

# Resettlement Plan

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November 2013

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

Chomphet Heritage District Access Improvements, Luang  
Prabang

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.

## **CURRENCY EQUIVALENTS**

(as of 1 February 2014)

1USD = 7,874 KN

## **ABBREVIATIONS**

ADB	Asian Development Bank
AH	affected household
AP	affected persons
DBST	double bituminous surface treatment
DICT	Department of Information, Culture and Tourism
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
LFNC	Lao Front for National Reconstruction
LWU	Lao Women's Union
PCU	project coordination unit
PIB	public information booklet
PPTA	project preparatory technical assistance
PIU	project implementation unit
PRC	Provincial Resettlement Committee
RC	Resettlement Committee
RCS	replacement cost survey
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

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## 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.
Income restoration program	A program designed with various activities that aim to support affected persons to recover their income / livelihood to pre-project levels. The program is designed to address the specific needs of the affected persons based on the socio-economic survey and consultations.
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.

Luang Prabang will have two subprojects: (i) Chomphet Heritage District Access Improvements; and (ii) Ban Xang Hai–Tham Ting Cave Access Improvements, aimed at upgrading tourist sites and increasing the number of tourists visiting the areas.

This resettlement plan (RP) has been prepared for Chomphet Heritage District Access Improvements, the only subproject in Luang Prabang with resettlement impacts.

### **Resettlement Impacts**

The Chomphet Heritage District Access Improvements subproject will (i) upgrade the 250 m Mekong vehicle ferry terminal ramp to a 10 m wide concrete carriageway with drainage and embankment retention; (ii) rehabilitate concrete access paths and steps to the passenger pier and river; (iii) construct a tourism information kiosk; (iv) upgrade 250 m of existing internal roads in Ban Xieng Mene to double bituminous surface treatment (DBST) standard with 6.0m wide carriageway and roadside drainage; (v) construct 2.2 km of walking paths with 2 male and female public toilet blocks; and (vi) rehabilitate 5 concrete river landings/steps beneath the temples north of the village

The activities (i) and (iv) above will have temporary resettlement impacts during the period of construction on 21 businesses / residences situated alongside the public road that leads from the ferry landing and through the Xieng Mene market. The subproject activities will have temporary impacts on the structures and the business income of 21 owners and 3 tenants for a total of 24 affected households (with 104 affected persons). The affected shops are of two types. The first type is comprised of 12 wooden market stalls which the owners have constructed on public land to sell their products. These stall operators pay a fee for use of the land but have no legal title to the land. The second type is comprised of 9 concrete and wooden shops/residences built on private land. These affected households will experience partial loss to the front of their structures (poles with tin roof covering retail tables). Three affected households are tenants that will experience temporary loss of business income only (owners will be compensated for structures).

### **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 full and partial loss structures at replacement cost based on the prevailing market value and cash compensation for loss of business income during the period of construction. This entitlement covers all the compensation required from the Inventory of Losses taken at preliminary design stage. During the project implementation, a Detailed Measurement Survey (DMS) will update the list of affected persons and assets and the entitlement matrix covering other types of impacts will apply where needed.

## **Resettlement Budget**

The total cost of resettlement is \$39,371. Of this total \$31,253 is the direct cost of compensation for structures and allowances, \$4,992 is implementation costs, and \$3,125 has been allocated for contingency (10% of compensation). The updated budget will be updated based on the DMS. The Government will cover all land acquisition and resettlements (LAR) costs.

## **Institutional Arrangements**

MICT will establish a Project Coordination Unit (PCU) to coordinate and oversee overall project management, including consultant recruitment and procurement. The Luang Prabang 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). The two subprojects to be implemented in Luang Prabang are:

Chomphet Heritage District Access Improvements: Chomphet Heritage District lies on the west bank of the Mekong River, opposite from the Town of Luang Prabang, a UNESCO World Heritage Site that received 410,855 visitors in 2012. Although situated within the World Heritage Site boundaries, it receives less than 2% of Luang Prabang's visitors, mainly because the dilapidated ferry terminal in Ban Xieng Mene prevents safe and reliable access. Poor access to other attractions also discourages tourists from crossing the Mekong. The project will address these constraints by upgrading the ferry terminal, river landings, road access and pathways in two locations, Ban Xieng Mene and Ban Chan Neua.

Ban Xang Hai–Tham Ting Cave Access Improvements: Tham Ting cave is located in Pak Ou District, 30 km north of Luang Prabang on the western bank of the Mekong River. The site received 120,141 visitors in 2012; however the poor condition of the road makes access difficult during much of the year, increases vehicle operation costs, and is a safety hazard for tourists and local residents. The project will address these constraints by upgrading the existing 10.0 km Xang Hai–Pak Ou access road to DBST standard with a 5–6 m carriageway, viewing lay-bys, roadside drainage, and culverts. It will also invest in various improvements and facilities such as boat landings and upgrading walkways to increase tourist access in Xang Hai village, Pak Ou village and at Tham Ting caves.

3. The Ban Xang Hai–Tham Ting Cave Access Improvements does not have resettlement impacts. If during the detailed design phase the subproject changes so that land or structures are impacted a Detailed Measurement Survey (DMS) will be carried out at that time. The principles and entitlements outlined in this document will apply to the preparation of an updated Resettlement Plan based on the findings of the DMS.

4. This resettlement plan (RP) has been prepared for Chomphet Heritage District Access Improvements, the only subproject in Luang Prabang with resettlement impacts.

## **II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT**

### **A. Scope of Land Acquisition**

5. The project is upgrading infrastructure at targeted tourist sites to draw more tourists and catalyze additional private investment in micro- and small enterprises. As the sites are already designated tourist areas that are managed by local communities, the project does not entail significant land acquisition, relocation or other types of resettlement. The roads are all upgrades and do not entail construction of new road alignments. In order to further avoid and /or minimize resettlement impacts the following measures are incorporated in the preliminary design:

- (i) Road upgrades are primarily to improve road surface and will apply the same width and alignment as the existing road to the extent possible while ensuring safety standards.
- (ii) Facilities such as parking areas, tourist booths / information centers and other facilities are constructed on public land being provided by provincial and district governments for this purpose (Refer to Appendix 1). No squatters or persons encroaching on the land areas were identified during the IOL. Civil works construction will be sequenced to minimize disruption to existing vendors that are operating small, temporary and semi-permanent stalls along the Mekong riverbank and access roads/pathways.

6. Activities in the Chomphet Heritage District Access Improvements were identified to have resettlement impacts.

7. Ban Xieng Mene: The subproject will undertake the following activities: (i) upgrade the 250 m Mekong vehicle ferry terminal ramp to a 10 m wide concrete carriageway with drainage and embankment retention; (ii) rehabilitate concrete access paths and steps to passenger pier the river; (iii) construct a tourism information kiosk; (iv) upgrade 250 m of existing road in Ban Xieng Mene to DBST standard with 6.0m wide carriageway and roadside drainage; (v) construct 2.2 km of walking paths with 2 male and female public toilet blocks; (vi) rehabilitate 5 concrete river landings/steps beneath the temples north of the village.

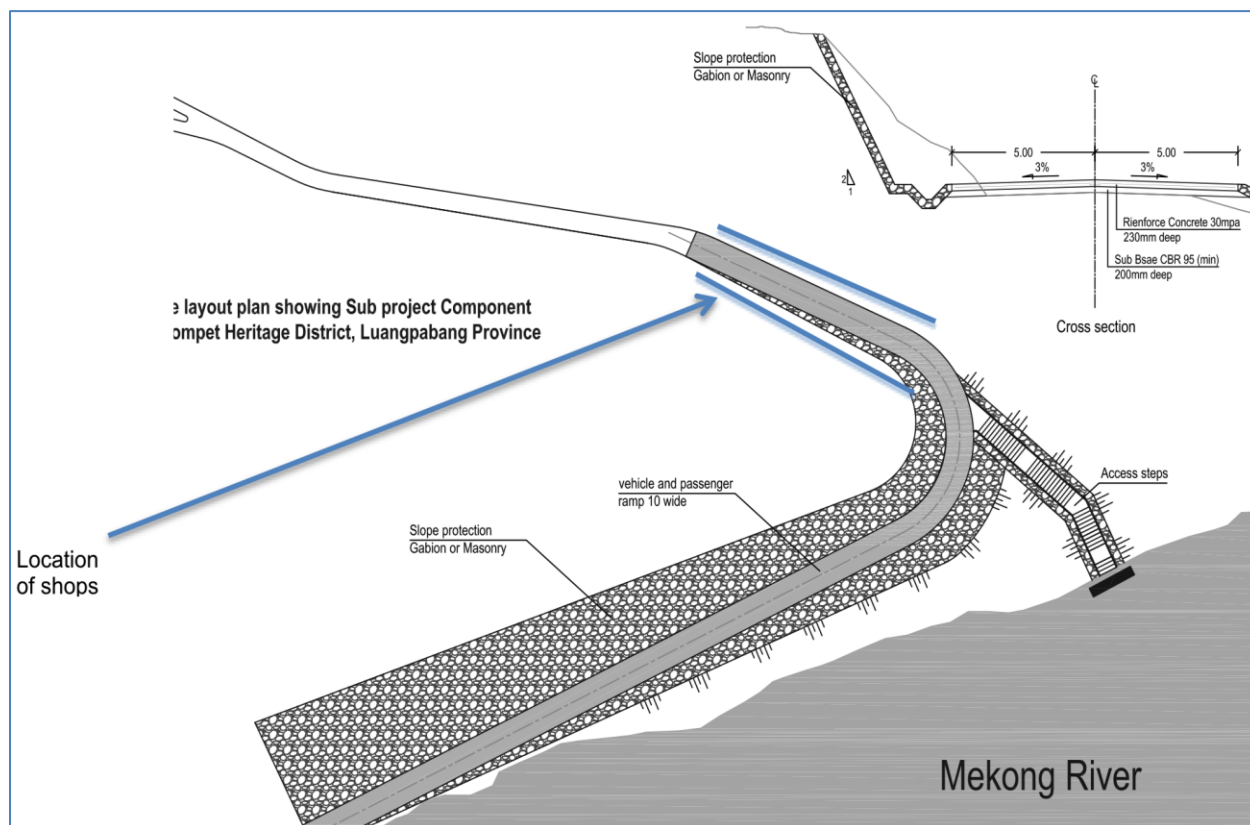
8. The activities (i) and (iv) above will have temporary resettlement impacts during the period of construction on 21 businesses / residences situated alongside the public road that leads from the ferry landing and through the Xieng Mene market. The preliminary design of the improved ferry terminal is in Figure 1.

9. The following activities of this subproject have no resettlement impacts:

10. Ban Chan Neua: The subproject will upgrade the small passenger pier and 500 m of internal footpaths; and (ii) construct a 1,000 m<sup>2</sup> vehicle parking area with vendor kiosks and male and female public toilet blocks.

11. The preliminary design shows no anticipated resettlement impact on land or structures either temporary or permanent for the Ban Chan Neua activities. If during the detailed design phase the subproject changes so that land or structures are impacted, a DMS will be carried out at that time. The principles and entitlements outlined in this document will apply to the preparation of an updated RP based on the findings of the DMS.

**Figure 1: Preliminary Design of Chomphet Heritage District Access Improvements - Ban Xieng Mene Ferry Terminal and Road Upgrade**



Source: PPTA Consultants.

12. **Minimizing resettlement:** Every effort will be made to minimize the resettlement impacts. The measures include: (i) the width of the upgraded road will be similar to that of the existing road; (ii) drainage work will be completed so that stalls and booths/tables can be replaced on a stable surface; (iii) construction will be in phases (lower terminal and then upper area) to minimize the period of time when the road must be closed; and (iv) a nearby alternative market location will be identified by district authorities on a temporary basis to allow businesses to continue some selling activities.

## B. Resettlement impacts

13. The PPTA consultants and PIU undertook an Inventory of Losses survey in July 2013 to identify the area and affected households that will experience resettlement impacts from the road upgrade from the ferry landing through Xieng Mene market. The survey identified that the subproject will affect 24 households, 18 households that own and operate their shop, 3 that rent the shop to operate a retail business and the 3 households that are the landlords and renting out their property. Information on the number of APs, the type of structures, and estimated percentage of loss of structures is presented in Table 1.

14. The affected shops are of two types. The first type consists of 12 market stalls made of wood that the owners have constructed on public land to sell their products. These stall operators pay a fee for use of the land but have no legal title to the land. The second type comprises 9 shops/residences on private land that have a more permanent structure (concrete

and wooden shop/houses). These affected households will experience partial loss of poles with tin awnings covering retail tables at the frontage of their structures. Three affected households are tenants that will experience temporary loss of business income only.

15. The construction of the ferry terminal and the road will disrupt business activity for an estimated period of 2–3 months. The road construction will require temporary dismantling of sales booths. As shown in Table 1 the wood market stalls are the type of structure that will be 100% affected. As the materials are temporary the stalls will need to be replaced after dismantling and so are fully affected. For the partial losses, parts of structures that would be damaged by dismantling during construction will be compensated at replacement cost. The partial loss of structures does not affect the main shop building/home as it consists mainly of poles and extending awnings over retail tables or eating areas for food shops.

**Table 1: Affected Households at Ban Xieng Mene Market Area**

Asset type	No. of AHs	Women	Men	Shop Area (m <sup>2</sup> )	% Loss of structure	Ownership Type
Market stall (Wood)	5	5	0	4 - 6	100	Owner
Market Stall (Wood)	5	5	0	8 - 12	100	Owner
Market Stall (Concrete)	1	1	0	6	100	Owner
Shop	1	1		9	100	Owner
Shop	3	3	0	35 - 48	20 - 40	Owner
Shop	3	2	1	8 - 12	20 - 30	Rental
Shop	2		2	60 - 84	30 - 49	Owner
Shop	3	-	-	8 - 12	20 - 30	Owner (renting)
<b>Total</b>	<b>24</b>	<b>17</b>	<b>4</b>	<b>510</b>	<b>41</b>	<b>--</b>

Source: PPTA consultants.

16. In the nine cases where the structure is both a shop and residence, the families will be able to continue to reside in their home as the living spaces, although attached, are at the back of the shop away from the road. The shops are entirely operated by family members and do not have hired employees.

17. All APs will be required to dismantle their stall or tables set in front of the shop during the period of construction and will have 2–3 months where they cannot make sales at that location. All APs will be able to return to selling at the market area after the new roads are built. The district will provide the equivalent amount of space for the market stalls to be re-constructed and shop owners/renters will be able to put their tables/attached stalls over the newly constructed drainage along the road alignment.

### III. SOCIO-ECONOMIC INFORMATION AND PROFILE

18. The PPTA consultants carried out a socio-economic survey of 21 affected households (18 owners of affected structures and 3 tenants) with a team of trained local surveyors. The survey was conducted in July 2013 using a questionnaire. The affected households surveyed have a total of 104 family members (affected persons). All heads of household are married except for one widowed woman. Table 2 provides an overview of the relation of household members to the Head of Household in the affected families:

**Table 2: Relation of household members to head of household**

Relationship to Respondent	Frequency	%
1 – Head of Household Himself/Herself	16	15.4%
2 – Wife/Husband	21	20.2%
3 – Child / Adopted Child	58	55.8%
4 – Grandchild / Niece / Nephew	2	1.9%
6 – Father / Mother	2	1.9%
7 – Sister / Brother	3	2.9%
8 – Son-In-Law / Daughter-In-Law	2	1.9%
<b>Total</b>	<b>104</b>	<b>100.0%</b>

19. From the heads of household a total of 16 provided their education level and the majority (10) had some secondary schooling or above and 6 had primary school or less – only 1 was not literate. The education level of affected persons is presented in Table 3:

**Table 3: Education Level of Affected Persons**

Education Level	Frequency		Total	Total
	Male	Female		
1 – No Schooling, Illiterate	1	4	5	4.8%
2 – No Schooling, Literate	1		9	8.7%
3 – Primary Incomplete	5	5	9	8.7%
4 – Primary Complete	3	11	1	1.0%
5 – Secondary Incomplete	6	9	10	9.6%
6 – Secondary Complete	9	10	14	13.5%
7 – Vocational / Technical Incomplete	3		15	14.4%
8 – Vocational / Technical Complete	4	8	19	18.3%
9 – University Incomplete		2	3	2.9%
10 – University Complete	6	3	12	11.5%
11 – Other	2	7	2	1.9%
No response	2	3	5	4.8%
<b>Total</b>	<b>42</b>	<b>62</b>	<b>104</b>	<b>100.0%</b>

20. The households have diversified sources of income apart from their retail trade. Of the 104 affected persons, 59% (60 persons) contribute income to the household. Among the sources of income 48% have a full-time salary, 23% comes from trade, 8% is from the sale of farm products and the remainder is from other sources. The average annual income is 65 million Kip. Details on the income is presented below:

**Table 4: Average Income**

Income Details	Total HH annual income
Average income (KN)	65,016,667
Median (KN)	52,000,000
Minimum (KN)	12,500,000
Maximum (KN)	261,000,000

21. In terms of wealth self-assessment, the respondents considered their community to be relatively well off and 14 indicated that they were in an average situation compared to others, 2 indicated they were better off and 1 indicated they were less well-off. One household is classified as poor<sup>1</sup> and two households have disabled family members (not the household head). 16 of the 21 surveyed households responded to the question on ethnicity. Of these, 2

<sup>1</sup> In 2010: below 180,000 KN per person per month for people in rural areas and 210,000 KN per person per month for people in urban areas

households belong to the Hmong ethnic minority and 3 households are migrants from China. All have water supply and sanitation facilities and assets such as a TV.

22. Ten (10) AHs reported having prior knowledge about the subproject. The majority of these households learned about the subproject from the village chief. All agreed the project was beneficial to the community and that they would personally benefit from improved transportation services. Ten of the surveyed households indicated that they had no concerns regarding the project. Of the six households who expressed having concerns, 5 were related to disruption during construction and 1 was about the need to receive fair compensation for business disruption. All respondents were interested in participating in further consultations. All respondents also indicated that they would be interested in receiving more tourists and gaining more income from tourism activities.

#### **IV. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION**

23. In addition to the socioeconomic survey consultations were undertaken with APs and local authorities. PPTA consultants conducted a meeting on July 6 with the provincial Department of Information, Culture and Tourism (DICT), District officials, and 20 villagers (8 women) including 18 of the affected persons. These public meetings involved the following discussions:

- (i) Proposed infrastructure improvements;
- (ii) Temporary and permanent resettlement impacts;
- (iii) Entitlement and compensation;
- (iv) Objectives of the census and Inventory of Losses, socio-economic surveys and eligibility for compensation (including cut-off date of 31 July 2013);
- (v) Need for active participation of the community
- (vi) Affected persons views on the subproject, its benefits, how to avoid impacts on structures and businesses and minimize environmental and resettlement impacts.

24. During the consultations, the APs agreed that the activity to upgrade the ferry terminal and road was overall beneficial. They understood that they would experience temporary disruption but welcomed the fact that they would have less dust from traffic after the upgrade, and more customers passing through in the long term. Their main concerns involved whether or not they would be able to re-establish their business in the same locations after construction is completed. The APs requested the following:

- (i) Ensure that they can re-establish stalls/tables in the same location after construction, with the same space allocation;
- (ii) Provision of an accessible temporary market to sell to local customers and tourists during the construction phase.
- (iii) To be compensated for the impacts of the relocation, in cash or in kind at market rates;
- (iv) Assistance during relocation;
- (v) Proper management of materials and dirt during construction to reduce pollution; provide clear access to their residential areas/homes and a parking area for motorbikes during construction.
- (vi) Continue the consultation process to enable them to plan ahead and be ready during the actual temporary relocation during the construction phase.

25. The consultations included discussions on the price of construction materials used to build stalls to establish replacement cost value. The Resettlement Specialist also verified costs of basic materials in local markets. The minutes of consultations are in Annex 2.

26. During the period of RP preparation, an accessible temporary market was identified by the District in an open public square approximately 300–400 m from AH's present market location.

27. Further consultation with the APs will be carried out prior to and during the detailed design stage so that their needs and preferences can be further incorporated into the design arrangements. APs will participate in the various RP processes; including Detailed Measurement Survey (DMS), Replacement Cost Study (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) DMS and RCS results, (iii) policy principles and entitlements and special provisions, (iv) grievance redress procedures, (v) timing for payments and displacement schedule, and (vi) institutional responsibilities.

28. 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 approval of the project by ADB's management. Luang Prabang's Project Implementation Unit (PIU) will be responsible for the disclosure of the RP to affected persons. At the start of project implementation and prior to the DMS, the Public Information Booklet (PIB) (a sample is attached in annex 3) will be updated and disclosed to the affected people. The updated RP will be posted on the ADB web site following the DMS and RP updating to be done at the detailed design stage. Monitoring reports on resettlement activities will be prepared as part of quarterly project progress reports and uploaded to the MICT's project website, to be managed by the PCU, and ADB website.

## **V. GRIEVANCE REDRESS MECHANISM**

29. 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.

30. 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. 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.

31. 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.

32. 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**

33. 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**

34. 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).

35. 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**

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

37. 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.

38. 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.

39. 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 impacts.<sup>2</sup>

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

41. 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**

42. 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.

43. 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.

44. 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.

45. 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.

46. The updates to Laos PDR policies have brought them more in line with ADB's safeguards. The main differences are summarized in Table 5.

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<sup>2</sup> An Indigenous People's Plan has been prepared for this project that sets out actions to addressing how ethnic groups will benefit from this project and negative impacts will be avoided/mitigated.

**Table 5: Gap Analysis Lao PDR and ADB resettlement policies**

<b>Decree 192 Requirements</b>	<b>ADB SPS Requirements</b>	<b>TIIG Project measures</b>
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 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.	Vulnerable groups: those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land.	Vulnerable groups: (i) Female headed households 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.

#### **D. Guiding principles for implementation**

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

- (i) Carry out meaningful consultations with affected persons, host communities, and concerned non-government/non-benefit 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.
- (ii) 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.
- (iii) 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.
- (iv) Provide physically and economically displaced persons with needed assistance, including the following: (a) 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; (b) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (c) civic infrastructure and community services, as required.
  - (v) 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.
  - (vi) 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.
  - (vii) 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.
  - (viii) 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.
  - (ix) Disclose a 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.
  - (x) 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.
  - (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
  - (xii) 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.

48. Mass organizations such as the Lao Women's Union (LWU) and the Lao Front for National Construction (LFNC) and other community organizations that represent the interests of women, ethnic groups and poor households will participate as members of the District Resettlement Committee involved in the planning and implementation of resettlement activities. Specific methods will be adopted to (i) ensure collection and analysis of data disaggregated by

sex 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

49. Table 6 provides the compensation and benefits to which affected persons will be entitled:

**Table 6: Matrix of Entitlements**

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
Residential Land (includes residential land used for business operations)	Tenants/ Leaseholders	<ul style="list-style-type: none"> <li>• Compensation equal up to 3 months of rent with 60 days advanced notice for those tenants/leaseholders having to entirely vacate a space due to construction.</li> </ul>	<ul style="list-style-type: none"> <li>• It is not expected that the 3 tenants will have to vacate; however, this provision will apply if situation changes.</li> </ul>
Totally affected houses/shops, and secondary structures (kitchen, rice bins)	Owners of affected houses whether or not land is owned  AH = 12	<ul style="list-style-type: none"> <li>• Reconstruction/provision of new structure of same size and value or cash compensation at replacement cost for the entire structure equivalent to current market prices of (i) materials, with no deduction for depreciation of the structure or salvageable materials; (ii) materials transport; and (iii) labor cost to cover cost for dismantling, transfer and rebuild.</li> <li>• Guarantee of allotted space in market area after road construction.</li> <li>• Includes right to salvage material from structure</li> <li>• Transfer and relocation allowance</li> <li>• Provision of all taxes, registration costs, and other fees incurred for replacement structure.</li> </ul>	
Partially affected structures (will not require relocation)	Owners of affected houses whether or not land is owned  AH =9	<ul style="list-style-type: none"> <li>• Cash compensation at replacement cost for the affected portion of structure equivalent to prevailing market prices of (i) materials and labor, with no deduction for depreciation of the structure or for salvageable materials (ii) materials transport, and (iii) cost of repair of the unaffected portion.</li> <li>• Includes option to be compensated for remaining structure if no longer viable for continued use</li> <li>• Includes right to salvage material</li> </ul>	<ul style="list-style-type: none"> <li>• Adequate notice provided to APs to prepare dismantling of their structures</li> <li>• Affected houses and shops that are no longer viable are those whose remaining affected portion the AH considers no longer usable/inhabitable and as confirmed by the DRC.</li> <li>• The owner of the affected structure (i.e. that built the structure) will be compensated whether it is</li> </ul>

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
		<ul style="list-style-type: none"> <li>from structure</li> <li>• Provision of all taxes, registration costs, and other fees incurred for replacement structure</li> </ul>	the landowner or the tenant
Partial loss of structure/Shops	Tenant or Leaseholder  AH = 0	<ul style="list-style-type: none"> <li>• In the case of partially affected structures, tenants may remain with permission of the owner.</li> </ul>	
Temporary Use of Land	Legal owner or tenant, AH = 21	<ul style="list-style-type: none"> <li>For land temporarily acquired by the project during construction,</li> <li>• 60 day advance notice</li> <li>• Provision of rental values during duration of temporary acquisition</li> <li>• cash compensation at replacement cost for affected fixed assets (e.g., structures, trees, crops); and</li> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Tenants paying rent for property will receive compensation for temporary usage of land they are renting.</li> </ul>
Temporary loss of business income due to disruption during construction	Owners/leaseholders/tenants of shops and stalls  AH =21 of which 12 are informally using public space in front of their land area.	<ul style="list-style-type: none"> <li>• loss of income equivalent to 3 months lost income or minimum wage rates multiplied by the number of days of business disruption.</li> <li>• Alternative location for setting up stalls/table during period of construction provided in the district designated public square or other location as confirmed during DMS.</li> <li>• Compensation for loss of affected portion based on replacement cost</li> <li>• Guaranteed stall of similar size in the new market</li> </ul>	The rates will be updated at time of DMS, based on interviews with informal shop owners to get an estimate of daily net profit.
Transportation allowance	Temporary relocation of business stalls/shops – to other sites AH = 12	<ul style="list-style-type: none"> <li>• Provision of transport (trucks for example) to haul all old and new building materials and personal possessions</li> </ul>	APs may also opt for cash assistance. The amount (cost of labor and distance from relocation site) to be validated during RP updating (approximately 100,000KN)
Impacts on Vulnerable APs	Vulnerable APs such as the	<ul style="list-style-type: none"> <li>• An additional allowance of 1 month wages (50,000/day)</li> </ul>	The poorest are those below the national poverty line as

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
	poor households <sup>3</sup> , or households headed by women, the elderly, or disabled, Minority Ethnic Group (including Chinese) AH = 11	<ul style="list-style-type: none"> <li>• First priority in allocation of new stall in the reconstructed market.</li> <li>• The contractors will make all reasonable efforts to provide employment for vulnerable APs in the project</li> </ul>	defined in the poverty partnership agreement with ADB
Temporary loss of access	Temporary loss of access to land, structure, common property resources (Owners, tenants, squatters, etc)	<ul style="list-style-type: none"> <li>• Provision of 60 days' notice</li> <li>• Provision of temporary access where possible</li> <li>• Restoration of affected land area, structure, utilities and common property resources.</li> </ul>	

Source: PPTA Consultants.

50. All APs who are identified in the project-impacted areas on the cut-off date of 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 cutoff date has been established by the MICT as the last day of IOL and Census survey, 31 July 2013. 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 and compensated based on the updated resettlement plan.

## VIII. INCOME RESTORATION AND REHABILITATION

51. The compensation for affected persons for their structure, businesses losses and relocation will ensure that they do not experience losses as a result of the subproject. The key principle to ensure that incomes are restored is that all affected persons that have to relocate during construction are able to return after construction and will have a space to replace their structure using their compensation funds. During consultations affected persons will be given guidance on business planning to encourage them to save their compensation to re-invest in their business following the subproject improvements. In addition, affected persons will be included in the lists of small and medium enterprise owners to receive business support services and training on how to improve their incomes from tourism under the project capacity development activities (Output 3). The project will result in higher numbers of tourists and local traffic in the market area and the affected persons will benefit from the investments in tourism development.

<sup>3</sup> 180,000 KN per person per month for people in rural areas and 210,000 KN per person per month for people in urban areas

52. The following measures will be taken to ensure restoration of income and rehabilitation of livelihoods:

- (i) Provide space to each affected person at a nearby temporary market location during the construction phase to ensure that they can continue to sell their products (the District has designated a public square for this purpose; location will be reconfirmed with AHs case by case during RP updating);
- (ii) Offer of unskilled employment to affected persons of working age to offset losses during the construction phase;
- (iii) Allocate space in the existing location for all affected persons to re-establish their market stall or replace their tables/shop extension following the construction phase; and
- (iv) Provide training to affected persons in business planning and marketing to tourists under the project's capacity development activities.

53. **Vulnerability, Gender and Ethnicity:** The project recognizes that certain social groups may be less able to restore their living conditions, livelihoods and income levels; and therefore, at greater risk of impoverishment when assets are affected. The project considers the 1 poor household, 3 households with disabled family members and 2 ethnic Hmong households to be vulnerable and a transition allowance of one month of daily wages for one person is allocated for these households (total 6 AHs).

54. The majority of the businesses owners are women and they have been the main participants in the consultations. Such consultations will be continued during the time of RP updating and implementation on specific resettlement concerns, such as compensation, relocation and rehabilitation of livelihoods.

55. While only 16 of 21 HH responded to the survey question on ethnicity, and of these only 1 self-identified as Chinese, the PPTA consultants identified that five of the business owners are migrants from [The People's Republic of] China. During consultations the project team identified local leaders from this group speaking Lao and Chinese who can translate for non-Lao speakers. The continued information and disclosure activities will ensure that non-Lao speakers have access to interpreters to understand all the related project information from within their community or arrange interpretation services if needed.

## **IX. RESETTLEMENT COSTS**

56. The total cost of resettlement is \$39,371. Of this total \$31,253 is the direct cost of compensation for structures and allowances. The implementation budget of \$4,992 is 16% of direct costs and 10% has been allocated for contingency. The budget will be updated at the time of the DMS. The Government will cover all land acquisition and resettlements (LAR) costs. The detailed costs estimates for the budget are attached in Annex 1.

**Table 7: Resettlement Budget – Chomphet Heritage District Access Improvements**

No.	Items	Unit	Rate (KN/unit)	Qty	Amount (KN)	Amount (USD)
<b>Structures</b>						
1	Replacements cost of structures @ value of structure (see Annex 1 Table 3)	m <sup>2</sup>	Varied (See Annex 1)	211	78,953,333	10,027
<b>Sub-total 1</b>					<b>78,953,333</b>	<b>\$10,027</b>
<b>Allowances</b>						
2	Transport allowance	AH	100,000	12	1,200,000	152
3	Business income - 3 months based on estimate of monthly sales	AH	See Annex 1 Table 3	21	139,440,000	17,709
4	Assistance Ethnic Minority and Vulnerable HH	AH	1,500,000	11	16,5, 00,000	2095.5
5	Compensation Cost borrow land for construction				10,000,000	1,270
<b>Sub-total 2</b>					<b>167,140,000</b>	<b>21.226</b>
<b>TOTAL DIRECT COST</b>					<b>246,093,333</b>	<b>\$31,253</b>
6	Detail Measurement Survey	LS			8,000,000	1,016
7	Community consultations	Event	2,000,000	3	6,000,000	762
8	Set up temporary market site	LS			8,000,000	1,016
9	Capacity building for implementation RP	LS			5,000,000	635
10	Monitoring	3%			7,382,800	938
11	Administrative costs	2%			4,921,867	625
<b>TOTAL IMPLEMENTATION</b>					<b>39,304,667</b>	<b>\$4,992</b>
12	Contingency	10%			24,609,333	\$3,125
<b>TOTAL RESETTLEMENT COST</b>					<b>310,007,333</b>	<b>\$39,371</b>

Exchange: 7874 KN = 1 USD at time of IOL; LS=Lump Sum

## X. INSTITUTIONAL ARRANGEMENTS

57. 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

58. 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

59. 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.

60. The 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)**

61. 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.

62. 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.

63. 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.

64. 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**

65. 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.

66. 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

67. 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.

68. 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.

69. 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.

70. 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.

71. The indicators that will be monitored regularly will include any of the following, if applicable, as set out in Table 8.

**Table 8: Monitoring and Evaluation Indicators**

Type	Indicator	Examples of Variables
<b>Inputs Indicators</b>	Staffing and Equipment	<ul style="list-style-type: none"> <li>• Number of PRC and DRC members and job function</li> <li>• Trainings undertaken</li> <li>• External monitor contracted and mobilized</li> <li>• Construction Contractor meeting local employment targets for unskilled labour</li> </ul>
	Consultation, Participation, and Grievance Resolution	<ul style="list-style-type: none"> <li>• Distribution of PIB to all APs</li> <li>• Summary RP available in all districts</li> <li>• Translation of materials in indigenous peoples villages and for individual minority APs in villages of other ethnicity</li> <li>• Consultations and participation undertaken as scheduled in the RP</li> <li>• Grievances by type and resolution</li> <li>• Number of local-based organizations participating in project</li> </ul>
<b>Output Indicators</b>	Acquisition of Land	<ul style="list-style-type: none"> <li>• Area of residential land acquired</li> </ul>
	Buildings	<ul style="list-style-type: none"> <li>• Number, type and size of private houses/structures acquired</li> <li>• Number, type and size of community buildings acquired</li> <li>• Number, type and size of government assets affected</li> </ul>
	Trees and Crops	<ul style="list-style-type: none"> <li>• Number and type of private trees acquired</li> </ul>

Type	Indicator	Examples of Variables
		<ul style="list-style-type: none"> <li>• Number and type of government/community trees acquired</li> </ul>
	Compensation and Rehabilitation	<ul style="list-style-type: none"> <li>• Number of households affected (land, buildings, trees, crops)</li> <li>• Number of owners compensated by type of loss</li> <li>• Amount compensated by type and owner</li> <li>• Number and amount of payment paid</li> <li>• Compensation payments made on time</li> <li>• Compensation payments according to agreed rates</li> <li>• Number of structures demolished or partially dismantled</li> <li>• Number of replacement structures built by APs on the same plot</li> <li>• Number of replacement structures built by at other location</li> </ul>
		<ul style="list-style-type: none"> <li>• Number of replacement houses built by APs on allocated plots</li> <li>• Number of temporary replacement businesses constructed by APs</li> <li>• Number of owners requesting additional assistance</li> </ul>
	Reestablishment of Community Resources	<ul style="list-style-type: none"> <li>• Number of community buildings repaired or replaced</li> </ul>

## XII. IMPLEMENTATION SCHEDULE

72. The tentative implementation schedule for resettlement actions is in Table 9.

**Table 9: Implementation Schedule**

Tasks	Schedule
Establish PCU and 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 3, Year 1
Prepare and confirm post-construction plan for allocation of stalls and replacement of tables/extensions (at detail design)	Quarter 3, Year 1
Update compensation rates and apply Project entitlements	Quarter 4, Year 1
Update RP and obtain ADB concurrence	Quarter 4, Year 1
Present Compensation Payment to APs	Quarter 1, Year 2
Establish temporary market	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 Affected Persons and Compensation Rates**

No.	Name of AP	Asset type	Total Area (m <sup>2</sup> )	Affected Area (m <sup>2</sup> )	% Loss	Ownership Type	Rental cost /year	Value of structure (KNs)	Compensation of structure	Average monthly business income	Unproductive period/3 months
								(KNs)	(KNs)	(KNs)/month	(KNs)
1	Hong Keo Vongsit	Market Stall (Wooden)	12	12	100	Owner		300,000	300,000	900,000	2,700,000
2	Mrs. Pin	Market Stall (Wooden)	12	12	100	Owner		400,000	400,000	1,500,000	4,500,000
3	Mrs. Dee	Market Stall (Wooden)	6	6	100	Owner		200,000	200,000	900,000	2,700,000
4	Mrs.Ser	Market Stall (Wooden)	9	9	100	Owner		350,000	350,000	1,500,000	4,500,000
5	Mrs.Mai	Market Stall (Wooden)	6	6	100	Owner		200,000	200,000	1,500,000	4,500,000
6	Mrs. Lek	Market Stall (Wooden)	6	6	100	Owner		320,000	320,000	1,000,000	3,000,000
7	Mrs. MaySaiLor	Market Stall (Wooden)	4	4	100	Owner		240,000	240,000	1,083,333	3,250,000
8	Mrs. Kaying Cheu	Market Stall (Wooden)	6	6	100	Owner		160,000	160,000	666,667	2,000,000
9	Mrs. Yua Vang	Market Stall (Wooden)	9	9	100	Owner		160,000	160,000	833,333	2,500,000
10	Mrs. Thee	Market Stall Concrete	6	6	100	Owner		6,960,000	6,960,000	750,000	2,250,000
11	Mr.Tui	Shop (Concrete villa)	84	24	29	Owner		27,840,000	27,840,000	4,616,667	13,850,000
12	Mr. Ae Sengvongd	Shop (Concrete villa)	60	24	40	Owner		27,840,000	27,840,000	3,166,667	9,500,000
13	Mrs. Duangchan	Market Stall (Wooden)	8	8	100	Owner		583,333	583,333	480,000	1,440,000
14	Mrs. An Latsamee	Market Stall (Wooden)	10	10	100	Owner		480,000	480,000	933,333	2,800,000
15	Mrs. Kham Phai	Shop (Shoes)	48	16	33	Owner		400,000	400,000	1,166,667	3,500,000
16	Mr. Katai	Shop (Shoes)	48	6	13	Owner		200,000	200,000	2,500,000	7,500,000

No.	Name of AP	Asset type	Total Area (m <sup>2</sup> )	Affected Area (m <sup>2</sup> )	% Loss	Ownership Type	Rental cost /year	Value of structure (KNs)	Compensation of structure	Average monthly business income	Unproductive period/3 months
								(KNs)	(KNs)	(KNs)/month	(KNs)
17	Mrs. Deelonghua	Shop (auto parts)	48	12	25	Rental	5,000,000				
18	Mrs. Tui	Shop - Beverage	9	9	100	Owner		400,000	400,000	300,000	900,000
19	Mrs. Loxongchui	Shop-auto parts	44	12	27	Rental	5,000,000				
20	Ms. Pia	Shop Medicine	35	6	17	Owner		320,000	320,000	600,000	1,800,000
21	Leo lingpheng	Shop-auto parts	40	8	20	Rental	5,000,000				
22	Building owner Renting to 17	<b>Shop</b>	48	12	25	<b>Owner</b>		480,000	5,480,000	6,666,667	20,000,000
23	Building owner renting to 19	<b>Shop</b>	9	9	100	<b>Owner</b>		480,000	5,480,000	8,333,333	25,000,000
24	Building owner renting to 21	<b>Shop</b>	35	6	17	<b>Owner</b>		640,000	640,000	7,083,333	21,250,000
			<b>510</b>	<b>211</b>	<b>41</b>	<b>-</b>	<b>15,000,000</b>	<b>68,953,333</b>	<b>78,953,333</b>	<b>46,480,000</b>	<b>139,440,000</b>

Source: PPTA Consultants.

## **ANNEX 2: MINUTES OF CONSULTATIONS AND VERIFICATION OF REPLACEMENT COST VALUE**

6 July 2013

Xiengmaen village, Chomphet District:

### Village Leaders Present

- Mr. Thongkhoun Sisomphone      Head of village
- Mr. Thitpio Sengsavat      Deputy Head of village
- Mr. Tui Udon      Deputy Head of village
- Mr. Khamtsy Sayalath      President of village Lao Front for National Reconstruction

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.

Xiang Mene village has 338 HH, population 1,705, 797 women, ethnic group Lao 313HH, Khmu 21HH, Hmong 4HH; primary school, dispensary and hospital, market; use government electricity, Mekong river and well for water supply, earth road; main occupation small business and government staff; income from small business and agriculture; tourism resource are forest, Thao and Nang mountain, Sakalin cave and temples; no guesthouse.

### Village development plans:

1. Promote and protect indigenous products, natural, tradition.
2. Upgrade temples
3. Sell ticket to tourists who want to look at the temples
4. Establish agriculture product group

Proposals:      1. Compensate villagers affected by business disruption during construction.  
                     2. Improve drainage system in village.

### Women's group discussion

Ms. Buavone	President of village Lao Women Union
Ms. Nome Vilay	Vice President of village Lao Women Union
Ms. Somchanh	Villagers
Ms. Sommay	Villager
Ms. Pinh	Villager
Ms. Kham	Villager
Ms. Say	Villager
Ms. Thi	Villager
Ms. Chanh	Villager
Ms. Pheng	Villager

Proposals:      1. Support fund for weaving and embroidery training.  
                     2. Support fund to start/expand small business  
                     3. Training in natural dyeing  
                     4. Training in food processing  
                     5. Ensure there is space for selling at ferry terminal at same location after works are finished.

Mr. Yearvayang	Hmong
Mr. Thongsouk	Hmong
Mr. Viengthone	Khmu
Mr. Xiengmy	Khmu
Mr. Somlith	Khmu
Mr. Vansay	Khmu
Ms. Sy	Khmu
Mr. Bounnoy	Khmu

- Proposals:
1. Support fund for agriculture and small business
  2. Civil works should avoid land acquisition
  3. Compensate should be paid for land acquisition, if any
  4. Improve drainage in the village

Ensure the quality of civil works is good.  
Concerned subproject will require acquisition of residential and agricultural land (it will not)  
When the project finished the government should allocate enough funds for maintenance.

**Figure A2.1: Attendance Record - Consultations in Xieng Maen**

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**Figure A2.2: Photos of Consultations in Xieng Maen**



## ANNEX 3: SAMPLE PUBIC INFORMATION BOOKLET

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

#### ***What is Tourism Infrastructure for Inclusive Growth Project?***

The proposed GMS Tourism Infrastructure for Inclusive Growth Project will develop sustainable, culturally and environmentally sound pro-poor tourism approaches in Lao PDR. In \_\_\_\_\_ the project will \_\_\_\_\_. 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.*

***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, 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.

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

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