

Resettlement Plan

June 2015

Lao People's Democratic Republic: Second Greater Mekong Subregion - Corridor Towns Development Project

Luang Namtha Subproject

Prepared by the Ministry of Public Works and Transport for the Asian Development Bank.

CURRENCY EQUIVALENTS

1 USD = 8000 KIP

ABBREVIATIONS

ADB	-	Asian Development Bank
AH	-	(project) affected household
AP	-	(project) affected person
DMS	-	detailed measurement survey
DPC	-	District People's Committee
EA	-	executing agency
EM	-	ethnic minority
GMS	-	Greater Mekong Subregion
GOV	-	Government
HH	-	household
IOL	-	inventory of losses
IRC	-	Inter-Ministerial Resettlement Committee
IRP	-	Income Restoration Program
LFNC	-	Lao Front for National Reconstruction
LURC	-	Land Use Right Certificate
M&E	-	Monitoring and Evaluation
MEF	-	Ministry of Economy and Finance
MPWT	-	Ministry of Public Works and Transport
MRD	-	Ministry of Rural Development
NR	-	National Road
NGO	-	nongovernment organization
PDPWT	-	Provincial Department of Public Works and Transport
PIB	-	Public Information Booklet
PMB	-	Project Management Board
PMU	-	project management unit
PPC	-	Provincial People's Committee
PPTA	-	project preparatory technical assistance
RCS	-	Replacement Cost Study
ROW	-	right of way
RP	-	resettlement plan
RSCWG	-	Resettlement Sub Committee Working Group
SAVHs	-	Severely Affected and Vulnerable Households
SES	-	Socio-Economic Survey
SEU	-	Social and Environmental Unit
SPS	-	Safeguard Policy Statement
TA	-	technical assistance
USD	-	United States Dollars
VRC	-	Village Resettlement Committee

WEIGHTS AND MEASURES

Ha	Hectare	Lm	Linear meter
Kg	Kilogram	m	Meter
Km	kilometer	m²	Square meter

DEFINITION OF TERMS

- | | | |
|-----------------------------|---|--|
| Affected Persons (APs) | - | any person or persons, household, firms, or public or private institutions who on account of a development project would have their; (i) standard of living adversely affected; (ii) right, title or interest in all or any part of a house, land (including residential, commercial, agricultural, plantations, forest and/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. APs therefore include; i) persons affected directly by the right-of-way or construction work area; (ii) persons whose agricultural land or other productive assets such as trees, standing crops are affected; (iii) persons whose businesses are affected and who might experience loss of income due to the project impact; (iv) persons who lose work/employment as a result of project impact; and (v) people who lose access to community resources/property as a result of the project. |
| Cut-off-date | - | refers to the date prior to which the occupation or use of the project area makes residents/users of the same eligible to be categorized as AP. In this Project, the cut-off date will coincide with the period of the census of affected persons and the inventory of losses (IOL) that will be conducted based on the feasibility design documents after approval of the project by the project authorities. 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 lawfully acquired the affected assets following completion of the census and the IOL and prior to the conduct of the detailed measurement survey (DMS). |
| Detailed measurement survey | - | with the aid of the approved detailed engineering design, this activity involves the finalization and/or validation of the results of the 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. |
| 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, intended to restore their economic and social base. |
| Income restoration | - | the re-establishment of sources of income and livelihood of the affected households |
| Inventory of losses | - | 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 (ROW) are identified, measured, their owners identified, and their exact location pinpointed. 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.
Relocation	- the physical relocation of an AP from her/his pre-project place of residence and/or business.
Rehabilitation	- refers to additional support provided to APs for losing their respective productive assets, incomes, employment or sources of living, for the purpose of supplementing payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of pre-project living standards and quality of life.
Replacement cost	- the term used to determine the value sufficient enough to replace affected assets and/or cover transaction costs necessary to replace the affected assets without depreciation for such assets as well as material advantages, taxes and/or travel expenses.
Resettlement	- means all social and economic impacts that are permanent or temporary and are (i) caused by acquisition of land and other fixed assets, (ii) by change in the use of land, or (iii) restrictions imposed on land, as a result of a project.
Resettlement Plan	- a time-bound action plan with budget setting out compensation and resettlement, ethnic minority strategies, objectives, entitlement, actions, responsibilities, monitoring and evaluation.
Meaningful Consultation	- a process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues
severely affected households	- 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	- 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 without support, (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, (v) landless

households, and (vi) ethnic minorities.

NOTES

- (i) The fiscal year (FY) of the Government of Lao PDR ends on 30 September. "FY" before a calendar year denotes the year in which the fiscal year ends, e.g., FY2015 ends on 30 September 2015.
- (ii) In this report, "\$" refers to US dollars.

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EXECUTIVE SUMMARY

1. The project

The Second GMS Corridor Towns Development Project (ADB TA 8425-REG) aims to promote the transformation of transport corridors in the Greater Mekong Sub-region (GMS) into full-fledged economic corridors by improving urban infrastructure and building institutional capacity in selected corridor towns in Cambodia, Lao PDR and Viet Nam. In Lao PDR, the participating corridor towns of Luang Namtha, Luang Namtha Province, and Houayxay, Bokeo Province are strategically located along the transport corridor in the GMS and are poised to boost investments and stimulate economic growth.

The development potential of the corridor towns to optimize its economic resource base and attract investments is preconditioned on a strategic economic development plan, adequate infrastructure and support services and institutional capacity to manage urban sector development. The participating corridor towns in Lao PDR are now faced with the difficult challenge of coping with the demands of a rapidly growing urban population and expanding urban areas. National and local authorities have to address severe environment and economic problems due to capacity constraints in providing essential urban infrastructure. With increasing trade and traffic flows, there is the pressing need to provide essential urban infrastructure and strengthen the capacities of the corridor towns to manage local economic development in an environmentally sustainable manner.

Luang Namtha District is the administrative capital and the urban center of Luang Namtha province in north-western Lao PDR, bordering China and Myanmar. The province includes 5 districts (Long, Nale, Namtha, Sing and Viengphoukha) and 78 villages. Significantly the town is only some 60kms from the border with Yunnan Province in China.

2. Subproject Description

The final selection and design of the subprojects in Lao PDR responds to an extensive and ongoing process of stakeholder consultation, which included a series of intensive subproject missions to each of the towns, and which proved invaluable in securing agreement between the consultant team and the provincial and municipal authorities.

In Lao PDR the recommended subprojects, including several components to be carried forward, are located in Luang Namtha and Houay Xay. The components for each town were agreed upon by the Ministry of Public Works and Transport (MPWT) and senior provincial and municipal/district representatives.

Scope of the project: the subproject in Luang Namtha includes the following five components:

- Component 1 Solid Waste Management
- Component 2 Urban Village Upgrading
- Component 3 Urban Roads Drainage
- Component 4 Urban Recreation Facilities Upgrading
- Component 5 Nan Tha River Bridge

3. Resettlement Impacts

Based on preliminary engineering design, field visits, surveys and public consultation were conducted on 7 of February 2105. Another re-assessment of the resettlement impacts was carried out on 28 of May 2015.

Component 2 – Urban Village Upgrading – will require the acquisition of 2,509m² of private land affecting 7 HHs (92APs). Component 3 – Urban Roads Drainage – will require 6,386 m² of public land and 352 m² of private agriculture land, affecting 3 HHs (15 APs). Among the 10 AHs for these two components, none of them will be severely affected in terms of loss of

land: the percentage of land loss for each of the AH is below 10% of the total land they own. For these two components there are no impacts on structures and no resettlement.

The 3 HHs affected in the Urban Road Drainage component will lose 15 teak trees and for the urban village upgrading 5 AHs will lose 39 trees (Teak, mangoes and bamboo) and 2 AHs will lose rice crops over 1120 m².

The other components have no land acquisition and resettlement impacts.

Summary of Land Acquisition in Luang Namtha Subproject

Components	Village	Permanent Land Acquisition						Severely Affected	
		Community Land			Private Land				
		Area (m ²)	No. AHs	No. APs	Area (m ²)	No. AHs	No. APs	No. AHs	No. APs
Urban Road Drainage	Houakhoua	6,386	0	0	352	3	15	0	0
Urban Village Upgrading	Louang	0	0	0	2,509	7	92	0	0
Total		6,386	0	0	2,861	10	107	0	0

4. Information Disclosure, Consultation and Participation

The disclosure of information, consultation and participation at the District hall and in the villages included in the subproject area was carried out with the Environment team as part of the preparation of this feasibility study, from 7th to 9th of February 2015. Villagers were informed about the scope of the subcomponents, impacts and benefits. It is worth noted that participants showed an open and supportive attitude towards the subproject. The road upgrading is a topic of high interest to them.

The Provincial and district officials, as well as village representatives, households and families have been informed about the subproject in general and about the resettlement policies such as cut-off-date, grievance redress mechanisms and entitlements to be applied in case of assets losses induced by the project implementation. Villagers present at the meeting requested the start of the construction works as soon as possible, and confirmed their willingness to support, participate and contribute to the project implementation. They asked to get fair compensation for their losses and are willing to cooperate in case there is a temporary difficult road access to their villages due to the construction sites.

The objectives of the consultation meetings were to ensure that potential affected people (APs) and other stakeholders have:

Obtained information at the early stage of the feasibility study.

Opportunities to participate in the land acquisition and resettlement impact screening planning process and implementation.

Been made aware that this was the initial consultation and they will get another chance to voice their opinions during the updating of the RP that will take place once the project is approved.

Once the updated resettlement plan is approved by ADB, it will be disclosed to the public. Each affected government organization will receive one hard copy of the updated resettlement plan and it will be posted on MPWT and ADB websites.

5. Grievance Redress

A grievance mechanism has been designed to ensure that the concerns and complaints of the AHs are readily addressed at the village level in a timely and satisfactory manner. A grievance resettlement committee will be established at provincial level to address the grievances that will emerge during the project implementation. The AHs will be made fully

aware of their rights and entitlements through verbal and written means during resettlement planning, updating, and implementation. Any expenses incurred for grievance redress will be paid from the project.

6. Legal and Policy Framework

This Resettlement Plan (RP) was developed based on 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.

In this project, the cut-off-date will coincide with the period of the census of affected persons and the inventory of loss (IOL) that will be conducted based on the feasibility design, once the project is approved.

7. Entitlements

The main entitlements of this RP relate to compensation for the full and/or partial loss of land at replacement costs. The entitlements cover all the compensation for loss items that have been identified when carrying out the inventory of losses taken at preliminary design stage and to be reviewed at the time of detailed measurement survey (DMS) during the updating of the RP based on the prevailing market value during the period of construction.

8. Resettlement Budget

During the process of the public consultations, the replacement value of the land has been discussed with the local authorities and the affected households and the agreed rate was used to estimate the value of the losses.

The total estimated cost for resettlement as per present value is Kip **48,596,000** for the direct cost of land compensation and loss of trees and crops. The implementation budget includes expenses for DMS, public consultation, capacity building, monitoring, 2% as management fees and 10% has been allocated for contingency totaling Kip **64,378,380 (USD 8,047.30)**

The budget is tentative and will be updated based on the DMS. The Government will cover all land acquisition and resettlements costs.

9. Institutional Arrangements

MPWT will establish a project coordination unit (PCU) to coordinate and oversee overall project management, including consultant recruitment and procurement. The Luang Namtha Department of Public Works (DPW) will be responsible for the overall coordination of organizations involved in resettlement and for RP preparation and updating, supervision and management of RP implementation.

The Provincial DPW will establish a PCU 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.

10. Implementation schedule

The table below provided the tentative schedule for implementation.

Activities	Tentative timing
RP Preparation	2 nd quarter 2015
ADB Approval of Draft RP	3 rd quarter 2015
Disclosure of draft RP	3 rd Quarter 2015
Consultation and DMS	3 rd quarter 2015
Appointing of resettlement specialists	3 rd quarter 2015
RP Updating following detailed design	3 rd quarter 2015
Submission and ADB approval of updated RP	4 th quarter 2015
Disclosure of RP	4 th quarter 2015
Implementation of the approved updated RP (Disbursement of compensation)	1 st quarter 2016
Internal Monitoring (Submission of Quarterly Progress Reports)	Start 4 th quarter 2015
Resettlement completion verification, handover of cleared land for civil works	End of 1 st quarter 2016
Start of Civil Works	1 st quarter 2016

* No civil works to start before the APs are fully compensated

11. Monitoring

The PCU in MPWT will be responsible for overseeing the formation, functions, and activities of the implementing agencies, and through quarterly monitoring reports, summarize project progress, including the status of implementation of the resettlement plans. The monitoring will be done internally by the PCU, as well as by the PIUs in DPWs of each province and quarterly reports will be prepared and submitted on quarterly basis to MPWT and ADB.

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, as described in the RP, and as per the agreed resettlement policy. All monitoring data will be made available to public for information.

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I. SUBPROJECT DESCRIPTION

1. Luang Namtha District is the administrative capital and the urban center of Luang Namtha province in northwestern Lao PDR, bordering China and Myanmar. The province includes 5 districts (Long, Nale, Namtha, Sing and Viengphoukha) and 78 villages. Significantly the town is only some 60kms from the border with Yunnan Province in China, but at the same time is protected from most of the potential environmental effects caused by cross-border traffic by a by-pass road.
2. The final selection and design of the subprojects in Lao responds to an extensive and ongoing process of stakeholder consultation, which included a series of intensive subproject missions to each of the towns, and which proved invaluable in securing agreement between the consultant team and the provincial and municipal authorities.
3. In Lao PDR the recommended subprojects, including several components to be carried forward, are located in Luang Namtha and Houay Xay. The Ministry of public works and Transport (MPWT) and senior provincial and municipal/district representatives agreed upon the components for each town.

A. Luang Namtha Subproject

4. This subproject, including five components, to be carried out in Luang Namtha town was agreed upon by the Ministry of Public Works and Transport (MPWT) and senior provincial and municipal/district representatives.
5. The components of the subproject are:
 1. Solid Waste Management;
 2. Urban Village Upgrading
 3. Urban Roads Drainage;
 4. Urban Recreation Facilities Upgrading; and
 5. Nan Tha River Bridge with connecting road.
6. This Resettlement Plan (RP) has been prepared to assess the extent of land acquisition and resettlement impact that will occur during the subproject implementation, and describe the measures to minimize the impacts and address the unavoidable impacts.

1. Description of the Components

a. Solid Waste Management

7. The municipal dump site is on edge of town in Ban Mai, around 12km from New Namtha, but closer to Old Namtha at about 6.5km. It is hilly, the access road is muddy in the wet season and no maintenance is carried out at the site. The landfill was developed under a previous ADB project and included landfill cells, leachate ponds, septage disposal, and vehicles. The site covers 15.7ha of which 3ha was developed as the landfill site.
8. Only 22% of villages in Luang Namtha district have solid waste currently being collected in 17 urban villages out of the 78 total villages in the District. Of these 17 villages, only 55-60% of households use the collection service.

Proposed Facilities:

9. It is proposed to improve solid waste collection and treatment through provision of a managed landfill at the existing site and extended collection services for the main urban area of Luang Namtha.

Part 1 – Managed Landfill:

10. In order to find a match between sustainable garbage treatment and the capacity of the operators to successfully manage a new facility it is proposed to construct a managed landfill, rather than a full sanitary landfill. This will include most of the features for a sustainable operation including, planned cell development, clay lining, leachate collection and storage, regular waste covering, surface water management, covered soil storage, surface water management and groundwater monitoring. A separate pit for toxic and medical waste will be provided, and a small incinerator with shed for infectious waste. At least for the time being the current waste picking operations can continue, but in a better managed environment. To this extent the managed landfill will be fenced, such that access is controlled. The existing waste that is currently scattered all over the site will be removed to a single cell, compacted in layers and covered with earth. The access road will be improved and a permanent surface will be provided to ensure the trucks can reach the managed landfill at all times.

Part 2 – Solid Waste Collection

11. The subproject will include a public awareness campaign aimed at increasing the collection service area, and capacity building for the Urban Development Administration Authorities (UDAA). The target will be to achieve near 100% collection rates from all of 17 urban villages in Luang Namtha.

12. The improvements at the existing dumpsite will not require any land acquisition or resettlement such as the upgrading of the access road.

b. Urban Village Upgrading

13. Luang Namtha and its periphery include a number of urban villages. Most of these villages contain high proportions of ethnic minority peoples, which provide a strong sense of identity and individuality for each of the communities. At the same time a number of common problems are identified, which are acting as constraints to the achievement of basic needs and aspirations; in particular: (i) poor environmental infrastructure, including roads, drains, sanitation and community facilities; and (ii) poor access to employment opportunity.

Proposed Facilities:

14. From a list of 12 urban villages prepared by the provincial and district authorities, seven priority villages were selected as Case Studies for inclusion in the potential Project Loan. The selection was made taking into account levels of infrastructure deficiency, socio-economic dimensions, including poverty levels and stakeholder priorities. They are Vien Neua, Hat Gnao, Thongchay Neua, Thondee, Papua, Vieng Tai and Luang Khone (see Annex 6 list of roads to be improved in each village). The component scope will be infrastructure upgrading to include road improvements, new drainage, some earthworks and landscaping.

15. The improvement/upgrading of some roads will require acquisition of some private land that will be described in the project impacts.

c. Urban Road Drainage

16. There is currently little or no drainage, especially in Old Namtha. Stagnant water carries waterborne disease and ponding causes road damage.

17. In addition, there is no planned wastewater collection and treatment system in Luang Namtha, such that there is reliance on a range of domestic and commercial septic tanks and other individual household based solutions such as simple pit latrines. Effluent overflows from the septic tanks often run into adjoining storm water drainage/streams, which generally run across the main, built up urban areas. Two existing pond/wet areas also act as combined wastewater/storm water buffer storage.

18. Intervention in the form of a comprehensive and integrated wastewater and collection and treatment system is not therefore recommended as a subproject component, pending further investigation of the existing situation. It is considered for the time being at least, that it is more cost-effective to concentrate on improvements to the existing wastewater management system based on individual properties/households to ensure higher levels of sustainability. In this regard it is noted that septic tanks remain the preferred primary wastewater treatment option in Lao PDR.

Proposed Facilities:

19. Construction of 6.532km of urban road drainage in areas selected by the Province. The drainage should be constructed on both sides of the road, over for a total road length of 3.266km. There are nine alignments identified by the province (see table below). The drain type selected is box culvert. Figure 1 shows the location of urban road drains for Luang Namtha.

Proposed Drains

Drain ID	Location	Length (km)
DS1	Start and ending point in Xaysomboun village	0.308
DS2	Start and ending point in Xaysomboun village	0.293
DS3	Start point in Xaysomboun village and ending in Phonexay village	0.187
DS4	Start point in Xaysomboun village and ending in Phonexay village	0.252
DS5	Start point in Xaysomboun village and ending in Phonexay village	0.146
DS6	Start point in Xaysomboun village and ending in Phonexay village	0.108
DS7	Start and ending point in Nahom village	0.317
DS8	Start and ending point in Nahom village	0.380
DS9	Start point from Namchang Village and ending in Viengkham Village	1.274
Total		3,265

20. Rehabilitation of the two existing ponds and their continued use for pre-treatment prior to discharge into the main river course at Luang Namtha. The lakes will be upgraded with improved channel structures for inlet and outlet and the pond embankments will be re-enforced with stone masonry. Aerators are proposed for both ponds to further improve discharge water quality. Improvement of the main collector drains to both ponds will also be improved by forming stone masonry channels and covered U drains in the urban area. Figure 2 shows the locations of the proposed facilities.

21. For the first proposed item under this component, the construction of the drains will be done within the ROW of the road and will not require land acquisition or resettlement. There will be only some disturbances during construction that will be taken care under the EMP.

22. However, for the rehabilitation of the two existing ponds and improvement of related channel structures, some land acquisition is required, both privately and publicly owned.

Figure 1: Urban Road Drains for Luang Namtha

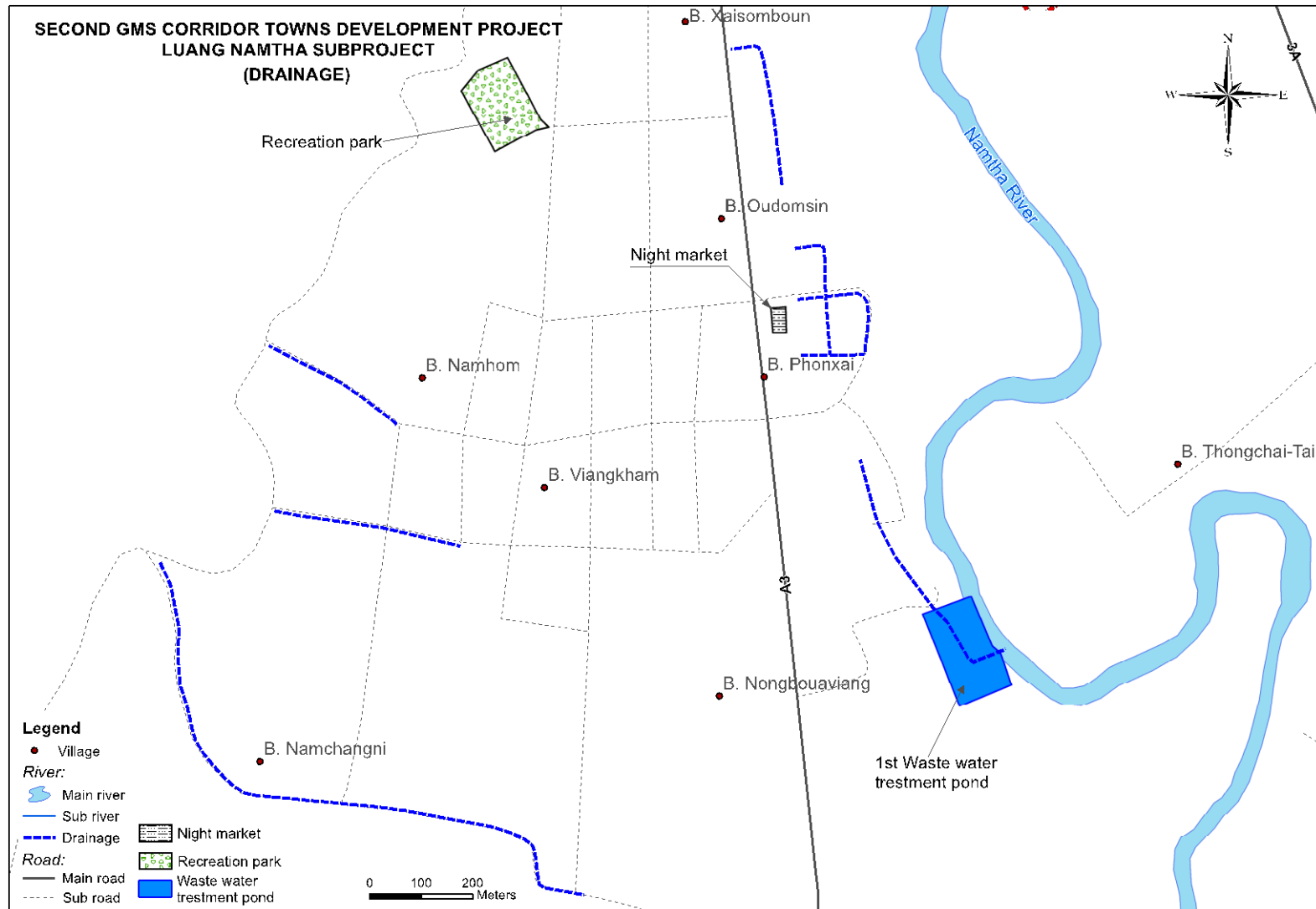
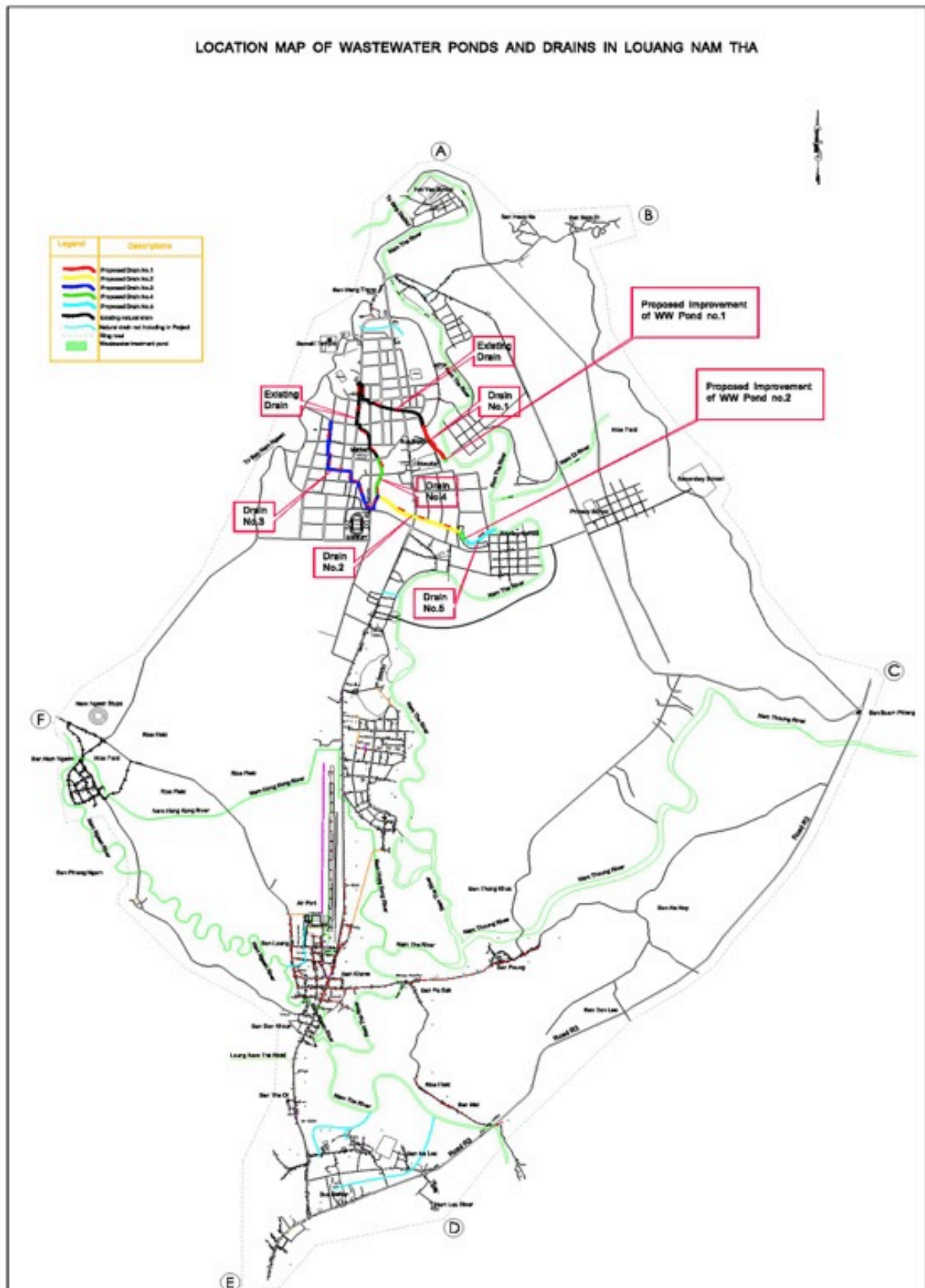


Figure 2: Locations of the Proposed Facilities



d. Urban Park Restoration & Night Market Upgrade

23. There is currently no landscaped urban park in the town. The current piece of land is being used during festivals, but lacks any features to facilitate its use as a public recreational facility. The current market has open, uncovered seating in a square outside, with a basic covered area behind to house handicraft stalls.

Proposed Improvements:

24. Local authorities have reserved land for making a recreation area for locals and tourists. The proposed location will link the Inner Stadium, Wat Samakhi and Thad Luang Namtha.

25. The proposed preliminary design retains a predominantly grassed area with paved footpaths around and crossing the park, tree planting for shade, seating areas and planted feature gardens. Construction of toilets, a kiosk and restaurant, with landscaped features, such as a water fountain, petanque courts, outdoor gym equipment and a children's play area. The existing bandstand will be demolished and future festival events held at the stadium. Renovation or replacement of the existing sports hall next to the park area.

26. Upgrading of the night market on the main street of the town, to include a better toilet block, washing areas for stallholders, floor surfacing and improvement of the handicraft area behind the food stalls.

27. The proposed works (see concept in Figure 3 Recreational Park and Sports Hall Restoration - Concept Plan Option 1) are located within an existing area and have no resettlement impact.

28. The Recreation park area is 26,500 m², this area is government land and there is no structure and no tree which will be affected, as it is currently used as a football pitch.

FIGURE 01: RECREATION PARK AND SPORTS HALL RESTORATION - CONCEPT PLAN

e. Bridge Over Nam Tha River

29. There is currently a dry season ford near Donsamphan village that is being used by pedestrians and motorbikes as a short cut to Road 3A which is 400m east of Donsamphan village on the other side of the river.

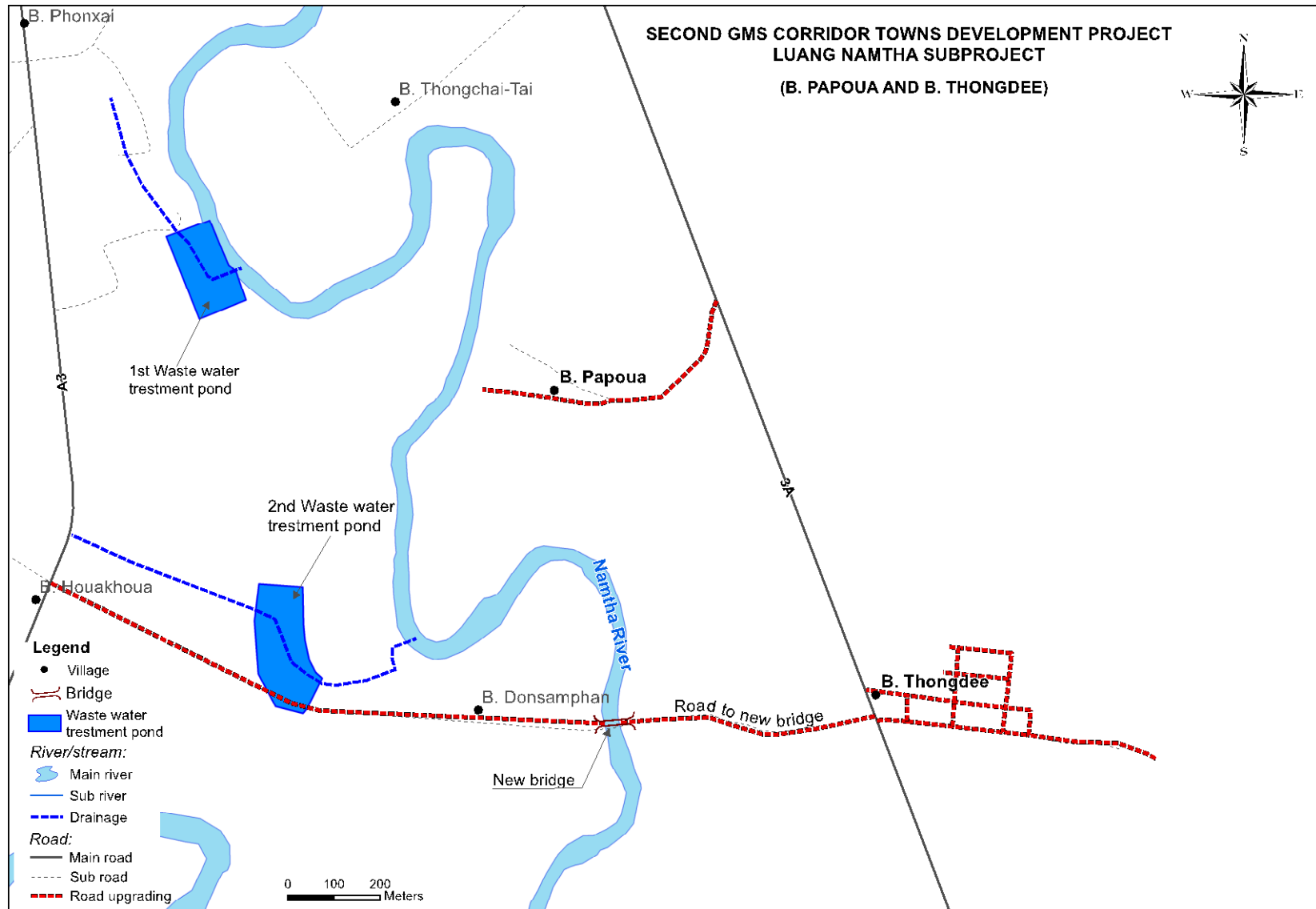
30. There is an existing bridge near Viengthong village a few km to the north of Donsamphan but this bridge was built in 1972, and is said to be no longer able to carry heavy loads, such as trucks.

Proposed Improvements:

31. Construction of a new bridge that will span the Nam Tha river near Donsamphan village, and approximately 1730m of road improvements to connect it to the existing Road 3A and 17A. It will provide a safer crossing point for heavy goods vehicles and local traffic (see below **Figure 4**)

32. Concerning the road upgrading, both from the bridge to NR3A and from the bridge to NR17A, it goes along an existing alignment. The resurfacing of the road will be done within the ROW and no structures or trees will be affected by this component. Therefore this component has no land acquisition and resettlement impacts.

Figure 4: Location of Bridge and 1300m Connection Road to NR3A



II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

A. Minimizing the resettlement impacts

33. The assessment of resettlement impacts is based on the preliminary design. If during the detailed design phase the subproject components are modified with more or less resettlement impacts, the DMS to be carried out at that time will provide information to update the RP. The principles and entitlements outlined in this document will apply to the preparation of an updated RP based on the findings of the DMS.

34. Every effort has been made to minimize the resettlement impacts. These measures include:

- The width of the upgraded road will be similar to that of the existing road;
- All the drainage works will be done within the ROW along the road to avoid affecting the houses along the roads;
- Construction will be in phases (lower terminal and then upper area) to minimize the period of time when the road must be closed.

B. Land acquisition and Resettlement Impacts

35. The PPTA consultants and PIU undertook an Inventory of Losses survey on 7 February 2015 to identify the area and affected households that will experience resettlement impacts from the facilities proposed in each component and a verification survey (IOL and socio-economic survey) was carried out on 28 May 2015. (annex 8)

36. The results of the surveys (summary of impacts in the table below) show that 7 households (92 APs) would be affected in the Urban Village Upgrading Component because of the road improvements, requiring 2,509 m² of privately owned land to be acquired. Among the 7 AHs, 5 AHs will lose 39 trees (Teak, mangoes, bamboo) and 2 AHs will lose 1120 m² of rice cropping.

37. In the Urban Road Drainage Component, 3 households (15 APs) will be affected because of the improvements of the ponds, requiring the acquisition of 352 m² of productive privately owned land and 6,386 m² of productive community land. Detailed tables are provided in Annex 2. The 3 AHs will lose 15 teak trees.

38. For the other components there will be no resettlement impacts.

39. Among the 10 AHs in Luang Namtha, none of them will be severely affected by the loss of productive land, trees or crops. The percentage of land loss for each of the HH is below 10% of their total land owned.

Table II-1: Summary of Land Acquisition in Luang Namtha Subproject

Components	Village	Permanent Land Acquisition						Severely Affected	
		Community Land			Private Land				
		Area (m ²)	No AHs	No APs	Area (m ²)	No AHs	No APs	No AHs	No APs
Urban Road Drainage	Houakhoua	6,386	0	0	352	3	15	0	0
Urban Village Upgrading	Louang	0	0	0	2,509	7	92	0	0
Total		6,386	0	0	2,861	10	107	0	0

C. Socio-economic Information

1. Social impacts

40. It is expected that the proposed subproject will improve the environment and economic conditions of beneficiary households due to:

- Improved road access availability connecting national roads;
- Improved tourism facilities to visit to Luang Namtha;
- Increase in income due to easier communication; and
- Better environment thanks to the new recreational area.

2. Socio-economic Profile of the affected Households

41. During the re-assessment of resettlement impacts conducted on 28 May 2015 a socio-economic survey was also carried out for all AHs.

42. The major socio-economic information of the AHs about livelihood and income/expenditures have been collected and are shown for the two components having some resettlement impacts in the following tables:

Table II-2: Urban Road Upgrading Component

Name of head of household	Mr. Bounseng Phanthavong	Mr. Singkham Houmvixay	Mr. Som chit Inthavixay	Mr. Bounphanh Inthavixay	Mr.Kham sao Kong Champa	Mr. Thongphet	Mr.Ae Tam
Average yearly household income - all sources: Kips /year	117,600,000	176,000,000	78,000,000	100,800,000	798,000,000	23,820,000	15,050,000
HOUSEHOLD LIVING CONDITIONS							
Source of water:							
Drinking/cooking:							
1 Piped water	1	1	1	1	1	1	1
Washing/bathing							
1 Public tap	1	1	1	1	1	1	1
Sanitation:							
1 Pour Flush toilet	1	1	1	1	1	1	1
Energy source:							
1 Electricity (from government)	1	1	1	1	1	1	1
Cooking:							
1 Wood	1	1	1	1	1	1	1
Household assets: If household owns an asset, indicate the number.							
1- Bicycle	1	1	2	2	2	1	1
2- Motorbike	1	2	2	3	3	1	1
3- Car	1	1			1		1
4- Boat, small	0		0		0		
6- Truck	0		0		0		0
7- Tractor	0	0	0	1	1		0
10- Radio	1	1	0		0		1
11- Television	1	1	1	1	2		1
12- Cassette/CD player or DVD	1	1	1		1		1
13- Telephone	3	4	5	5	6	1	3
14- Electric fan	1	3	4		4	1	2
15- Sewing machine	1	1	1		1		1
16- Refrigerator	2	1	1	1	2	0	1
17- Rice cooker	1	1	1	1	2	0	1

HOUSEHOLD INCOME: SOURCES AND EXPENDITURES							
Sources of income							
1 Wages / salary	1	1	1	1	1	1	1
2 Lease / rental of property	1	0	0		0	0	0
3 Business owner	1	1	1	1	1	0	1
Which household members are responsible for primary source of income							
1- HH head only	0	0	0		1	0	1
2- HH head and spouse	0	0	1		0	1	0
3- HH head, spouse and adult children	1	1	0	1	0	1	0
Average monthly household income	9,800,000	14,700,000		8,400,000		1,985,000	
1- Primary source: kips /month	1,800,000	2,700,000	4,500,000	3,600,000	34,000,000	1,400,000	1,254,000
2- All other sources (kips/month)	9,800,000	12,000,000	2,000,000	4,800,000	32,500,000	585,000	0
Average monthly expenditures for household:							
1- Family Care: Kips	1,000,000	4,650,000	2,000,000	1,000,000	24,000,000	32,000	300,000.0
2- Housing: kips	1,000,000.	990,000	300,000	120,000	,5400,000	25,000	200,000.0
3- Socio-Culture Occasions: Kip	1,000,000.0	480,000	50,000	200,000	4,200,000	10,000	1,000,000.0
4- Transportation kips	100,000	120,000	200,000	200,000	3,000,000	200,000	300,000.0
5- Input for income Activities Cost:Kip	500,000	2,600,000	76,000,000	2,000,000		210,000	2,600,000
Has the commune classified your household as:							
1- Poor	0	0	0	0	0	1	0
2- Medium	1	1	1	1	1	0	1
3- Rich	0	0	0	0	0	0	0

Table II-3: Wastewater Treatment and Drainage improvement Component

Name of head of household	Mr. VangOng Heuangphengon	Mrs. Thong *	Mr. Somhak Heuangphengon
Average yearly household income - all sources (Kips /year)	23,400,000	NA	52,000,000
HOUSEHOLD LIVING CONDITIONS			
Source of water:			
Drinking/cooking:			
1 Piped water	1	NA	1
Washing/bathing			
1 Public tap	1	NA	1
Sanitation:			
1 Pour Flush toilet	1	NA	1
Energy source:			
1 Electricity (from government)	1	NA	1
Cooking:			
1 Wood	1	NA	1
Household assets: If household owns an asset, indicate the number.			
1- Bicycle	1	NA	1
2- Motorbike	1	NA	2
3- Car		NA	2
4- Boat, small	0		0
6- Truck	0		1
7- Tractor	1	NA	1
10- Radio	1	NA	0
11- Television	1	NA	2
12- Cassette/CD player or DVD	0	NA	1
13- Telephone	1	NA	8
14- Electric fan	1	NA	4
15- Sewing machine	0	NA	1
16- Refrigerator	1	NA	2
17- Rice cooker	1	NA	2
HOUSEHOLD INCOME: SOURCES AND EXPENDITURES			
Sources of income			
1 Wages / salary	0	NA	1
2 Lease / rental of property	0	NA	1
3 Business owner	1	NA	1
Which household members are responsible for primary source of income			
1- HH head only	0	NA	0
2- HH head and spouse	0	NA	1
3- HH head, spouse and adult children	1	NA	1
Average monthly household income	1,950,000	NA	
1- Primary source (kips /month)	1,200,000	NA	32,000,000

2- All other sources kips/month	750,000	NA	20,000,000
Average monthly expenditures for household:			
1- Family Care (Kips)	800,000	NA	6,350,000
2- Housing (kips)	175,000	NA	350,000
3- Socio-Culture Occasions (Kip)	150,000	NA	1,500,000
4- Transportation (kips)	100,000	NA	360,000
5- Input for income Activities Cost (Kip)	6,00,000	NA	2,000,000
Has the commune classified your household as:			
1- Poor	0	NA	0
2- Medium	1	NA	0
3- Rich	0	NA	1

* Mrs Thong was not available at the time of the survey and it was reported that she lives in Vientiane now.

43. Basic socio-economic information about the AHs and APs households is summarized below. There is a total of 10 AHs and 107 APs (all permanently affected). One household is female headed, all the AHs fall in the medium income category, and none of the 10 AHs is designated as a poor household either by district authorities or by themselves. No ethnic minority group is affected by this subproject. The monthly income varies from 1,950,000 to 66,500,000 Kip. And as per poverty line established by referring to World Bank \$1.25 per HH member equaling to 300,000 kip /member none of the HH is qualified as poor HH.

Vulnerable APs

44. Vulnerable APs may be at greater risk due to the impacts of land acquisition; as a consequence, they would be entitled to additional assistance to help them to restore living and socio-economic conditions if they are severely affected.

45. As mentioned above there is one female-headed household amongst the affected households, although this HH is not vulnerable as she falls in the medium income category. The AHs will be subjected to minor LAR impacts from the project, they are predominantly from the majority Lao ethnic group (Tai Dam, Tai Deng, Lao Loum) and none of them is designated as poor.

Severely Affected Persons

46. Severely APs are defined as those that are (i) physically displaced from housing, (ii) loose 10% or more of their productive assets (income generating), or (iii) have partially affected assets but the remaining assets are rendered unviable for continued use and relocation might be necessary for that reason. They are entitled to additional assistance to restore incomes and/or relocate.

47. There is no severely affected household in the Luang Namtha subproject and no relocation is necessary in any subproject component.

III. PUBLIC CONSULTATION & DISCLOSURE

48. In cooperation with MPWT officials, a first Stakeholders meeting was defined with participation of public, private and civil society representative. The MPWT and the consultants agreed that it was a good idea to include stakeholders not only from the Core Area, but also representatives from other neighborhoods of the Province and District.

49. In November 2014, the first mission to the province took place to familiarize with the potential components of the project and participatory workshops were organized in the town with various stakeholders. The main objectives were:

- To introduce the background and goals of the project to the main stakeholders;
- To construct a shared assessment with the community leaders; and
- To obtain preliminary ideas and proposals for the draft Resettlement Plan and the overall ADB TA 8425: REG.

50. On the 7th to 9th of February 2015 public consultation took place in the components areas with villagers, affected persons and local officials (photos of meetings in annex 1).

51. The Provincial and district officials, as well as village representatives, affected households and families have been informed about the scope of the subcomponents, in general, and about the resettlement policies such as cut-off-date, grievance redress mechanisms and entitlements to be applied in case of assets losses induced by the project implementation. The villagers present at the meeting requested the start of the construction works as soon as possible, and they confirmed their willingness to support, participate and contribute to the implementation of the subproject. They asked to get a fair compensation for their losses and are willing to cooperate in case there is a temporary difficult road access to their villages due to the construction sites.

52. The objective of the consultation meeting was to ensure that potential affected people (APs) and other stakeholders have:

- Obtained information at the early stage of the feasibility study;
- Opportunities to participate in the land acquisition and resettlement impact screening planning process and implementation;
- Been made aware that this is the initial consultation and they will get another chance to voice their opinions during the updating of the RP that will take place once the project is approved.

53. The main suggestions/results were:

- Request to start the construction works as soon as possible;
- Request to guaranty fair compensation
- Villagers confirmed their willingness to participate and contribute to the subproject;
- Villagers are willing to support the implementation of the subproject, and cooperate to accept road restriction and a restraint access to their private land on temporary basis due to the construction sites.

54. The meetings held on the 7th of February 2015 were facilitated by Mr. Phougneun - MPWT Technical officer, Mr. Seesai of Namtha - PPWT Environment Assistance, Mr. Santisuk - Road Engineer and Mr. Phoutsavong Thaonaachor - Resettlement Specialist.

55. During the initial consultation meetings, only a few affected persons were present to share their views. During the updating of the RP further consultation meetings with stakeholders directly and indirectly impacted should be organized at the site of the major components to obtain more information and publicize to a wider number of people.

Information Disclosure

56. Further consultation with the APs will be carried out once the project is approved, during the updating of the RP which will be based on the detailed design, and this in order that the needs and preferences of the APs can be further incorporated into the design arrangements.

57. 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

58. The scope of information to be provided to APs includes:

- Description of project and overall implementation schedule;
- DMS and RCS results;
- Policy principles, entitlements and special provisions;
- Grievance and redress procedures;
- Timing for payments and displacement schedule; and
- Institutional responsibilities.

59. The updated RP will be translated into Lao language 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 Namtha's Project Implementation Unit (PIU) will be responsible for the disclosure of the RP to affected persons during the DMS and updating of RP. At the start of project implementation, and prior to the DMS, the Public Information Booklet (PIB) will be prepared and disclosed to the affected people (see draft PIB in Annex 7). The PIB will be finalized during the implementation phase before it is provided to affected households. The updated RP prepared at the detailed design stage will be posted on the ADB web site once the DMS is completed. Monitoring reports on resettlement activities will be prepared as part of quarterly project progress reports and uploaded to the MPWT's project website, to be managed by the PCU, and ADB website.

60. Updating and dissemination of the resettlement plan is integral to the project's Stakeholder Communication Strategy, detailed in the Project Administration Manual.

61. Key activities in the strategy that are designed to support review, updating and dissemination of the RP include:

- (i) Establishment, and regular consultation with, local focal points in all subproject areas;
- (ii) Community meetings in parallel with detailed infrastructure design;
- (iii) Individual consultations with potential/affected persons; and
- (iv) Joint meetings between officials, potential/affected persons, project staff, and civil society/mass organizations on matters of resettlement planning, implementation, and monitoring.

IV. LEGAL FRAMEWORK

62. This Resettlement Plan (RP) was developed based on 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

63. In Lao PDR, compensation principles and policy framework for land acquisition and resettlement are governed by laws, decrees and regulations of the Government of Lao PDR, principally the Constitution (1991) the Land Laws (1997, 2003), the Road Law (1999), Decree 192/PM on Compensation and Resettlement of Development Projects (July 2005), the Regulations for Implementing Decree 192/PM issued by the Science Technology and Environment Agency (November 2005) and the Technical Guidelines for Compensation and Resettlement of People Affected by Development Projects (updated on March 2010).

64. The Constitution (1991) sets out the broad framework for the ownership and management of land in Lao PDR, as well as the rights of ethnic groups. Article 15 of the Constitution defined that the national community owns land and the State ensures the rights to use, transfer, and inherit it in accordance with the law.

65. In relation to the land acquisition and resettlement, the 1997 Land Law (Article 54) allows for land acquisition by the State for the public interests. When land is required for use in the public interests, the relevant authorities are required to compensate the land users for their losses (Article 61). The determination of assessed losses shall be undertaken by a committee comprising representatives of all concerned agencies (Article 62).

66. Land Law (No. 04/NA) of 21 October 2003 supersedes the previous Land Law (1997) and become the principal legislation by which the State exercises its constitutional responsibility for the management, preservation and use of land. According to the Law (Article 63), the rights of an individual or organizations to use land can be terminated if the State recovers the land for public purposes. The Law also requires the land users to be compensated when land is recovered. In the Article 71, the Law specified that, the State shall make appropriate compensation to the affected person; each village, province, municipality, or special zone shall keep 5% of its total land area in reserve to ensure the compensation for the recovered land. In the case of land acquisition, holders of documents issued by district authorities such as survey certificates, land tax receipts, residency certificates and customary land use rights are generally recognized as eligible for compensation. Land users who lack proof of ownership and/or certifications, but who occupy land with the permission of village authorities are considered to be legal, unregistered users. The Land Law provides mechanisms for which individuals, except those living within the identified ROW, can apply for certification.

67. The Road Law (1999) sets out the principles and regulations for public roads outside of urban areas. In relation to land acquisition and resettlement, the Road Law (Article 19) requires "reasonable" compensation to the owner whose land will be acquired for the right-of way (ROW), relocation and replacement structures and loss of trees and crops.

68. Decree 192/PM on the Compensation and Resettlement of Development Projects was issued in July 2005, and together with its Regulation on Implementation (November 2005) and Technical Guidelines (as updated in March 2010), provides a comprehensive framework for resettlement planning in Lao PDR. In relation to compensation and assistance for affected land and public facilities under Vientiane Sustainable Urban Transport Project, followings are the relevant provisions of the Decree 192/PM:

- Article 6 (Compensation Principles): Project owners shall compensate project affected people for their lost rights to use land and for their lost assets (structures, crops, trees and other fixed assets) affected in full or in part, at replacement cost.
- Article 6 (Compensation Principles, Para.3): If the house or structure is only partially affected by the Project and the remaining structure is unviable for continued use or the remaining area is less than the minimum house size, the AP shall be entitled to be compensated for the entire structure at replacement cost without depreciation or deduction for salvaged materials. In case the remaining structure is viable for continued use, project owners shall provide compensation for the lost portion and assistance in cash or material for restoration of the remaining structure.
- Article 6 (Compensation Principles, Para.7): All APs, regardless of land use right, will be entitled to compensation for lost assets (structures, crops, trees) at replacement cost, and provided with other assistance during the transition period, and economic rehabilitation assistance to ensure that they are not worse off due to the project.
- Article 8 (Economic Rehabilitation): For displaced persons whose businesses are affected due to the project, in addition to compensation for lost land, structures, and income, assistance shall be given to finding replacement sites for business as appropriate.
- Article 9 (Restoration and Repair): Project owners shall restore or repair community facilities and infrastructure that are damaged due to the project, at no cost to the community.
- Article 12 (Public Participation and Consultation): The project owners shall implement the resettlement program in a participatory manner ensuring that APs, local authorities and other stakeholder are fully informed and consulted and their concerns are taken into account at all stages of the project cycle, particularly during the planning and implementation phases of the land acquisition, valuation and resettlement process. Project owners shall make concerted efforts for an effective public dissemination of information about the objectives of the project, the compensatory package that is part of the resettlement process, through the mass media such as newspapers, radio, TV or public meeting and other means to inform local authorities at provincial, district and village levels and mass organizations, APs and other concerned people as necessary.
- Article 13 (Grievance Redress Mechanism): Project owners shall establish an effective mechanism for hearing and grievance redress during the resettlement planning and implementation in a project.

B. ADB Policies

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

70. 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.

71. 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.

72. The SPS 2009 stresses that the living standards affected people should be improved.

73. Another ADB Policy that has a bearing on resettlement planning and implementation include is ADB's Policy on Gender and Development (2006).

74. 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.

75. 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.

76. ADB's Policy on Indigenous Peoples (SPS 2009) states that the borrower/client will ensure:

77. that affected Indigenous Peoples receive culturally appropriate social and economic benefits; and

78. that when potential adverse impacts on Indigenous Peoples are identified, these will be avoided to the maximum extent possible.

79. Where this avoidance is proven to be impossible, based on meaningful consultation with indigenous communities, the Indigenous Peoples Plan¹ will outline measures to minimize, mitigate, and compensate for the adverse impacts.

80. Other policies of the ADB that have bearing on resettlement planning and implementation are:

(i) The Public Communications Policy (2011); and

(ii) The Accountability Mechanism (2012).

81. 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.

82. 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

83. 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.

84. The Decree, similar to ADB's Safeguard Policy stipulates that 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.

85. 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.

86. 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

¹ If the impact on indigenous people is significant an Indigenous People's Plan would be prepared for this project with a sets out actions to addressing how ethnic groups will benefit from this project and negative impacts will be avoided/mitigated. However, the impact on IP is very limited and no separate IPP is not justified at this stage of the project preparation.

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.

87. 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.

88. 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.

89. The updates to Laos PDR policies have brought them more in line with ADB's safeguards. The main differences are summarized in table 2 below.

Table IV-1: Gap Analysis Lao PDR and ADB Resettlement Policies

Decree 192 Requirements	ADB SPS Requirements	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 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

90. 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) Existing cultural and religious practices will be respected and, to the maximum extent practical, preserved to ensure that all measures to be taken are culturally appropriate and gender sensitive.
- (iii) 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.
- (iv) 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.
- (v) 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.
- (vi) 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.
- (vii) 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.
- (viii) 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.
- (ix) 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.
- (x) 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.
- (xi) 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.

- (xii) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
 - (xiii) 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.
 - (xiv) 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.
91. 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;
 - (iii) Provide appropriate rehabilitation measures for vulnerable APs, as may be required;
92. No land acquisition or site clearing will be done inside the right of way (ROW) in anticipation or ahead of it being considered for implementation under the project. Similarly, no land acquisition or site clearing will be done inside the ROW until and after the updated RP has been agreed upon by the government and ADB, and until and after all entitlements due to the AHs as provided for in this resettlement policy have been delivered.

V. GRIEVANCE REDRESS MECHANISM

93. The Luang Namtha governor decision No. 837/GO dated 16 December 2014 stated the establishment of **Grievance Committee** for compensation and resettlement for 2nd Greater Mekong Sub-Region Corridors Towns Development Project with the following articles:

- Art. 1: Establishment of a grievance committee for compensation and resettlement
- Art 2: This Grievance Committee has the following mandates:
 - Coordinate with concerned authorities at the provincial district and village levels to settle project related impacts, develop the budget and implement compensation schemes
 - Provide regular reports on strengths, challenges and achievements in resolving issues related to resettlement and compensation of the affected households to the provincial authorities.
- Art. 3: All costs related to the work of this committee to be under the operational budget of the Project
- Art.4: This Decision is effective from the date of signing.

94. 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. All legal and administrative costs incurred by APs and their representatives are to be covered by the project.

95. 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 conflicts and avoid lengthy litigation that is unfair to APs and can delay the project.
- To provide 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.

96. 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 DPW;
- **Step 4 – Central Level.** MPW 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 DPW/MPW 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.
- 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.

97. The DRCs will provide quarterly reports to the DPW on grievances received, including names and pertinent information about the APs, nature of complaint, dates the complaints are lodged, and resolutions. Similarly the DPW will consolidate the grievances received and the action taken and will report to ADB. Grievances not resolved will also be recorded, detailing negotiations and proposals which could not be agreed on, and the date of these negotiations.

VI. INCOME RESTORATION

98. The compensation under income restoration for severely affected persons for their losses will ensure their livelihood doesn't deteriorate as a result of the subproject.

99. This subproject has no significant resettlement impact and income restoration will not be required. No AHs are vulnerable and no HH will become vulnerable due to the subproject implementation. All the losses will be duly compensated.

VII. ENTITLEMENTS, ASSISTANCE AND BENEFITS

100. In general, the subproject defines eligibility as “those people residing, cultivating and/or making a living within the area to be acquired for the project as of the formally recognized cut-off date should be considered as project affected persons for the purposes of entitlements to compensation, resettlement and rehabilitation assistance in accordance with the provisions of laws and regulations. Lack of legal land use certificate or any acceptable proof indicating land use right to the land or structure affected by the project should not bar any person from such entitlement/assistance.”

101. The rate for the land to be acquired was discussed during the public consultation and agreed between all parties as the present market price. It was also discussed with the Steering Committee for Grievance Compensation and Resettlement that has been formed on 16 December 2014 at the province level to review the prices applicable to prepare the budget. (see annex 4 formation of the committee and unit rate).

102. All APs who are identified in the project-impacted areas 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.

103. In this project, the cut-off-date will coincide with the period of the census of affected persons and the inventory of loss (IOL) that will be conducted based on the feasibility design, once the project is approved.

104. 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.

105. The Matrix of entitlements table below described the impacts and the corresponding entitlements..

Table VII-1: Entitlement Matrix

Types of Impact	Entitled persons	Entitlements	Implementation Issues
Agriculture land	<p>Owners with legal title (legal users are those with recognized land use rights such as registered titles, land certificate survey certificate, tax receipts and including unregistered users as per land law)</p> <p>AH = 10 (all less than 10%) APs = 107</p>	<p>Cash compensation to cover full costs at the replacement cost which equivalent to the prevailing market value of land similar and category and free from transaction costs (taxes, administration fees)</p>	<p>Voluntary donations of land will not be allowed by the project.</p>
Trees /crops	<p>Owners of the trees /crops with legal title (legal users are those with recognized land use rights such as registered titles, land certificate survey certificate, tax receipts and including unregistered users as per land law) Timber & Fruit trees</p> <p>AH = 5 APs = 78 Rice crops AH = 2 APs = 14</p>	<p>For timber trees, cash compensation at replacement cost equivalent to current market value based on type, age and diameter at breast height (DBH) of trees.</p> <p>Cash compensation for crops and other assets based on prevailing market value</p>	<p>AHs to be given advance notice of any tree removal</p> <p>Provision of 6 months' notice to harvest</p>
Unanticipated Impacts			<p>The unanticipated impacts identified during the DMS will be addressed in accordance with the policy specified in the RP</p>

VIII. RESETTLEMENT COSTS

106. The estimation of the resettlement budget to compensate all the losses induced by the project implementation is based on the replacement value discussed during the consultation with the AHs and representatives of the Grievance committee for resettlement and compensation established for this project.

107. The total land affected is productive land. Some 6,386m² belong to the community and will be compensated at the same rate, and the Grievance committee will decide about the use of the compensation.

108. The total estimated cost for resettlement as per present value is Kip **48,596,000** for the direct cost of land compensation and loss of trees and crops. The implementation budget includes expenses for DMS, public consultation, capacity building, monitoring, 2% as management fees and 10% has been allocated for contingency totaling Kip **64,378,380**.

109. The resettlement cost will be revised during updating of the RP if some of the rates as per replacement values have increased or if some of the losses inventoried have changed. The Government will cover all land acquisition and compensation costs including the legal and administrative costs incurred by the APs during the grievance process.

110. The budget for resettlement is provided in Table 6 (detailed of the calculation to prepare the budget and the rated applied are shown in the Annex 2).

Table VIII-1: Resettlement Budget

No	Unit	Quantity	Unit price (Kip)	Amount (Kip)
A1 - Land		9247 m ²		38,566,000
A2 - Rice crops		3,920 kg		7,840,000
A3 - Trees (teak, mangoes, bamboos)		54 trees		2,190,000
A - Total Direct Cost				48,596,000²
Detail Management Survey	Lump sum			2,000,000
Community consultations	Event	2	2,000,000	4000000
Capacity building for RP implementation	Lump sum			1,500,000
Monitoring (3% of A)				1,457,880
Administrative costs (2% of A)				971,920
B - Total Resettlement Implementation Cost				58,525,800
C - Contingency (10% of B)				5,852,580
D - Total resettlement cost (B+C)				64,378,380³

² Total direct cost: USD 6,074.50

³ Grand total cost: USD 8,047.30

IX. INSTITUTIONAL ARRANGEMENTS

111. Responsibility for resettlement spans various levels of government and project contractors, and these include the Ministry of Public Works and Transport (MPWT) at national, provincial and district level, project implementation consultants, and specifically formed provincial, district and village RCs.

A. Ministry of Public Works and Transport

112. MPWT 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 that will be supported intermittently by international (1 person-month) and national consultants (6 person-months) (TOR in annex 5).

B. Department of Public Works and Transport

113. The DPWT will be responsible for the overall coordination of organizations involved in resettlement and for RP preparation and updating, supervision and management of RP implementation. Further, it will 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 DPWT will form a PCU assisted by a Safeguards coordinator who will be primarily responsible for resettlement for this Project. DPWT will provide overall guidance and technical support to the provincial and district RCs.

C. Project Coordination Unit

114. The PCU consisting of representatives of various ministries and departments of the town together with the safeguard coordinator will appoint one intermittent international (1 person-month) and one national consultants (4 person-months) and will have the following responsibilities:

- Assist the MPWT in the dissemination of information on the resettlement plan/updated resettlement plan.
- Coordinates with the Luang Namtha Administration Office to direct their relevant departments and various levels of authorities in implementing the project and the updated resettlement plan.
- Conducts consultation and participation activities and coordination with various stakeholders in implementing the updated resettlement plan.
- Organizes, plans and carries out land recovery, compensation and assistance on behalf of the Luang Namtha Administration Office as per agreed resettlement plan/updated resettlement plan.
- Serves as a grievance redress committee for the Project and monitor/track/report on grievances related to the Project.

D. Resettlement Committees (RCs)

115. 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 town level with representation from the provincial PCU.

116. The Province Grievance Committee for Resettlement and compensation (see Annex 4) will undertake critical roles, including:

- (i) Organize consultation meetings with APs;
- (ii) Establish compensation rates (replacement value costs) for affected assets;
- (iii) Review and confirm the final DMS data;
- (iv) Undertake the final agreement with APs on compensation;
- (v) Manage funds disbursed from the Provincial Department of Finance for disbursement to APs,
- (vi) Monitor and report on all RP activities; and
- (vii) Act as grievance officers.

117. The District (DRC) and Village Resettlement Committees (VRCs) who will assist in all local activities will support the PRCs.

118. The District/Town Resettlement Committees (DRC) will be composed of local authorities, representatives of mass organizations, village elders/traditional leaders and 5 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.

119. The DRCs may not have experience in many of the requirements of the RP, and as such they require some training to be provided by the consultants beyond simple instruction. Project implementation consultants must be hired to design and implement the necessary capacity building programs for the DRC, and will have the following tasks:

- Ensure that due diligence in implementing the Resettlement Plans (RPs) 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 MPW
- Update and operationalize the Resettlement Plan;
- 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 RP 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 policies, participation and communication and grievance procedures; and
- Train DPWT/PCU assigned social safeguard focal persons to carry out internal monitoring and reporting of social safeguards plans.

X. UPDATING AND IMPLEMENTATION OF THE RESETTLEMENT PLAN

A. Updating

120. This RP will be updated once the subproject's detailed civil works design is complete. The updating will consider any change in design that alters the resettlement impacts, including the identification of additional affected persons and extent of temporary economic disruption, and required compensation/livelihood restoration. Updating of the RP will involve the following steps:

- Undertake a Detailed Measurement Survey (DMS) of all losses of all APs. Before undertaking the DMS, all AHs will be informed (without discrimination) about the subproject, its likely impacts, and principles and entitlements as per the RP.
- Update the socioeconomic information gathered during project preparation to establish the baseline of APs as required.
- Review the process of compensation level through consultation with the DRC and Luang Namtha DPWT for the allowances that will be provided to the APs entitled, in case of livelihood restoration program.
- Determine the losses in accordance with the entitlement matrix and update the compensation rate based on the results of the replacement cost survey, and verify rates in accordance with ADB guidelines.
- Provide project and resettlement information to all persons affected in a form and language that are understandable to them, and closely consult them on compensation and resettlement options, including measures to compensate for economic losses and relocation sites for shops (if necessary).
- Prepare the final RP with time-bound implementation schedule, procedures for grievance redress, monitoring and evaluation, and a budget.
- Translate it into Lao language.
- Disclose the draft and final RP to the affected communities and on the ADB website, in accordance with ADB's Public Communications Policy (2011). The draft RP will be disclosed to APs prior to ADB's staff review meeting. The final RP will be disclosed during implementation. An updated public information brochure based on updated resettlement plan will be provided to APs. Surveys to be used to gather information to update the RP are shown in Table 7 below.

Table X-1: Surveys for Resettlement Plan Updating

Detailed Measurement Survey (DMS)	<p>The DMS will cover 100% of APs following detailed engineering design. The data collected during the DMS will constitute the formal basis for determining AP entitlements and levels of compensation. For each AP, the scope of the data will include:</p> <ul style="list-style-type: none"> (i) Total and affected areas of land, by type of land assets; (ii) Total and affected areas of structures (if any), by type of structure (main or secondary) and construction grade; (iii) Legal status of affected land and structure assets, and duration of tenure and ownership; (iv) Quantity and types of affected crops and trees (if any); (vii) All the impacted assets will be quantified and the severity of the losses will be assessed during the DMS (viii) Summary data on AP households, by ethnicity, gender of head of household, household size, primary and secondary source of household income viz-a-viz poverty line, income level, and whether household is headed by the elderly, disabled, poor or indigenous peoples if any; (ix) Identify whether affected land or source of income is primary source of income; and (x) AP knowledge of the subproject and preferences for compensation and, as required, relocation sites and rehabilitation measures.
Socio-economic Survey	<p>The SES will collect information from 100% of affected households/APs, disaggregated by gender and ethnicity. The purpose of the SES is to provide baseline data on APs to assess resettlement impacts, and to be sure proposed entitlements are appropriate, and to be used for resettlement monitoring. The scope of data to be collected includes:</p> <ul style="list-style-type: none"> (i) Household head: name, sex, age, livelihood or occupation, income, education and ethnicity; (ii) Household members: number, livelihood or occupation, school age children and school attendance, and literacy, disaggregated by gender; (iii) Land tenure status with all the variation if multiple, (iv) List of assets and the mode of ownership over the assets (v) Living conditions: access to water, sanitation and energy for cooking and lighting; ownership of durable goods; and (vi) Access to basic services and facilities. (vii) Special skills of the household members if any
Replacement Cost Survey (RCS)	<p>The PMU will engage a specialist to conduct the RCS in parallel with DMS and SES activities by collecting information from both secondary sources and primary sources (direct interviews with people in the affected area, material suppliers, house contractors), and from both those affected and those not affected. The government rates will be adjusted, as necessary, based on the findings of a RCS. Compensation rates will be continuously updated to ensure that APs receive compensation at replacement cost at the time of compensation payment.</p>

B. Implementation

121. Land acquisition, compensation and relocation (if necessary) of APs cannot commence until the RP has been reviewed and approved by the MPWT and ADB. All resettlement activities will be coordinated with the civil works schedule. The Notice to Proceed for civil works contractors will not be issued for subprojects with resettlement impacts until compensation payment has been fully disbursed to AHs, agreed rehabilitation assistance is in place, and the site is free of all encumbrances.

XI. MONITORING AND REPORTING

122. 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.

123. These monitoring objectives will be addressed through internal monitoring by the PCU in MPWT at central level and the PIUs in DPWTs in each province. 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.

124. 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.

125. Primary responsibility for internal monitoring lies with MPWT as the project-executing agency. MPWT will be responsible for overseeing the formation, function, and activities of the implementing agencies. The DPWT will submit monthly progress reports to the PCU. The PCU will consolidate all reports into the project performance monitoring system, which will be used to prepare quarterly progress reports to submit to ADB. All monitoring data will be disaggregated by sex and ethnicity. The monitoring reports prepared by DPWT will be made public and posted on MPWT as well as ADB Websites.

126. The following monitoring indicators will apply:

- Distribution of PIB
- Number of consultation meetings
- Number of households affected (land, 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 owners requesting additional assistance
- Number and type of grievance

XII. IMPLEMENTATION SCHEDULE

127. The tentative implementation schedule for resettlement actions is presented in table 8 below:

Table XII-1: Implementation Schedule

Activities	Tentative timing
RP Preparation	2 nd quarter 2015
ADB Approval of Draft RP	3 rd quarter 2015
Disclosure of draft RP	3 rd Quarter 2015
Consultation and DMS	3 rd quarter 2015
Appointing of resettlement specialists	3 rd quarter 2015
RP Updating following detailed design	3rd quarter 2015
Submission and ADB approval of updated RP	4th quarter 2015
Disclosure of RP	4 th quarter 2015
Implementation of the approved updated RP (Disbursement of compensation)	1st quarter 2016
Internal Monitoring (Submission of Quarterly Progress Reports)	Start 4 th quarter 2015
Resettlement completion verification, handover of cleared land for civil works	End of 1 st quarter 2016
Start of Civil Works	1 st quarter 2016

ANNEX 1: VILLAGE CONSULTATION SUMMARY AND PHOTOS

Province / Town	Luang Namtha
Date :	07/02/2015
Attendance	7 stakeholders (male), Villagers
Venue	Communal Hall
Subject of discussion	<ul style="list-style-type: none"> • Presentation of the project and the components selected in Luang Namtha • Rules and regulations project • Compensation policy • Implementation schedule • Feedback from the participants
Opinions and responses from the participants / suggestions	<p>Villagers welcome the project and requested the start of construction works as soon as possible</p> <p>They have been waiting long time for some improvement of their environment (solid waste management, urban drainage) and facilities for recreation.</p> <p>Participants confirmed their willingness to participate and contribute to the subproject</p> <p>Villagers are willing to support the implementation of the subproject, such as no restriction for free temporary access to construction sites through private land, if required</p> <p>Participants showed an open attitude and a very supportive behavior towards the subproject as road upgrading is a topic of high interest, although they requested to get fair compensation in case there is land acquisition or losses of assets</p>
Facilitators	<p>Phougneun PW&T Technical officer</p> <p>Seesai Environment Assistance PPW&T</p> <p>Santisuk Road engineer</p> <p>Phoutsavong Thaonachor Resettlement specialist</p>



Public consultation meeting



VCW at Ban Thongchai neua



IOL at Ban Thongchai Neua



VCW at Ban Had Gnao



IOL at Ban Had Gnao



IOL at Ban Thongdee



The road alignment cross Namtha river for the bridge

ANNEX 2: INVENTORY OF LOSSES AND COST

Second GMS Corridor Towns Development Project

ADB PPTA TA: 8425 REG

Inventory of Loss (IOL)

Subproject name: Loung Namtha Subproject

	Components	No	Name of Household Head - Affected Person (Last, First, Middle)	Affected area /Village	Wife /Spouse	Household head and Status, R= Rich, M=Medium, P=Poor or low profit		Current address/village	Ethnic Group	No of people live in the household	Type of land	Total land holdings (sq.m)	Affected Area				% of affected Area	Type of ownership
						Male	Female						Length	Width	Total Temp. Aff. area m ²	Total Perm. aff. area m ²		
		1	2	3	4	5	6	7	7	9	10	11	12	13	14		15	16
Urban Road Drainage Component																		
Public/Communal Land:																		
	Proposed Ponds Improvement	1	Community land	Houakhoua				Houakhoua			Pond	6,386	51	121		6,386.00	100.00	Community
Private Land:																		
			Houakhoua = 3 AHs, 15APs															
	Drainage Improvement	1	Mr. Vangong Heuangphengon	Houakhoua	Ms. Pinh	1,M		Houahoua	Taidam	4	Productive	6,171	51	2.00		102	1.65	Private
	Drainage Improvement	2	Ms. Thong	Houakhoua			1,M	Houahoua	Lao	1	Productive	1,755	39	2		78	4.44	Private
	Drainage Improvement	3	Mr. Somhak Heuangphengon	Houakhoua	Mrs. Vie ngp	1,M		Houahoua	Taidam	10	Productive	3,956	86	2		172	4.35	Private

					hon e													
Total Affected by Drainage Improvement						2M, M	1F,M			15		11,88 2				6,73 8		
Urban Village Upgrading – Village Upgrading (Vieng Nuea village to Vieng Tai Village)																		
			Louang = 7 AHs, 92 APs															
		1	Mr. Bounseng Phanthavong	Louang	Mrs. Bou ava nh	1,M		Louang	Lao	3	Pro duct ive	15,00 0	80	7		560	3.73	Priv ate
		2	Mr. Singkham Houmvixay	Louang	Mrs. Kha m	1,M		Louang	Tai Deang	6	Pro duct ive	1,800	40	3		120	6.67	Priv ate
		3	Mr. Somchith Inthavixay	Louang	Ms. Pho nev anh	1,M		Louang	Tai Deang	6	Pro duct ive	1,320	33	3		99	7.50	Priv ate
		4	Mr. Bounphanh Inthavixay	Louang	Mrs. Veo ta	1,M		Louang	Tai Deang	8	Pro duct ive	60,78 0	26	3		78	0.13	Priv ate
		5	Mr. Khamsao Kongchampa	Louang	Mrs Por m	1,M		ViengTai	Lao	21	Pro duct ive	3,500	46	7		322	9.20	Priv ate
		6	Mr. Thongpheth	Louang	Ms. Kha m	1,M		ViengTai	Tai Deang	7	Pro duct ive	8,800	110	7		770	8.75	Priv ate
		7	Mr. Aer Tam	Louang	Ms. Mai	1,M		ViengTai	Tai Deang	11	Pro duct ive	12,00 0	80	7		560	4.67	Priv ate
Total Affected by Village Upgrading						7 AHs				92						2,50 9.00		
	Total Affected for LNT					10				107								

Note:

1,M means one affected medium status Household

1,P means one affected Poor or low profit of income Household

1,R means one affected rich status Household

There is no severely affected HHs from the ponds improvements, and urban road upgrading

List of AHs and details of impacts and calculation for the cost calculation.

Summary of Land Acquisition, Luang Namtha Subproject

Impact	Affected Households		Total AHs and APs						Severely			
	Perm	Temp			Ethnic		Female Headed HH					
	HHs	HHs	AHs	APs	EMHH	%	FHH	%	HHs	APs	EMHH	FHH
Urban Drainage Improvement	3	-	3	15	0	0	1		-	0	0	-
Urban Village Upgrading – Village Upgrading (Vieng Nuea to Vieng Tai Village)	7	-	7	92	0	0			-	0	0	-
Solid Waste Management												
Urban Recreation Facilities Upgrading												
NamTha River Bridge												
All Total	10	0	10	107	0		1		-			-

Table 2 Summary of Affected by Components

Components	Length	Permanent	Permanent	Villages	AHs	APs	Ethnic	Total Permat Affected Land Cost(Kip)
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		Affected Community productive land	Affected Private Productive land							
	(m)	m ²	m ²					Area (m2)	Unit cost (Kip)	Total Cost (Kip)
Urban Drainage Improvement		6,386	352	Houakhoua	3	15	Lao	6,738	2000	13,476,000
Urban Village Upgrading – Village Upgrading (Vieng Nuea to Vieng Tai Village)	4,271		2,509	Louang	7	92	Lao	2,509	10000	25,090,000
Solid Waste Management				Mai						
Urban Recreation Facilities Upgrading										
Nan Tha River Bridge										
All Total		6,386	2,861		10	107		9,247		38,566,000

Table 3 Summary of affected Agriculture Product

Components	Villages	AHs	APs	Affected Crops and Trees (Kip)						Total Cost Affected Crops and Trees (Kip)
				Affected trees (unit)	Unit Cost (Kip)	Total Aff. Trees (Kip)	Affected crops (Kg)	Unit Cost (Kip)	Total Aff. Crops (Kip)	
Urban Road Drainage	Houakhoua	3	15	Teak=15	40,000	600,000				600,000
Urban Village Upgrading – Village Upgrading(Vieng Nuea to Vieng Tai Village)	Louang	7	92	Teak=30	40,000	1,200,000	Rice=392 0	2,000	7,840,000	9,430,000
				Mango=3	50,000	150,000				
				Bamboo=6	40,000	240,000				
Solid Waste Management										
Urban Recreation Facilities										

Upgrading									
NamTha River Bridge									
All Total	10	107	54		2,190,000	3920		7,840,000	10,030,000

ANNEX 3: DECREE 192



Lao People's Democratic Republic Peace Independence Democracy Unity Prosperity

Prime Minister's Office

No 192/PM

Date: 7 July, 2005

DECREE on the Compensation and Resettlement of the Development Project

- Pursuant to the provisions of the law on the government of the Lao Peoples Democratic Republic number 02/NA dated 6th May 2003.
- Pursuant to the submission from the Minister to the Prime Minister Office, President of the Science Technology and Environmental Agency number 1116/STEAM-PMO dated June 2, 2005,

The Prime Minister issues the decree as follows:

PART I

GENERAL PROVISIONS

Article 1 Objectives

This decree defines principles, rules, and measures to mitigate adverse social impacts and to compensate damages that result from involuntary acquisition or repossession of land and fixed or movable assets, including change in land use, restriction of access of community on natural resources affecting community livelihood and income sources, this aims to ensure that affected people are compensated and assisted to improve their pre-project incomes and living standards, and are not worse off than they would have been without the project.

Article 2 Scope of Application

This decree covers all development projects including government or domestic or foreign or private development projects that require acquisition of land or land use rights or possession rights or fixed or immovable assets, change in land use rights or restriction of the use of resources that affect the livelihood or income of the people.

Article 3 Definitions

(a) **Project owners** mean individuals, entities or organizations that have approvals to undertake study, survey, design, construct or operate development projects. Project owners could be public or private sector or joint venture between the government and private sector.

(b) **Compensation** means payment in cash or in kind for an asset to be acquired or affected by projects at replacement cost.

(c) **Replacement Cost** is the amount in cash or in kind needed to replace lands, houses, infrastructure or assets on the lands (crops, fruit trees) and other assets (income) affected by the development projects.

(d) **Project commencement date** means the date when project owners undertake a census to identify affected people within the project boundaries, and when the project owners inform the affected people 30 days prior to the registration as affected people. People who are not registered as affected people shall not be entitled to compensation or other rights.

(e) **Project Affected People** includes any person or entity or organization affected by a project, who in the context of acquisition of assets or change in land use before the project commencement date, would have their:

- i) Standard of living adversely affected;
- ii) Right, title or interest in all or any part of a house, land (including residential, commercial, agricultural, plantations, forest and grazing land) water resources or any other moveable or fixed assets acquired or possessed, in full or in part, permanently or temporarily adversely affected;
- iii) Business, profession, work areas or residential areas that are adversely affected with replacement or no replacement;
- iv) Community resources adversely affected.

(f) **Rehabilitation** means assistance provided to APs seriously affected due to the loss of productive assets, incomes, employment or sources of living that required to be compensated in order to improve, or at least achieve full restoration of living standards to pre-project level.

(g) **Resettlement** refers to all measures taken by the Project Proponent to mitigate any and all adverse social impacts of a project, fully or partially, on the APs, including compensation for lost assets and incomes and the provision of other entitlements, income restoration assistance, and relocation, as needed.

(h) **Social Impact Assessment (SIA).** SIA is a framework for incorporating social analysis and participatory process in project design and implementation.

(i) **Vulnerable group.** These are distinct groups of people who might suffer disproportionately from the loss of fixed and movable assets, other assets and production base or face the risk of being marginalized from the effects of resettlement and specifically include:

- (i) divorced or windowed female headed households with dependents and low income,
- (ii) households with disabled or invalid persons,

- (iii) households with persons falling under the generally accepted indicator for poverty as defined by the ministry of labor and social welfare, or the landless;
- (iv) elderly households with no means of support.

Article 4 Task of Project Owners to Address Adverse Social Impacts

When development projects have potential to cause adverse socio-economic impacts, project owners has the responsibility as follows:

- (a) In collaboration with the concerned local governmental authorities and concerned organizations, carry out necessary surveys and field investigations, identify affected communities, prepare inventory of impacts by types and degree, determine entitlements to mitigation measures including compensation for affected assets, other assistance and support, relocation and income rehabilitation measures, prepare necessary plans in an efficient and timely manner and approved by the concerned agencies to ensure the improvement of their socio-economic situation;
- (b) Make every attempt so that displacement and other direct adverse impacts on peoples' assets and income are avoided or, if unavoidable, minimized by examining all design options available to the project;
- (c) Be responsible for the timely provision of adequate budget for all aspects of planning, implementing, monitoring and evaluating all resettlement and compensation activities;
- (c) Pay particular attention to the needs of the poorest affected people, and vulnerable groups that may be at high risk of impoverishment. Appropriate assistance must be provided to help them improve their socio-economic status; and
- (e) Ensure that the resettlement process is carried out through a meaningful involvement of project-affected communities, and their existing social and cultural institutions are supported to the greatest extent feasible.

ELIGIBILITY

Article 5 Eligibility for Compensation, Resettlement and Rehabilitation Assistance

1. All individuals and entities residing or making a living within the area to be acquired for a project as of the formally recognized cut-off date would be considered as project affected persons (APs) for purposes of entitlements to compensation, resettlement and rehabilitation assistance.
2. People who are not living within the project areas, but have land and buildings in the project areas, shall also be entitled to compensation, resettlement and rehabilitation assistance.

Article 6 Compensation Principles

1. Project owners shall compensate affected people for their lost rights to use land and for their lost assets (structures, crops, trees and other fixed assets., affected in full or in part, at replacement cost.

2. Where significantly large or entire land holding affected by a project namely agriculture, residential or commercial land, and the compensation shall be through provision of "land for land" arrangements of equivalent size and productivity and at location acceptable to APs and project owners.
3. If the house or structure is only partially affected by the Project and the remaining structure is unviable for continued use or the remaining area is less than the minimum house size, the AP shall be entitled to be compensated for the entire structure at full replacement cost without depreciation or deduction for salvaged materials. In case the remaining structure is viable for continued use, project owners shall provide compensation for the lost portion and assistance in cash or material for restoration of the remaining structure.
4. APs whose land or assets are temporarily taken by the works under the project shall be fully compensated for their net loss of income, damaged assets, crops and trees, as the case may be. The project owners shall also ensure that the land and structures are returned in its pre-project state.
5. Tenants, who have leased a house / structures for any purpose and are affected by the project, shall be provided with cash assistance equivalent to three months rental allowance, and shall be assisted in finding alternative rental accommodation.
6. APs who are living in rural or remote areas, who do not have any legal Land Use Certificate or any other acceptable proof indicating land use right to the affected land and assets they occupy shall be compensated for their lost assets at replacement cost and provided additional assistance to ensure that they are not worse-off due to the project. APs in urban areas, who do not have any legal Land Use Certificate or any other acceptable proof indicating land use right to the affected land will be provided with replacement land and other assistance to ensure they are not worse off due to the project.
7. All APs, regardless of land use right, will be entitled to compensation for lost assets (structures, crops, trees) at replacement cost, and provided with other assistance during the transition period, and economic rehabilitation assistance to ensure that they are not worse off due to the project.
8. All previous claims and unresolved issues related to tenure status and ownership of land and other assets affected by the sub-project or components shall be resolved prior to initiating any new land acquisition measures on the respective sub-project or component.
9. Before provision of compensation, project owners shall establish a joint committee, with representatives from all stakeholders, to assess the loss to APs.
10. Prior to the commencement of project construction, APs shall be fully compensated and resettled and rehabilitations measures shall be in place, although not necessarily completed yet.

Article 7 Assistance during Relocation and Transition Period

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

- (a) Transport allowance or assistance in kind to transfer to the resettlement site or their choice of relocation;
- (b) Food allowance, in cash or in kind, during the transition period;
- (c) Suitable development assistance after displacement during the transition period until they are able to restore their incomes or living standards.

Article 8 Economic Rehabilitation

1. All APs severely affected by the project due to loss of 20% or more of productive income generating assets (loss of agricultural, industrial or commercial land), means of livelihood, employment or business and access to community resources shall be entitled to income restoration measures in addition to their entitlement for compensation and other allowances enabling them to attain pre-project livelihood levels.
2. For displaced persons whose land-based livelihoods are affected due to the project, preference shall be given to land-based resettlement strategies, or where land is not available, options built around opportunities for employment or self-employment.
3. For displaced persons whose businesses are affected due to the project, in addition to compensation for lost land, structures, and income, assistance shall be given to finding replacement sites with comparable commercial advantage.
4. These rehabilitation measures shall specifically focus on vulnerable groups. Adequate assistance, in addition to compensation for affected assets and other allowances, shall be provided to improve their economic and social wellbeing and to enable such APs to achieve household income targets set above the national poverty line.

Article 9 Restoration and Repair

1. Project owners shall restore or repair community facilities and infrastructure that are damaged due to the project, at no cost to the community.
2. Any impact or restriction on access to resources managed by affected community as a common property shall be mitigated by arrangements ensuring access to improved or at least equivalent resources on a continuing basis if available. Attention shall also be paid to directly affected APs if their benefits are affected due to the loss of access to common property resources.

Article 10 Resettlement Site Development

1. All persons relocating to group resettlement sites shall be provided with suitable housing or developed housing lots, shop lots if businesses are affected, agricultural sites of equivalent size, with productive potential and locational advantages better or at least equivalent to the old site. Replacement land, house/business plot shall be as close as possible to the land that was lost and/or acceptable to the APs. Group resettlement sites shall be developed with water supply, sanitation, drainage, with internal and access roads, and access to electricity. When it is

necessary they may be provided other form of assistance from project owners such as public health and education.

2. All replacement land for agriculture, residential and businesses shall be provided with secured land titles and certificates and without any additional cost, sales taxes, fee, and surcharge to the APs at the time of transfer. Land titles for replacement land shall be issued in the joint names of husband and wife. Construction lands shall be allocated in accordance to regulations and standard procedures in urban planning.
3. Project owners shall take responsibility to develop resettlement sites in order to avoid or mitigate adverse social and environmental impacts to the surrounding areas.
4. Where relocation to a group resettlement site is considered necessary, project owners shall mitigate the adverse impacts on host community and shall provide appropriate compensation (to damaged assets) and assistance to host community similar to the project affected persons.

Part IV

FUNDAMENTAL COMPONENTS OF COMPENSATION AND RESETTLEMENT

Article 11 Local Culture & Practices

1. During planning, construction and operation periods, project owners shall consider local cultural and religious properties, practices and beliefs.
2. Where local communities or individuals elect to make voluntary contribution of affected land without compensation, this shall be acceptable only if the impacts on their assets are marginal (affecting less than 20% of productive income generating assets) and do not result in displacement; incomes, employment and businesses are not affected; such communities or individuals are fully aware of their entitlements.
3. Project owners shall define mitigation measures and socio-economic benefits to improve status of ethnic communities and shall be in harmony with their cultural preferences and shall be decided in consultation with affected communities.

Article 12 Public Participation and Consultation

1. The project owners shall implement the resettlement program in a participatory manner ensuring that APs, local authorities and other stakeholder are fully informed and consulted and their concerns are taken into account at all stages of the project cycle, particularly during the planning and implementation phases of the land acquisition, valuation and resettlement process.

2. Project owners shall make concerted efforts for an effective public dissemination of information about the policy objectives of the project, the compensatory package and other that is part of the resettlement process, through the mass media such as newspapers, radio, TV or public meeting and other means to inform local authorities at provincial, district and village levels and mass organizations, APs and other concerned people as necessary.

Article 13 Grievance Redress Mechanism

1. Project owners shall establish an effective mechanism for hearing and grievance redress during the resettlement planning and implementation in a project.
2. Project owners in consultation with concerned government authorities, shall establish a Grievance Redress Committee to address complaints and grievances pertaining to land acquisition, compensation and resettlement due to the project.
3. Grievances related to any aspect of the project or sub-project shall be handled through consultations conducted in a transparent manner and aimed at resolving matters through consensus at the project level before complainants forward these to higher level and ultimately to the court of law. The responsible agency shall record the complaints (or put in written form the oral report) by the APs;
4. APs will be exempted from all administrative and legal fees incurred pursuant to the grievance redress procedures. In case the complaints are forwarded to the court of law, all costs for pursuing such cases in the court of law must be borne by the project.

Article 14 Resettlement Cost and Budget

1. Project owners shall implement the Resettlement Plan with detailed cost estimates for compensation and other resettlement entitlements and relocation of APs. The cost estimates shall be provide with a breakdown by category of APs by type and degree of impacts. The cost estimates will also include the cost of monitoring and evaluation; management and administration; and other cost related to the project impacts; and adequate provisions for contingencies.
2. Total estimated cost of RPs shall be included in the cost of the project. In the case of cost overruns due to unforeseen circumstances or delays, the project authorities/owners shall allocate additional funds as may be necessary.

Article 15 Reporting and Documentation

1. The project owners shall provide reports and documents to responsible government authorities to consider. Those reports and documents should have description of the project and shall include:
 - (a) Name of project owners
 - (b) Project type;
 - (c) Project scale and location;
 - (d) Project objectives;
 - (e) Number and sources of labor that will be used during construction and operation period;
 - (f) Estimate number of people will be affected by the project and types of impacts;
 - (g) Estimate social costs and benefits of the project;
 - (h) Impact mitigation measures.

2. The project owner shall implement correctly the recommendations (or decisions) made by responsible government authorities, after screening of the project reports and documents and it seems that the project will cause adverse social impacts, the project owners shall carry out necessary studies and field investigations including census, inventory of lost assets and socio-economic baseline surveys, and prepare the following reports and documents on social impacts and submit to concerned government authorities for approval:
 - (a) Initial Social Assessment (ISA) / Land Acquisition Assessment
 - (b) Social (Impact) Assessment
 - (c) Land Acquisition and Compensation Report
 - (d) Resettlement Plan (RP)
 - (e) Ethnic Minority Development Plan (EMDP)
3. The procedure and methodology on social impact assessment will be defined in detailed regulations and guidelines on compensation and resettlement.
4. In submitting the reports and documents, project owners shall:
 - (a) When the project is a government-financed project, the project owners shall present the document to the Science, Technology and Environment Agency at central level for review and approval;
 - (b) When the project is domestic or foreign privately owned or joint venture between the government and private sector, the documents shall be sent first to the concerned ministry and local authority to consider and then the ministry shall forward the documents to the Science, Technology and Environment Agency for final review and approval.

Article 16 Monitoring

1. Project owners shall make adequate arrangements for monitoring of the implementation of the compensation, resettlement and rehabilitation measures.
2. In projects with major resettlement component where the impacts are severe, the project owners shall contract an experienced and independent external monitoring agency for monitoring of the implementation of the compensation, resettlement and rehabilitation measures.
3. The project owners shall make provisions for post-evaluation six months to one year after completion of the implementation resettlement and rehabilitation measures, to check whether the economic rehabilitation and the livelihood objectives of the resettlement plan have been achieved.
4. If the evaluation indicates that the APs have not been able to achieve the stated objectives and income targets, project owners shall make arrangements for provision of additional assistance to meet the stated objectives.

Part V REWARDS AND SANCTIONS

Article 17 Rewards and Sanctions

Ministries and government agencies have responsibilities to consider appropriate rewards to those who have high achievement in the implementation of compensation, resettlement, and rehabilitation programs, or to give sanctions like warning, fine, and punishment on those who do not comply with this decree and concerned regulations.

PART VI FINAL PROVISIONS

Article 18 Implementation

1. Ministries, ministerial equivalent agencies, and the Science Technology and Environment Agency have mandate to issue decisions, order, instructions, or notification on the implementation of this decree;
2. Ministries, ministerial equivalent agencies, and local authorities who have responsibility for the supervision of development projects shall strictly comply with their roles and mandate;
3. The Science, Technology and Environment Agency is assigned to provide guideline and coordinate with concerned sectors and local authority in the implementation of this decree.

Article 19 Effectiveness

The provisions of this Decree are effective from the date of signature and any previously issued regulations, guidelines, etc., which are in conflict with the provisions of this Decree are hereby annulled.

Signed

Prime Minister

ANNEX 4: LUANG NAMTHA PROVINCE DECISION

No. 837/GO
16 December 2014

Decision Governor

With reference to the letter of Luang Namtha DPWT No. 2005/DPWT dated 15/12/2014
The Governor of Luang Namtha agreed:

Art. 1: Establishment of **Grievance Committee for resettlement and compensation** for 2nd Greater Mekong Sub-Region Corridors Towns Development Project as follows:

1.1 Overall Management members:

1. Mr. Bounlam Lorkhamhan	Deputy Chief Namtha District	Chairman
2. Mr. Vandt Phomthong	Vice-Chairman UDAA Namtha	Deputy Chairman
3. Mr. Khamla Khansanga	Dept. Director DPWT	Management team
4. Mr. Chaii Thongsing	Head of PONRE Cabinet	Management team
5. Ms. Chanping Malangsy	Chairwoman of Lunag Namtha WU	Management team

1.2 Technical members

1. Mr. Thongxay Atphasouk	Head of Namtha District Administrative Office	Head
2. Ms. Pany Chitdara	Head Planning Division, DoPI	Dept. Head
3. Mr. Anousone ENgmany	Deputy.Head Namtha PWT	Technical staff
4. Mr. Bounleum Vongphachanh	Deputy Head of Housing and Urban Planning Division, DPWT	Technical staff
5. Mr. Onekeo	Deputy Head of Land Division, PONRE	Technical staff
6. Mr. Saysamone Phanavanh	Technical staff State property Division, Luang Namtha Finance Department	Technical staff
7. Heads of Project beneficiaries villages		

Art. 2: This Grievance Committee has the following mandates:

1. Coordinate with concerned authorities at the provincial district and village levels to settle project related impacts, develop the budget and implement compensation schemes
2. Provide regular reports on strengths, challenges and achievements in resolving issues related to compensation of the affected households to the provincial authorities.

Art. 3: All costs related to the work of this committee to be under the operational budget of the Project

Art.4: This Decision is effective from the date of signing.

Luang Namtha Provincial Governor
Dr. Phimmasone Leuangkhamma



ສາທາລະນະລັດປະຊາທິປະໄຕປະຊາຊົນລາວ

ສັນຕິພາບ ເອກະລາດປະຊາທິປະໄຕ ເອກະພາບ ວັດທະນະຖາວອນ

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ແຂວງຫລວງນ້ຳທາ

ເລກທີ 837 / າຂ

ລົງວັນທີ 16 ກັນຍາ 2014

ຂໍ້ຕົກລົງ

ຂອງເຈົ້າແຂວງ

ວ່າດ້ວຍການແຕ່ງຕັ້ງ ຄະນະຮັບຜິດຊອບການແກ້ໄຂໂກ່ເກ່ຍຜົນກະທົບ ໂຄງການພັດທະນາຕົວເມືອງຫລວງນ້ຳທາ ຕາມແລວທາງເສດຖະກິດອານຸພາກຝັ່ງລຸ່ມແມ່ນ້ຳຂອງໄລຍະທີ 2 (2nd Greater Mekong Sub-region Corridor Towns Development Project)

- ອີງຕາມຫ້ອງສື່ສະເໜີຂອງພະແນກໂຍທາທິການ ແລະ ຂົນສົ່ງປະຈຳແຂວງຫລວງນ້ຳທາ ສະບັບເລກທີ 2005 / ຍຫຂ, ລົງວັນທີ 10.12.2014

ເຈົ້າແຂວງຫລວງນ້ຳທາຕົກລົງ:

ມາດຕາ 1. ແຕ່ງຕັ້ງ ຄະນະຮັບຜິດຊອບການແກ້ໄຂໂກ່ເກ່ຍຜົນກະທົບ ໂຄງການພັດທະນາຕົວເມືອງຫລວງນ້ຳທາ ຕາມແລວທາງເສດຖະກິດອານຸພາກຝັ່ງລຸ່ມແມ່ນ້ຳຂອງໄລຍະທີ 2 (2nd Greater Mekong Sub-region Corridor Towns Development Project) ດັ່ງມີລາຍຊື່ລຸ່ມນີ້:

1.1 ຄະນະຊີ້ນຳລວມ:

- | | | |
|----------------------------|----------------------------------|-------------|
| 1) ທ່ານ ບຸນຄຳ ລໍ່າທານ | ຮອງເຈົ້າເມືອງຫລວງນ້ຳທາ | ເປັນຫົວໜ້າ. |
| 2) ທ່ານ ວັນດີ ພິມທອງ | ຮອງປະທານ ອພບຕ ເມືອງຫລວງນ້ຳທາ | ເປັນຮອງ. |
| 3) ທ່ານ ຄຳລາ ຂານສະຫງ່າ | ຮອງຫົວໜ້າພະແນກ ຍຫຂ ແຂວງ | ເປັນຄະນະ. |
| 4) ທ່ານ ຈາຍ ຫອງສິງ | ຫົວໜ້າຫ້ອງການ ຊສ ເມືອງຫລວງນ້ຳທາ | ເປັນຄະນະ. |
| 5) ທ່ານ ນາງ ຈັນປິງ ນາລັງສີ | ປະທານສະຫະພັນແມ່ຍິງເມືອງຫລວງນ້ຳທາ | ເປັນຄະນະ. |

1.2 ຄະນະວິຊາການທີ່ຈັດຕັ້ງປະຕິບັດຕົວຈິງ:

- | | | |
|----------------------------|----------------------------------|-------------|
| 1) ທ່ານ ຫອງໄຊ ອາດຜາສຸກ | ຫົວໜ້າຫ້ອງວ່າການເມືອງຫລວງນ້ຳທາ | ເປັນຫົວໜ້າ. |
| 2) ທ່ານ ນາງ ປານີ ຈິດຕາຣາ | ຫົວໜ້າຂະແໜງແຜນການ, ພະແນກ ຜຫ ແຂວງ | ເປັນຮອງ. |
| 3) ທ່ານ ອານຸສອນ ແອ້ງມະນີ | ຮອງຫົວໜ້າ ຍຫຂ ເມືອງຫລວງນ້ຳທາ | ເປັນຄະນະ. |
| 4) ທ່ານ ບຸນເຫລືອນ ວົງພະຈັນ | ຮອງຂະແໜງເຄຫາ-ຜັງເມືອງ, ພະແນກ ຍຫຂ | ເປັນຄະນະ. |

Unit Rates

ສາທາລະນະລັດປະຊາທິປະໄຕປະຊາຊົນລາວ

ສັນຕິພາບ ເອກະລາດປະຊາທິປະໄຕ ເອກະພາບ ວັດທະນະຖາວອນ

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ເມືອງຫລວງນ້ຳທາ

ເລກທີ 154 /ຈມ.ນທ

ລົງວັນທີ 1 ມິຖຸນາ 2015

ຂໍ້ຕົກລົງ

ຂອງເຈົ້າເມືອງຫລວງນ້ຳທາ

ວ່າດ້ວຍການກຳນົດລາຄາຫົວໜ່ວຍການຊົດເຊີຍຜົນກະທົບ ຈາກໂຄງການ ພັດທະນາຕົວເມືອງຫລວງນ້ຳທາ ຕາມແລວທາງເສດຖະກິດອານຸພາກຝັ່ງລຸ່ມແມ່ນ້ຳຂອງໄລຍະທີ 2 (2nd Greater Mekong Sub-region Corridor Towns Development Project)

- ອີງຕາມໜັງສືສະເໜີຂອງພະແນກໂຍທາທິການ ແລະ ຂົນສົ່ງປະຈຳແຂວງຫລວງນ້ຳທາ ສະບັບ ເລກທີ 0719/ຍທຂ, ລົງວັນທີ 29/5/2015.

ເຈົ້າເມືອງຫລວງນ້ຳທາຕົກລົງ:

ມາດຕາ 1. ຕົກລົງເຫັນດີກຳນົດລາຄາຫົວໜ່ວຍການຊົດເຊີຍຜົນກະທົບ ຈາກໂຄງການພັດທະນາຕົວເມືອງຫລວງນ້ຳທາ ຕາມແລວທາງເສດຖະກິດອານຸພາກຝັ່ງລຸ່ມແມ່ນ້ຳຂອງໄລຍະທີ 2 (2nd Greater Mekong Sub-region Corridor Towns Development Project) ດັ່ງລຸ່ມນີ້:

1.1 ສິ່ງປຸກສ້າງ:

ລ/ດ	ລາຍການ	ຫົວໜ່ວຍ	ລາຄາ ຫຼາຍ	ໜ້າຍເຫດ
1	ເສືອນກໍ່	ມ ²	1,500,000-3,000,000	
2	ເສືອນເຄິ່ງກໍ່ເຄິ່ງໄມ້	ມ ²	1,000,000-2,000,000	
3	ເສືອນໄມ້	ມ ²	900,000-2,500,000	
4	ຮ່ານຂາຍເຄື່ອງ	ມ ²	500,000-1,000,000	
5	ກຳແພງຮົ່ວ	ນຍ	300,000-600,000	
6	ຮົ່ວເຫລັກໜາມໝາກຈັບ	ນຍ	150,000-300,000	
7	ຫ້ອງນ້ຳ+ຂຸມວິດ	ຫລັງ	1,500,000-2,500,000	
8	ຂຸມວິດ	ຂຸມ	500,000-1,500,000	

9	ນ້ຳສ້າງ, ນ້ຳບາດານ	ບໍ່	300,000-600,000	
10	ຖຽງໄຮ, ຖຽງນາ	ມ ²	150,000-300,000	
11	ຄອງເໝືອງ	ມຍ	50,000-150,000	
12	ໜອງປາ	ມ ²	2,000-5,000	

1.2 ທີ່ດິນ.

ລ/ດ	ລາຍການ	ຫົວໜ່ວຍ	ລາຄາ ຫມ	ໝາຍເຫດ
1	ດິນປູກສ້າງແຄມທາງໃຫຍ່	ມ ²	50,000-300,000	ມີໃບຕາດິນຖາວອນ
2	ດິນປູກສ້າງແຄມທາງຊ່ອຍ	ມ ²	10,000-150,000	ມີໃບຕາດິນຖາວອນ
3	ດິນນາມູນ, ນາເຄົ້າເດີມ	ມ ²	5,000-10,000	ມີໃບຕາດິນຖາວອນ
4	ດິນນາເຮືອ	ມ ²	1,500-2,500	ມີໃບຕາດິນຖາວອນ
5	ດິນສວນ	ມ ²	1,000-2,000	ມີໃບຕາດິນຖາວອນ
6	ດິນໜອງປາ	ມ ²	1,500-2,500	ມີໃບຕາດິນຖາວອນ

1.3 ຜົນລະປູກ:

ລ/ດ	ລາຍການ	ຫົວໜ່ວຍ	ລາຄາ ຫມ	ໝາຍເຫດ
1	ຕົ້ນໄມ້ສັກ Ø200 mm ລົງມາ	ຕົ້ນ	40,000	
2	ຕົ້ນໄມ້ສັກ Ø201 mm ຂຶ້ນໄປ	ຕົ້ນ	25,000	
3	ສູນໄມ້ປ້ອງ 10 ລໍາລົງມາ	ສູນ	20,000	
4	ສູນໄມ້ປ້ອງ 11 ລໍາຂຶ້ນໄປ	ສູນ	40,000	
5	ຕົ້ນໄມ້ກິນໝາກຕ່າງໆ (ຍັງບໍ່ເປັນໝາກ)	ຕົ້ນ	35,000	
6	ຕົ້ນໄມ້ກິນໝາກຕ່າງໆ (ເປັນໝາກແລ້ວ)	ຕົ້ນ	50,000	
7	ສູນກວຍ	ສູນ	50,000-100,000	
8	ສູນອອຍ	ສູນ	30,000-70,000	
9	ຕົ້ນໄມ້ກິນໝາກຊະນິດອື່ນໆ	ຕົ້ນ	25,000-50,000	

ມາດຕາ 2. ນອບໃຫ້ຄະນະຮັບຜິດຊອບແກ້ໄຂໂຕເກຍຜົນກະທົບຂອງໂຄງການດັ່ງກ່າວ ສົມທົບກັບພາກກ່ຽວຂ້ອງຈັດຕັ້ງປະຕິບັດ ຕາມພາລະບົດບາດ, ສິດ ແລະ ໜ້າທີ່ຂອງຕົນເອງ.

ມາດຕາ 3. ການຈັດຕັ້ງທີ່ກ່ຽວຂ້ອງທຸກພາກສ່ວນ ລວມທັງພໍ່ແມ່ປະຊາຊົນ ຈົ່ງຮັບຮູ້ ແລະ ອໍານວຍຄວາມສະດວກໃຫ້ການຈັດຕັ້ງປະຕິບັດການຊິດເຊີຍຜົນກະທົບໂຄງການດັ່ງກ່າວສໍາເລັດຕາມລະດັບຄາດໝາຍ.

ມາດຕາ 4. ຂໍ້ຕົກລົງສະບັບນີ້ມີຜົນສັກສິດນັບແຕ່ລົງລາຍເຊັນເປັນຕົ້ນໄປ.

ບ່ອນສົ່ງ:

- ເຈົ້າເມືອງ, ຮອງເຈົ້າເມືອງທ່ານລະ 1 ສະບັບ.
- ຫົວໜ້າຫ້ອງວ່າການປົກຄອງແຂວງ 1 ສະບັບ.
- ຫົວໜ້າຫ້ອງວ່າການປົກຄອງເມືອງ 1 ສະບັບ.
- ຫົວໜ້າພະແນກ ຍທຂ 1 ສະບັບ.
- ເກີບມັງຽນ 2 ສະບັບ.

ເຈົ້າເມືອງຫລວງນ້ຳທາ



ທອງແດງ ສິດທິສິນ

ANNEX 5: TERMS OF REFERENCE

Social safeguards (resettlement) consultant (international 1 person months)

This will consist of services to facilitate resettlement activities according to the Lao Law on Resettlement (Decree 192/PM on *Compensation and Resettlement* (July 2005)), ADB's Safeguard Policy Statement (*June 2009, approved by ADB' Board July 2009*) AND *Operations Manual, OM F1* and the Lao Government's Decree on Environmental Assessment (EA), (*February 2010 (112/PM)*). This involves resettlement activities related to infrastructure and engineering works to be funded under the Project. The detailed outline of services required will include, but not be limited to the following:

General

In reading through these terms of reference, it is important to note that the responsibility of the international resettlement expert is to support and guide the domestic resettlement expert, PIUs and DRC in ensuring that all work is carried out in accordance with ADB's RP/LACP which is in accordance with the ADB's SPS and Lao Law on Resettlement.

Detailed Measurement Survey

- Guide the domestic resettlement expert, DRC and PIUs in reviewing the Inventory of Losses survey or, in case of the demand driven works, in preparing an IOL and conducting a new census and in updating the replacement costs survey and in checking the Affected Person database for accuracy.
- Provide guidance in Detailed Measurement Survey activities to PIUs and DRC.
- Guide the national resettlement expert, PIUs and DRC to review the approved land acquisition and resettlement plans according to the DMS and assist in updating the resettlement plans for effective implementation, including new compensation rates, and adjusted budget and implementation schedule, as required. All updates shall be made in line with both the Lao PDR and ADB regulations with regards to resettlement.

Compensation Procedure and Grievance Redressal

- Prepare guidelines on the compensation procedure with a focus on community consultation, entitlement review, compensation assessment, and grievances procedures for the PMIU.
- Provide guidance to the domestic expert on the above guidelines to ensure that grievances redressal mechanisms are appropriate, and advise if necessary on speedy resolutions.

The detailed scope of work of an international Resettlement expert is as below:

The Resettlement Specialist will hold a Master's degree from a recognized university in social sciences, sociology or another relevant discipline. He/she will have at least 10 years of work experience in resettlement planning and social development, including 5 years with ODA-funded projects. He/she will have an in-depth understanding of national and international best practices and policy on involuntary resettlement issues, social development, gender issues, and poverty reduction. Extensive experience in community mobilization and analysis of resettlement issues in Lao PDR will be an advantage. He /she must have a clear understanding of resettlement checklists and guidelines of ADB or other

international donor agencies and be familiar with ADB Safeguards Policy Statement. The expert will:

- Oversee the work of the national safeguards expert and will assist all sub-projects, EA and the implementing agencies, (MPWT, DPWT, DRC, PSC) the project implementation unit (PIU) to implement the project
- Assist in consultations and finalization of resettlement plans;
- Assist in implementation of resettlement plans;
- Establishment of resettlement monitoring procedures (including baseline surveys as required) and assist in setting up procedures for managing and documenting land acquisition, compensation, and resettlement activities under the Project;
- Assisting in RP monitoring and reporting formats
- Provide over sight and guide the provision of inputs into all the safeguard documents;
- Provide guidance, inputs and coordinate with the social development and environment specialist on stakeholder consultations and grievance redress mechanisms and ensure inputs are provided to the team
- Provide orientation and training to the PIU and other agencies related to sub-project implementation on ADBs SPS and project cycle requirements and safeguard milestones
- Act as main focal point/contact for all resettlement related activities between the project, the IAs, ADB Resident Mission, and other consultants. Guide the national specialist to help provide support to ADB review mission teams to ensure that RP implementation is being adequately assessed and reported
- Assist in recruitment of project staff, as required to ensure effective RP implementation in the project
- Ensure that grievances redressal mechanisms are appropriate, and advise if necessary on speedy resolution
- Review the approved land acquisition and resettlement plans.
- Ensure compliance with ADB SPS (2009) for all sub-projects

Social Safeguards Expert (Resettlement), National – 4 Person-months

The social safeguards expert (resettlement) will have a minimum of 8 years' experience in resettlement. The National specialist will hold a Master's degree from a recognized university in social sciences, sociology or relevant discipline. He /she will have at least 8 years of experience in resettlement planning; including 3 years with ODA funded projects. Knowledge and experience in the application of the ADB Safeguards Policy Statement and resettlement policy of the Government of Lao PDR would be an advantage. Fluency in both spoken and written English is essential. He/she must have demonstrated ability to work with a multi-disciplinary team of international and national consultants.

- Assist and support the PIU and international specialist to review and update the LACP/RP) as per the detailed design. All the impacts will be reassessed case by case at the time of census update during the DMS.
- Assist the international social safeguards expert and provide necessary support and capacity building to MPWT, DPWT, UDAA, PSC, for LACP/RP implementation, including orientation and training on the RP activities and implementation mechanisms; and the IA's responsibilities in ensuring effective LACP/RP implementation.

- Assist IA's with consultations and finalization of resettlement plans based on the detailed design to reflect any change in impacts, mitigation measures, costs and monitoring plans along with including new compensation rates, updated budget and implementation schedules, as required. All updates shall be made in line with both Lao regulations and ADB Safeguard Policy Statement (2009).
- Assist the PIUs in the verification and conducting a of census, along with the inventory of losses survey, replacement cost survey, and detailed measurement survey activities after DMS
- Assist PIUs in implementing the updated and approved resettlement plans with a focus on community consultation, entitlement matrix review, compensation assessment, and grievance procedures
- Assist the PIUs to establish and implement procedures for ongoing internal resettlement monitoring;
- Work closely with the local authorities and resettlement committees at all levels on resettlement related activities and assist PIUs in obtaining local and national clearances and approvals for the RP
- Assist PIUs in the supervision and monitoring of land acquisition and resettlement, in accordance with the approved resettlement plans and ADB's Safeguard Policy Statement (2009)
- Establish and implement liaison mechanisms to ensure proper technical and logistical support between the Project to the PIUs, local administrative authorities, resettlement committees and concerned government departments.
- Assist the PIU in conducting public information campaigns and community participation.
- Assist in updating the public information booklets
- Ensure compliance with ADB SPS (2009) for all sub-projects

ANNEX 6: URBAN VILLAGE UPGRADING

List of road to be upgraded

LIST OF ROADS FOR URBAN VILLAGE UPGRADING

Village & Road number	Proposed road (m)	Width (m)
B. Had Gnao		
Road No. 1	650	5
Road No. 2	100	5
Road No. 3	321	4
Road No. 4	271	4
B. Thonchay Neua		
Road No.1	540	5
Road No.2	420	5
Road No.3	150	5
Road No.4	154	3.5
Road No.5	130	3.5
Road No.6	124	3
Road No.7	129	3
Road No.8	121	4
Road No.9	127	5
B. Thondee		
Road No.1	1220	5
Road No.2	607	5
Road No.3	517	5
Road No.4	180	5
Road No.5	99	5
Road No.6	98	5
Road No.7	231	5
B. Vieng Neua		
Road No.1	1530	9
Road No.2	860	9
Road No.3	520	6
Road No.4	620	6
Road No.5	90	6
Road No.6	130	6
Road No.7	120	6
Road No.8	130	6
Road No.9	619	6
Road No.10	176	6
Road No.11	109	6
Road No.12	105	6
Road No.13	118	6
Road No.14	124	6
Road No.15	284	6
Road No.16	118	6
Road No.17	320	6
Road No.18	460	6
Road No.19	170	6
B. Papoua		
Road No. 1	540	5
B. Vieng Tai		

Road No.1	1250	5
Road No.2	330	5
Road No.3	170	5
Road No.4	70	5
Road No.5	140	5
B. Luang Khone		
Road No.1	520	5
Road No.2	746	5
Road No.3	422	5
Road No.4	326	5
Road No.5	359	5
Road No.6	206	5
Road No.7	197	5
Road No.8	117	5
Road No.9	87	5
Road No.10	237	5
Road No.11	716	7
Road No.12	192	5
Road No.13	152	5
Road No.14	222	5

ANNEX 7 - SAMPLE PUBLIC INFORMATION BOOKLET

RESETTLEMENT PLAN - SAMPLE PUBLIC INFORMATION BOOKLET

GMS CTD

What is the GMS CTD?

This regional Project Preparation Technical Assistance will establish the basis for proposed investments and capacity building in selected economic corridor towns in the Kingdom of Cambodia (Cambodia), the Lao People's Democratic Republic (Lao PDR) and the Socialist Republic of Vietnam (Viet Nam). The main output of the PPTA will be to identify a range of subprojects which will support the agreed objectives of the Greater Mekong Sub region (GMS): (i) enhanced connectivity; (ii) increased competitiveness; and (iii) a greater sense of community. To this extent the GMS development program has placed emphasis on developing priority transport corridors in order to link regions/countries together to promote trade, tourism, and investment. This in turn is facilitating development and investment in the associated economic corridors, principally in the corridor cities and towns, including the cross-border areas between GMS related countries.

In order to lay out the foundations for future economic growth, importance is placed on the potential to assist social and economic development by providing basic infrastructure and urban upgrading works.

Houayxay and Luang Namtha are the towns in Lao PDR that are participating in the GMS Second Corridor Towns Development Project.¹ Both town-subprojects consist of small infrastructure and environmental improvement investments that are being implemented with the immediate and ultimate goals of improving urban environments, and promoting socioeconomic development, respectively.

Luang Namtha subproject includes:

- **Component 1: Solid Waste Management:** provision of a managed landfill at the existing site and extended collection services for the main urban area.
- **Component 2: Urban Village Upgrading:** infrastructure upgrading (road improvements, new drainage, some earthworks and landscaping) in the seven following villages: Vieng Neua, Hat Gnao, Thongchay Neua, Thondee, Papua, Vieng Tai and Luang Khone.
- **Component 3: Urban Roads Drainage:** Construction of 6.532km of urban road drainage and rehabilitation of two existing ponds and their continued use for pre-treatment to discharge into the main river course at Luang Namtha.
- **Component 4: Urban Recreation Facilities Upgrading:** Urban park restoration and night market upgrading.
- **Component 5: Nam Tha River Bridge:** Construction of a new bridge that will span the Nam Tha river near Donsamphan village, and approximately 1730m of road improvements to connect it to the existing Road 3A and 17A.

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 period the census of affected persons (regardless of tenure status) and the inventory of losses (IOL) that were initially done in January 2015, to be validated and updated later during the detailed measurement survey (DMS). Persons not covered in the census are not eligible for compensation and other entitlements, unless they can show proof that (i) they have been inadvertently missed out during the census and the IOL; or (ii) they have been included among the affected due to changes in project design.

What are the entitlements of affected households?

Project entitlements listed in Table 1 are based on the impacts identified during the census and IOL. The entitlements will be adjusted and updated, as needed to be consistent with the project resettlement policy, based on the results of the DMS, to reflect a more precise inventory and assessment of impacts on assets and on the people.