development plans:

Improve access and security at Chom Ong cave

Selling tickets to cave

Construction of small market in the Chom Ong cave area

Flowers and fruit trees planting in the Chom Ong cave area

Establishing group of masons for village construction

Improve houses in the village

Construct irrigation

Construction village hall and police station

Overall Proposals:

1. Support funds for road irrigation construction

2. Support funds for construction of secondary school and dormitories.

Women's group proposals:

1. Provide fund for weaving, embroidery, and making ethnic clothes

2. Provide training on vegetable production

3. Provide training on raising animals

4. Provide training on fish raising

Recommendations and concerns:

Provide regular information on the project and development activities in area.

Minimize land acquisition, especially rice fields

Fairly compensate any people affected by land acquisition

Install lighting and traffic safety signs along road

Replacement Cost – Market rate verification:

For agriculture land the villagers agree on land transactions among themselves. The exchanges of land in past two years have been as follows:

Paddy low land – 18,000 kips/ square meter

Crop in upland - 9,000.0 kips/ square meter

Price of corn varies each year based on market. The past year the price of corn is 5,000 kip per kilogram

ANNEX 3: SAMPLE PUBIC INFORMATION BOOKLET

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

What is Tourism Infrastructure for Inclusive Growth Project?

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

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

The Project will _____ for the following purpose:

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

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

What is “replacement cost”?

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

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

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

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

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

All affected people, households, and institutions/organizations that satisfy the **cut-off date for eligibility** are eligible to be compensated and assisted under the Project. The cut-off date coincides with the completion of the period the census of affected persons (regardless of tenure status) and the inventory of losses (IOL). The IOL and census were completed by July 31 2013. The information in the IOL and Census will be validated and updated later during the detailed

measurement survey (DMS). Persons not covered in the census are not eligible for compensation and other entitlements, unless they can show proof that (i) they have been inadvertently missed out during the census and the IOL; or (ii) they have been included among the affected due to changes in project design.

What are the entitlements of affected households?

Place updated entitlement framework here.

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
Agriculture Land	<p>Owners with legal title (Legal users are those with recognized land use rights such as registered title, land certificate, survey certificate, tax receipts and including unregistered users as per Land Law)</p> <p>AH = 6 (all less than 10%)</p>	<ul style="list-style-type: none"> • With less than 10% loss productive land, cash compensation for area of land acquired. • With more than 10% loss of productive land, but less than 50% cash compensation for area of land acquired. • For 50% or more loss of productive land, priority is for replacement land of equivalent productive value; if not land is available, cash compensation. 	<ul style="list-style-type: none"> •
Loss of crops and assets	<p>Owners with legal title (Legal users are those with recognized land use rights such as registered title, land certificate, survey certificate, tax receipts and including unregistered users as per Land Law)</p> <p>AH = 6 (all less than 10%)</p>	<ul style="list-style-type: none"> • Cash compensation for crops and other assets based on prevailing market value • Provision of 6 months' notice to harvest 	<ul style="list-style-type: none"> •
Temporary Use of Land	<p>Legal owner or occupant</p> <p>AH = 0</p>	<p>For land temporarily acquired by the project during construction,</p> <ul style="list-style-type: none"> • 60 day advance notice • Provision of rental values during duration of temporary acquisition • cash compensation at replacement cost for affected fixed assets (e.g., structures, trees, crops); and • Restoration of the temporarily used land within 1 month after closure of the by-pass route or removal of equipment and materials from contractor's working space subject to the conditions agreed between the landowner or tenant and the civil works contractor 	<ul style="list-style-type: none"> • The construction supervision consultant will ensure that the (i) location and alignment of the by-pass route to be proposed by the civil works will have the least adverse social impacts; (ii) that the landowner is adequately informed of his/her rights and entitlements as per the project resettlement policy; and (iii) agreement reached between the landowner and the civil works contractor are carried out.

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
Vulnerable APs	Vulnerable APs such as the poor households ⁶ , ethnic group members or households headed by women, the elderly, or disabled, and AH = 1 Poor AH = 6 Ethnic minority households	<ul style="list-style-type: none"> An additional allowance of 1 month wages (50,000/day) per factor of vulnerability per HH The contractors will make all reasonable efforts to employ vulnerable APs for construction 	The poorest will be those below the national poverty line. ⁷
Temporary loss of access	Temporary loss of access to land, structure, common property resources (Owners, tenants, squatters, etc)	<ul style="list-style-type: none"> Provision of 60 days' notice Provision of temporary access where possible Restoration of affected land area, structure, utilities and common property resources. 	

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

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

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

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

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

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

⁶ 180,000 kip per person per month for people in rural areas and 210,000 kip per person per month for people in urban areas

⁷ 180,000 kip per person per month for people in rural areas and 210,000 kip per person per month for people in urban areas

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

What is the tentative schedule for implementing resettlement?

Updated Implementation Schedule Placed here

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

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

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

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

Who might be contacted for any inquiries about the Project?

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

Province/District/Village
