

Resettlement Plan

June 2015

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

Houayxay Subproject

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

CURRENCY EQUIVALENTS

1 USD = 8,000 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
LWU	-	Lao Women Union
M&E	-	monitoring and evaluation
MEF	-	Ministry of Economy and Finance
MPWT	-	Ministry of Public Works and Transport
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	Msq	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, land¹, 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, places 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 after which people will NOT be considered eligible for compensation i.e., they are not included in the list of APs as determined by a census and DMS for which land and/or assets affected by the Project are measured, once the project is approved. The PCU will disclose the cut-off-date to residents and local officials of each affected commune which coincides with the date of the public announcement of the land acquisition.
- 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

¹ Land includes residential, commercial, agricultural, plantations, forest and/or grazing land.

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 which are due to the APs, intended to restore their economic and social base, depending on the type and severity of their losses. These include:
- (i) income restoration support;
 - (ii) transfer assistance;
 - (iii) income substitution;
 - (iv) relocation support, etc
- Income restoration - r the re-establishment of sources of income and livelihood of the affected households.
- Inventory of losses - the process where all fixed assets² 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

² Fixed assets include 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.

- 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 corridors towns of Luang Namtha, Luang Namtha Province, and Houayxay, Bokeo Province are strategically located along the transport corridor in the GMS and are posed 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.

Houayxay District is the administrative capital and the urban center of Bokeo province in north-western Lao PDR, bordering Thailand and Myanmar. The District includes 82 villages, grouped into 13 Village Clusters (Kum Bun). It is well located alongside the Mekong River in the vicinity of the "Fourth Thai-Lao Friendship Bridge" and the associated cross border facilities. This has strengthened the town's position in the GMS North-South Economic Corridor linking China to Thailand through the northwest part of Lao PDR.

2. Subproject Description

The final selection and design of the subprojects in Lao PDR responds to an extensive 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. The components 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 Houayxay includes the following three components:

Component 1: Integrated Urban Development, divided into four subcomponents: 1A- Riverbank Upgrading and Protection; 1B- Riverside Road and Walkway; 1C- River Port Rehabilitation; 1D- Ecological Park and Recreation Area

Component 2: Solid Waste Management

Component 3: Urban Roads and Drainage Upgrading

3. Scope of Land Acquisition and Resettlement

Based on preliminary engineering design, field visits and surveys conducted from 12 to 14 February and from 28-29 May 2015, the following land acquisition and resettlement impacts have been assessed:

Component 1A – The proposed riverbank upgrading will affect a total of 837msq of land including 739 msq of private and 98 msq of government land affecting 11 HHs (67 APs). Of these 9 households will be affected due to the loss of their private residential land and 2 HH

(4APs) occupying government land without permission but having 2 structures as shops. All the 9 households affected due to the loss of their private land possess ownership certificates. There will be 7 AHs (46 APs) affected by partial loss of structure (kitchen and verandas in this case) on private land. Additionally, there are 2 AHs (4 APs) affected by loss of full secondary structures on government land. The loss of business will affect 5 households (31 APs) involved in small shop and restaurant business. There is no loss of trees and crops due to this sub-component.

Component 1C – River port Rehabilitation – will affect 49 msq of Government land and the area is under operation of the boat association. The DPWT will arrange another place nearby for the association to continue their operation without any impact.

Component 1D – Ecological Park and Recreational Area – will require acquisition of 280,899msq of private land affecting a total of 33 households (173 APs). This includes a loss of 33,131msq of residential land affecting 3HH (12APs); 13,558 msq of pond area affecting 5HH (20APs), and the remaining 234,210 msq of agricultural land affecting 25 HH (141 APs). All the affected households possess ownership documents, therefore are entitled for compensation of loss of land. Five households (19 APs) will be affected due to the loss of their structures. Two of them are concrete houses, and three of them are wooden shelters. All of these structures will be fully affected. One of the affected structures is concrete house with a total area of 48msq, will be fully acquired and rebuilt in the remaining area. Another concrete structure with the area of 108msq, will be fully acquired and need to be relocated. The remaining three structures are wooden shelters with a total area of 188msq. These shelters are built to feed fish and therefore no relocation is required. The project component will result in the loss of 56,695msq of crop area, affecting to 14 HHs in total. Of which, 27,670msq of rainfed rice cultivation, affecting 8 HHs; 27,795msq of corn affecting 5 HHs; 18 cluster of banana, affecting 1 HH; and 1,160msq of vegetables affecting 2 HHs. A total of 9 households (51 APs) will be affected by loss of 636 trees. These include 7 HHs (42APs) affected by the loss of 611 teak trees; 1 HH (4 APs) affected the loss of 20 Padoo trees and another 1 HH (5 APs) due to the loss of 5 Jack fruit trees. Among 5 AH have pond affected; only three households (12 APs) will experience the loss of aquaculture products due to construction of the sub-component. The total affected aquaculture production area is 7,900msq. The project component will affect 2 households (14APs) due to the loss of business incomes of selling sand and gravel storage.

The component 3 - Urban Road and Drainage Upgrading – will affect one household (4 APs) due to the loss of his house built within the ROW. The house will need to be acquired and relocated outside ROW within its owned area.

The others components have no land acquisition and resettlement impacts.

For the whole subproject there are 45 AHs with 244 APs and out of 45, 32 AHs (176 APs) will be severely affected.

From the whole AHs, there are 5 poor AHs, 5 are FHH and 9 AHs are from Ethnic minority, as it is summarized in the table below.

Summary of households impacted, HouayXay Subproject

Components	Total AHs and APs								Severely Affected			
	Total AHs and APs		Ethnic		Female Headed HH		Poor HH					
	AHs	APs	EMHH	%	FHH	%	Poor HH	%	HHs	APs	EMHH	FHH
River Bank Upgrading and Protection	11	67	0	0%	2	4%	0	0%	5	31	0	2
Riverside road and walkway	0	0	0	0%	0	0%	0	0%	0	0	0	0
River port Rehabilitation	0	0	0	0%	0	0%	0	0%	0	0	0	0
Ecological Park and Recreation area	33	173	9	20%	2	4%	4	9%	26	141	8	1
Solid Waste Management	-	-	0	0%	0	0%	0	0%	0	0	0	0
Urban Roads and Drainage Upgrading	1	4		0%	1	2%	1	2%	1	4	0	1
All Total	45	244	9	20%	5	11%	5	11%	32	176	8	4

The subproject surveys carried by the project preparatory technical assistance (PPTA) team together with government agencies indicate category B for involuntary resettlement, according to ADB's Safeguard Policy Statement 2009.

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 initially of the 12th of February 2015 with the Resettlement and Environment team as part of the preparation of this feasibility study. Villagers were informed about the scope of the subcomponents, impacts and benefits. It is note-worthy that participants showed an open attitude and a very supportive behavior toward the subproject, and understood the importance to develop a better environment, prevent river erosion and improve the access to the Mekong River.

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. Although they asked to get fair compensation for their losses, the participants requested the start of the construction works as soon as possible, and villagers' heads confirmed their willingness to support, participate and contribute to the implementation of the subproject. They also asked to keep an easy access to their villages during the construction period.

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 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 and acceptable to ADB, the updated resettlement plan will be disclosed to the public. Each affected government organizations will receive one hard copy of the Updated Resettlement Plan and it will be posted on MPWT and ADB website, as well as at the project office.

In this project, the cut of 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.

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) is developed from the laws and decrees of the Government of the Lao People's Democratic Republic (PDR) and Asian Development Bank's (ADB's) policies. These policies include, among others:

ADB's Safeguard Policy Statement (SPS) 2009;

Lao Government's laws and regulations related to land and resettlement, including Decree 192; and

The Technical Guidelines for Compensation and Resettlement issued in March 2010.

Entitlements

The main entitlements relate to:

Cash compensation for the full and/or partial loss of land and structures at replacement cost, based on the prevailing market value; and

Cash compensation for loss of income generation from cultivation.

These entitlements cover all the compensation required from the Inventory of Losses taken at preliminary design stage. During the project implementation, a Detailed Measurement Survey (DMS) will update the list of affected persons and assets. The entitlement matrix covering all types of impacts will apply.

7. Entitlements

The main entitlements of this RP relate to compensation for the full and/or partial loss of land, structures, trees/crops, aquaculture products, and business 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.

During the public consultation with the affected persons and enquiry about replacement value for the losses they expressed interest for a “land for land” replacement type. The interest of the APs has been shared with the authorities and this will be further discussed during the updating of the RP and assessed how far other land can be provided as compensation.

All the severely affected households will be compensated and will be provided with special allowance as per provision of the Lao Decree 192, 285 and 309 to restore their livelihoods.

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 direct cost for land acquisition, structures and compensation of crop loss and allowances is KIP 3,306,017,000 (USD 413,252.10). The total cost of resettlement is KIP 3,828,899,000 (USD 478,612.40) including implementation cost and contingency.

9. Institutional Arrangements

MPW will establish a Project Coordination Unit (PCU) to coordinate and oversee the overall project management, including the consultant for recruitment and procurement.

The Houayxay 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 Project Coordination Unit (PIU) with a focal person for resettlement, and will establish a Resettlement Committee at the province level.

The Resettlement Committees (RCs) will be responsible for all aspects of resettlement implementation including holding consultations, conducting the DMS with support from implementing consultants hired by the PCU, verifying rates and disbursing funds.

10. Monitoring

The PCU in MPW will be responsible for overseeing the formation, functions, and activities of the implementing agencies, and through quarterly monitoring reports, will 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 reports will be prepared and submitted on a 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 consultation.

11. Implementation schedule

The table below provided the tentative schedule for implementation.

Main Activities	Tentative timing
RP Preparation	Feb April 2015
ADB Approval of Draft RP	Jul 2015
Disclosure of approved RP	3 rd quarter 2015
Public Consultations and DMS	3 rd quarter 2015
Contracting Resettlement specialist	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 Resettlement Plan	3 rd and 4 th quarter 2015
Implementation of the approved updated RP (payment of compensation)	1 st quarter 2016
Internal Monitoring (Submission of Quarterly Progress Reports)	Start 1 st quarter 2016 continuous
Resettlement Completion verification & handing over cleared land	End of 1 st quarter 2016
Start of Civil Works*	2 nd quarter 2016

TABLE OF CONTENTS

I.	SUBPROJECT DESCRIPTION.....	15
A.	Houay Xay Subproject.....	15
B.	Description of the Component	17
II.	SCOPE OF LAND ACQUISITION AND RESETTLEMENT	25
A.	Minimizing the resettlement impacts.....	25
B.	Land Acquisition and Resettlement Impacts	25
C.	Temporay Impacts.....	32
D.	Households Severely Affected in Houay Xay subproject	32
E.	Vulnerable Households Affected in Houay Xay subproject	33
III.	SOCIO-ECONOMIC INFORMATION	35
A.	Social Impacts	35
B.	Profile of 45 Affected Households.....	35
IV.	PUBLIC CONSULTATION AND DISCLOSURE	41
A.	During Project Preparation Phase	41
B.	During Project Detailed Design Phase.....	42
V.	LEGAL FRAMEWORK.....	44
A.	Government Laws, Decrees, and Guidelines.....	44
B.	ADB Policies	45
C.	Gap Analysis	46
D.	Guiding Principles for Implementation	47
VI.	GRIEVANCE REDRESS MECHANISM.....	50
VII.	ENTITLEMENTS, ASSISTANCE AND BENEFITS	52
VIII.	INCOME RESTORATION Measures.....	57
IX.	RESETTLEMENT COSTS.....	58
A.	Resettlement Cost of Land	58
B.	Resettlement Cost of Structures.....	60
C.	Compensation for Loss of Business	61
D.	Compensation for Loss of Crops (only in Ecological Park Sub-component).....	62
E.	Compensation of Trees	63
F.	Compensation for Loss of Aquaculture Products	64
G.	Assistances and Allowances	64
X.	INSTITUTIONAL ARRANGEMENTS	68
A.	Ministry of Public Works	68
B.	Departments of Public Works	68
C.	Project Coordination Unit.....	68
D.	Resettlement Committees (RCs)	68
XI.	UPDATING AND IMPLEMENTATION OF THE RESETTLEMENT PLAN.....	70
A.	Updating.....	70
B.	Implementation.....	72
XII.	MONITORING AND REPORTING.....	73
XIII.	IMPLEMENTATION SCHEDULE	75

ANNEXES.....	76
ANNEX 1 - The land certificate in the Recreation Park.....	76
ANNEX 2 - IOL List of Affected Households.....	78
ANNEX 3 - Public consultation on 12/2/15 and 29/05/15.....	80
ANNEX 4 - Decree 192.....	86
ANNEX 5 - Establishment of Grievance committee decision.....	94
ANNEX 6 - Replacement cost for land, fish ponds and other items.....	96
ANNEX 7 - TERMS OF REFERENCE.....	99
ANNEX 8 - Decree 309 Poverty identity and community.....	102
ANNEX 9 - Sample Public Information Booklet.....	107

Table II-1: Summary of loss of land by components in Houayxay	26
Table II-2: Households affected by structures in Ecological Park sub-component.....	28
Table II-3: Loss of crops in Ecological Park sub-component	29
Table II-4: Loss of structure in Riverbank Upgrading sub-component.....	31
Table II-5: Loss of business in Riverbank Upgrading sub-component	31
Table II-6: Severely Affected Household in Houayxay	33
Table II-7: Vulnerable affected households in Houayxay.....	34
Table III-1: General characteristics of the Affected Households.....	36
Table III-2: Education level by gender	37
Table III-3 Source of income by gender.....	38
Table III-4 Occupation of the APs by Ethnicity	39
Table III-5: Component and impacts on FHHs	40
Table V-1 Gap Analysis Lao PDR and ADB Resettlement Policies.....	47
Table VII-1 Matrix of entitlements.....	53
Table IX-1: Resettlement Cost of Residential Land.....	58
Table IX-2: Resettlement Cost of Agricultural Land.....	59
Table IX-3: Resettlement Cost of Pond Area.....	59
Table IX-4: Resettlement Cost of Structures	60
Table IX-5: Compensation for loss of business.....	61
Table IX-6: Compensation for Loss of Rice	62
Table IX-7: Compensation for Loss of Corn.....	62
Table IX-8: Compensation for Loss of Banana.....	62
Table IX-9: Compensation for Loss of Vegetables	62
Table IX-10: Compensation for Loss of Teak	63
Table IX-11: Compensation for Loss of Padoo.....	63
Table IX-12: Compensation for Loss of Jackfruit	63
Table IX-13: Estimated Direct Cost	66
Table IX-14: Grand Estimated Cost	67
Table XI-1: Surveys for Resettlement Plan Updating.....	71
Table XII-1: Monitoring and Evaluation Indicators	73
Table XIII-1: Implementation Schedule.....	75
Figure 1: Location of the components within the city and outside	16
Figure 2: Houayxay Bank Protection Alignment	18
Figure 3: Location fo the river port rehabilitation component	20
Figure 4: View of the Proposed Ecological - Recreation Park.....	22

I. SUBPROJECT DESCRIPTION

1. This regional Project Preparation Technical Assistance will establish the basis for the proposed investments and capacity-building strategies 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).

2. For the Lao PDR, through the Ministry of Public Works and Transport (MPWT), the main output has been the identification of range subprojects which will support the agreed objectives of the Greater Mekong Sub region (GMS). The subprojects selected in Lao are located in Bokeo and Luang Namtha provinces. The subproject located in Bokeo Province will include multiple improvement components located in Houayxay town.

A. Houayxay Subproject

3. This subproject, including several components, to be carried out in Houayxay town was agreed upon by the Ministry of Public Works and Transport (MPWT) and senior provincial and municipal/district representatives.

4. The components of the subproject are:

- (1A) Integrated Urban Development (IUD) - Riverbank Upgrading and Protection
- (1B) IUD - Riverside Road and Walkway
- (1C) IUD - River Port Rehabilitation
- (1D) IUD - Ecological Park and Recreation Area
- (2) Solid Waste Management
- (3) Urban Roads and Drainage Upgrading

5. Figure 1: Location of the components within the city and outside 1 below shows the location of the subcomponents.

6. This Resettlement Plan (RP) has been prepared to assess the extent of land acquisition and resettlement impacts that will occur due to the project, describe the measures to minimize the impacts and provide measures to mitigate the unavoidable impacts.

Figure 1: Location of the components within the city and outside



B. Description of the Component

1. Integrated Urban Development. Part A: River Bank Upgrading and Protection

7. There is currently no riverbank protection. Erosion during the wet season removes parts of the embankment and undercutting foundations of some houses in the town center area. Some individual areas to the south of town towards the border bridge are also prone to erosion and require protection.

8. **Description of Proposed Facility:** The riverbank is to be protected in two sections: one continuous length in the town center; and another from the end of this length to the border bridge. Several options have been considered for both sections.

9. For the town center section, the selected option is the construction of an embankment from the main river port downstream towards the edge of the main built up area, ending at the local Houayxay-Chiang Khong ferry terminal. The style of embankment the is being proposed is similar to that constructed just north of Houayxay at the Kings Roman casino in Tonpheung district, but to be finished with the type of interlocking paving with a central hole in each unit that can be planted, to provide a green appearance. A 2m wide footpath will run along the top of the embankment.

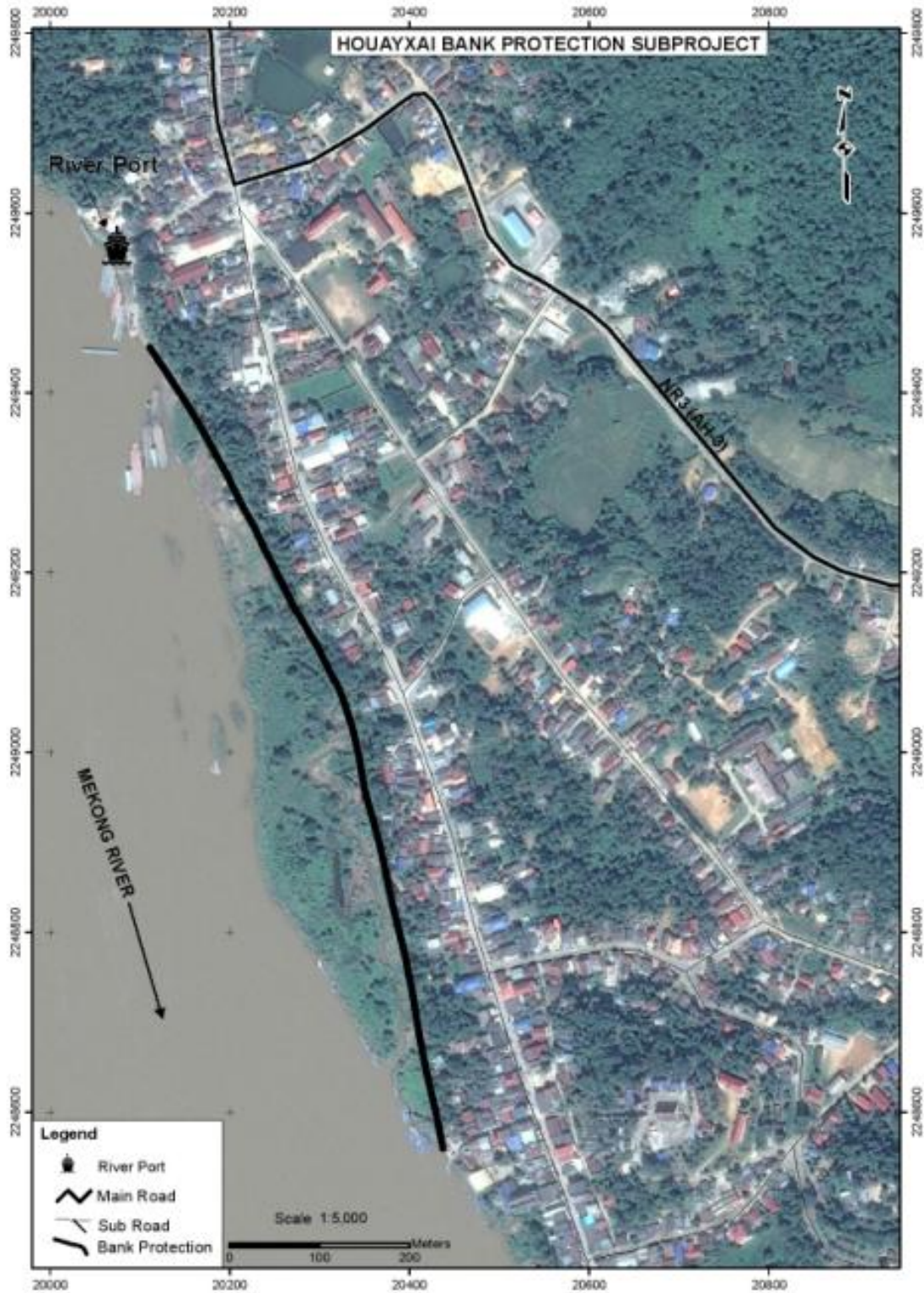
10. For the section from the new border bridge heading north to meet the southern end of the town riverbank section, the proposal is to have a more flexible “green” approach with short sections of riverbank protection provided where needed, but not along the full length of riverbank. These sections will particularly be needed at the southern end of town where there are buildings close to the river. The exact locations of these short sections are to be confirmed during final design, and an allowance for 500m total has been included in the budget for preliminary design.

11. The total length of embankment being proposed is a maximum of 1.5km, with a 1km section through the town and an allowance of 500m for shorter sections where required south of this town section.

12. Materials for forming the riverbank protection must be imported, and not sourced from the river for environmental reasons.

13. Figure 2 below shows the location of the bank protection/embankments. The riverbank construction will have some permanent resettlement impacts that will be explained in next chapter.

Figure 2: Houayxay Bank Protection Alignment



2. Integrated Urban Development. Part B: Riverside Road and walkway

14. It is expected that the land between the bridge and the existing urban area will be the focus for new urban development in the future. There is already evidence that this is occurring through ad hoc redevelopment projects, based around the existing road(s) which connect the two areas. This in turn is reflected in the master planning for Houayxay which proposes a combination of urban development and a new recreation park in the area and which will be served by a new urban road and riverside walkway routed parallel to the Mekong River.

15. The road/walkway is intended to be multi-functional and; (i) provide a direct road connection between Houayxay town and the cross border facilities; (ii) be the primary access route serving planned urban development and the new park; (iii) provide an attractive landscaped walking/cycling environment parallel to the Mekong River, which would be beneficial to local residents and visitors/tourists; and (iv) provide a physical context for river bank landscaping and protection works over time. There is no current riverside road except for a short section (2 lane sealed road) close to the existing main built up area of the town.

16. **Proposed Facility:** The Phase 1 proposal (which will link Ban Thinthad to Nong Than Ecological Park and Recreation Area) will be 2km long and will stretch as far as the parks eastern boundary. The proposed road, including the walkway, will be of 9m width. The road section will be paved with bitumen surface. The walkway will be paved in materials appropriate to its pedestrian and cycling uses. Both the road and walkway will include drainage, street lighting and hard/soft landscaping. It will incorporate the existing road into the route design.

17. The proposed road including the walkway will not require land acquisition and have no resettlement impacts.

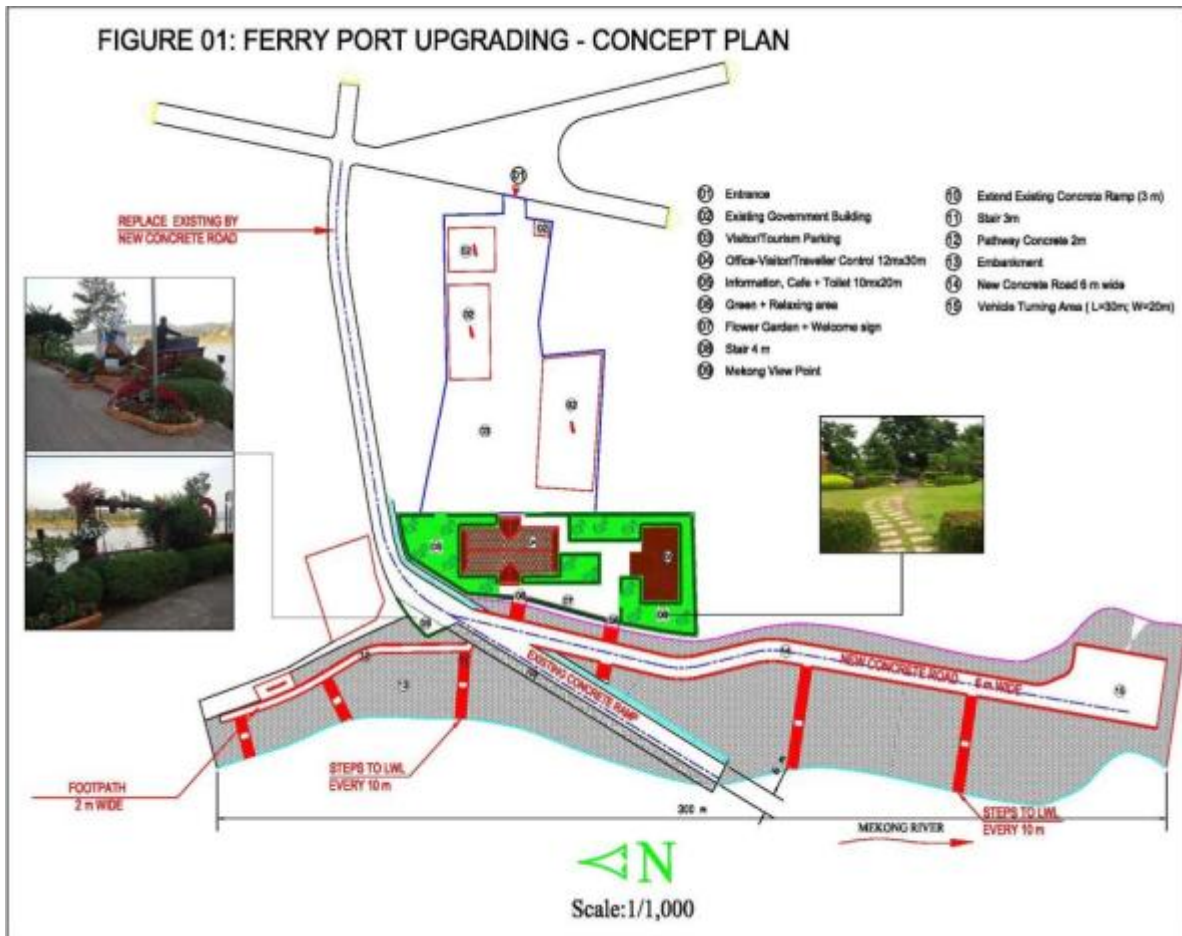
3. Integrated Urban Development Part C: River Port Rehabilitation

18. This is the port being used for tourist boat travel to Pakbeng and Luang Prabang, and local trade boats to cross to Chiang Khong, Thailand. There are also some larger commercial trade boats. Currently, more than 30 big boats and 25 speed boats per day use the port in addition to cross-border trade boats.

19. The current facility consists of a concrete ramp from the main street down to low water level, with limited parking at the top of the ramp. Vehicles often park at the side of the ramp which limits access. Boats dock at either side of the ramp and are accessed only by wooden planks across natural riverbank on the downstream side and a concrete bank on the upstream side. There is no turning space on the ramp. Access to ticket offices and port management office is by makeshift steps up the riverbank.

20. **Proposed facility:** It is proposed to separate tourist boats to Luang Prabang from the commercial boats, and provide concrete embankments both sides of the main access road. The current concrete port access road should be widened, extended to the south, and a parking area and turning area included. The end of the extended access road and surrounding area will be matched to the northern end of the riverbank protection under IUD part A. From the access road down to the river low water level, there will be a concrete embankment with wide steps down to the boats, and steps up to the main road behind the port (see figure 3 below).

Figure 3: Location of the river port rehabilitation component



21. The existing area of customs and ticketing buildings will be removed and a new building developed as a “One-Stop-Shop”
22. The implementation of this proposed facility will have limited resettlement impacts

4. Integrated Urban Development Part D: Lakeside Ecological Park and Recreation Area

23. The nature and scale of recreation in Huoayxay is significantly restricted, such that there are few opportunities for the local population and visitors to enjoy either active and/or passive recreation.
24. The following factors are relevant:
 - The area consists of an unusually natural and attractive landscape situated close to the main urban area of Huoayxay, which has the potential to accommodate a range of recreation uses.
 - The lakeside setting is considered to be ecologically valuable and worthy of conservation.
 - The quality of the landscape setting is deteriorating and contains a number of land uses, which are inappropriate, including sand and gravel storage and truck parking/storage. Over time additional land uses of this type will threaten the ecology landscape of the area.

- There is known stakeholder demand to use the area for recreation and community uses, including organic farming.
- There is a recognized deficiency in good hotel accommodation for tourists in Huoayxay.

Proposed facility:

25. Part A: The Park (4.5ha): The design and implementation of the ecological park, is centered on a natural lake and the ecology of the lake will be strengthened through additional edge planting. Areas surrounding the lake will retain an open grassland environment and in other parts there will be supplementary tree planting. The emphasis of the park will be on informal recreation, including a number of footpaths and a boardwalk around the lake. More formal recreation, including children's play and exercise facilities will be located close to the proposed riverside walkway (see Figure 4). It is proposed to include an eco-park center, which will include a café and provision for community uses (see Part B below). It is also proposed to allocate serviced land for a guesthouse/boutique hotel. Vehicle parking and service provision will be provided on government land immediately to the west of the eco-park area.

26. Part B: Community Provision and Participation: The Park will be designed to maximize its educational and community value. This will include a community based tree planting program centered on schools participation and other known community interests in organic farming, which will use the proposed eco park center. The park is sufficiently large to accommodate a plant nursery and a small organic crops garden. The experience of the adjoining ethnic minority's school in organic farming will be relevant.

27. Part C: Private Sector: The Park will provide serviced land for the development of a new guest house/boutique hotel to mainly serve international tourists, which will add to the vitality and sustainability of the eco park.

28. Part D: Public Sector and Community capacity building through a stronger management regime to ensure the sustainability of the ecological park and to ensure good and long-term participation by local communities and by schoolchildren.

29. The proposed Lakeside Ecological Park and Recreation Area will have some permanent resettlement impacts. Figure 4: below shows the location of the proposed ecological park.

Figure 4: View of the Proposed Ecological - Recreation Park



5. Solid Waste Management

30. Solid Waste Disposal: There is partial solid waste collection, which is taken to a dump site which is located within the Huoyxay urban area. The area was designed as a managed landfill in 2008 under a previous ADB project. Unfortunately a sustainable approach to solid waste management is no longer practiced and the site is an “uncontrolled dump”. In 2009 a large part of the site was leased to a Thai company who are recycling plastics and tyres to produce biodiesel oils. This company uses approximately half the original site area and further parts of the site, including site drains, the leachate ponds and septage treatment facilities were removed or damaged and/or are not accessible during the wet season. Only 2.4 ha of the original site remains for refuse disposal.

31. The Urban Development Administration Authority (UDAA) is responsible for collection and dumpsite management, but they are under-resourced and have limited experience of sustainable landfill management. Consequently there is inadequate equipment and resources to manage the solid waste, and no full time responsible person present on the site to coordinate placement of waste, collect fees and control waste pickers. There are around 40 families making a living as waste pickers and there are a series of temporary structures which support the work. However, the consultant team is informed that the waste pickers do not live at the site.

32. **Proposed Facility:** 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 Huoayxay.

33. Part 1 – Managed Landfill: 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. 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 waste sorting can continue to be carried out by waste pickers, but in a better managed environment. To this extent the managed land fill will be fenced, such that access is controlled. The existing waste which is currently scattered all over the site will be removed to a single cell, compacted in layers and covered with earth. The access road of 1.47 kms will be improved.

34. Part 2 – Solid Waste Collection: The subproject will include a public awareness campaign aimed at increasing the collection service area, and capacity building for the UDAA. The target will be to achieve near 100% collection rates from all 17 of the urban villages in Huoayxay

35. The proposed improvements on the current dumpsite do not imply to remove the existing temporary houses of the waste pickers. Thus waste sorting can continue to be carried out by waste pickers, but in a better-managed environment.

6. Urban Road and Drain Upgrading

Urban Road Drainage

36. Many existing urban roads outside of the town center are of compacted gravel and sand, while few have properly formed roadside drains. Some existing roads either have existing drains that are known to be inadequate, or have no drains at all.

37. **Proposed Facility:** There are two elements to this subcomponent - being improved urban roads with side drains and street lighting, and new drains on existing urban roads. From the PDWT preliminary assessment, there are 19 urban villages requiring road

upgrades totaling 15.25 km, of which 8 alignments, totaling 7.22 km, have been proposed under this component. A total of 7 new or upgraded drains are proposed for existing urban roads.

38. The improvements will be done within the right of way although one house will need to be relocated.

39. Wastewater collection. An unknown proportion of septic tanks are used in Houayxay. No other information is currently available. Most households have some kind of primary treatment, either a septic tank, or wet pit latrine (soakway). The effluent from these septic tanks or latrines flows to ten natural watercourses, either directly or indirectly, which deliver the wastewater to the Mekong.

40. **Proposed facility:** Rehabilitation of the 7 out of the 10 identified open combined wastewater/ storm water drains running to the Mekong, with associated culverts and wing walls for passing under main road. The province has already rehabilitated the remaining 3 drains.

41. A centralized treatment plant would require much pumping and is both technically inappropriate and expensive to operate. There is little or no space for aeration ponds nearby where the wastewater enters the Mekong, and these would produce bad smells in the middle of town and close to houses. There is little alternative for Houayxay with its topography and lack of open space.

42. It is proposed that the subproject include:

- Dredging and formation of open drain boundaries with stone masonry.
- Repair of culverts and wing wall structures under the main road as identified.

43. The implementation of these works will have no resettlement impact.

II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

A. Minimizing the resettlement impacts

44. The assessment is made based on 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

45. All along the PPTA process to identify an investment program, the PPTA team has made every effort to minimize the resettlement impacts. These measures have included:

- (i) Specific attention to the number of houses affected by the proposed investments and socioeconomic background of affected peoples: whenever possible, the layout and the design of the subcomponents have been adjusted to avoid the resettlement of houses and minimize private land acquisition;
- (ii) Specifications to design the width of the upgraded road similar to that of the existing road within the right of way;
- (iii) Instructions to phase the construction (lower terminal and then upper area) to minimize the period of time when the road must be closed; and
- (iv) Suggestions to local authorities to propose nearby alternative areas to allow continue businesses activities along the river (i.e. sand, gravel).

B. Land Acquisition and Resettlement Impacts

46. The PPTA consultants in cooperation with PIU undertook the first Inventory of Losses survey on 12 February 2015 to identify the area and affected households that will experience resettlement impacts from the facilities proposed in each component. A verification survey to update the IOL was carried out on 28-29 May 2015.

47. Among the components described above, River bank Upgrading, Riverport development, the Ecological Park and Urban Road and Drainage will cause resettlement impacts. Cumulatively, these components will affect a total of 45 households (244 APs) and one boat association due to the loss of 281,871msq of land, including 33,956msq residential land affecting to 12 AHs (75 APs); 234,210msq agricultural land affecting 25 AHs (141 APs); 13,558msq pond area affecting to 5 AHs (20 APs); and 4 plots of Government land with the area of 233msq. Three households will lose their houses, 2 of them will need to relocate, while the rest one will rebuild his house within their homestead area. Additionally, 7 AHs will be affected due to partial loss of their main structures (verandas and kitchen floor), 3 AHs will be affected by entire loss of their wooden shelter (for fish feeding), and 2 AHs which currently are occupying Government land will lose their small shops in the River Bank Upgrading sub-component The impact on land and structures will also cause adverse impact on 7 businesses, of which 2 are sand and stone shops in Ecological Park; 4 shops and 1 restaurant in River Bank Upgrading sub-components. The land acquisition will also affect to agricultural and aquacultural production in the Ecological Park sub-component. The full list of affected households is presented in Annex 3. Detail of loss of land of the Houayxay sub-project is presented in the following table.

Table II-1: Summary of loss of land by components in Houayxay

Component/Village	Residential land			Agricultural land			Pond area			Government land		Total			
	# AH	# AP	Affected area (msq)	# AH	# AP	Affected area (msq)	# AH	# AP	Affected area (msq)	# plot	Affected area (msq)	# AH	# AP	# Gov. plot of land	Affected area (msq)
Ecological park	3	12	33,131	25	141	234,210	5	20	13,558	-	-	33	173	-	280,899
Houayxay Neua	-	-	-	1	9	8,987	-	-	-	-	-	1	9	-	8,987
Houayxay Tai	1	4	20,880	2	9	42,300	-	-	-	-	-	3	13	-	63,180
Oudom	-	-	-	4	30	42,545	1	4	4,200	-	-	5	34	-	46,745
Pa Oi	2	8	12,251	17	89	131,848	4	16	9,358	-	-	23	113	-	153,457
Phibounthong	-	-	-	1	4	8,530	-	-	-	-	-	1	4	-	8,530
Riverbank	9	63	739	-	-	-	-	-	-	2	98	9	63	2	837
Khonkeo	2	13	48							2	98	2	13	2	146
Yai-Houayxay Neua	7	50	691							-	-	7	50	-	691
Urban Road Upgrading	1	4	86							-	-	1	4	-	86
Houay Xay Tai	1	4	86							-	-	1	4	-	86
Riverport Rehabilitation	-	-	-							1	49	-	-	1	49
Khonekeo										1	49			1	49
Total	12	75	33,870	25	141	234,210	5	20	13,558	4	233	42	236	4	281,871

1. Resettlement Impacts Due to the Ecological Park

a. Loss of Land.

48. The proposed ecological park development will require acquisition of 280,899msq of private land affecting a total of 33 households (173 APs). This includes a loss of 33,131msq of residential land affecting 3HH (12APs); 13,558 msq of pond area affecting 5HH (20APs), and the remaining 234,210 msq of agricultural land affecting 25 HH (141 APs). All the affected households possess ownership documents, therefore are entitled for compensation of loss of land. The following table presents detail of loss of land by village and type of land due to construction of the Ecological Park.

Village	Residential land			Agricultural land			Pond area			Total		
	# AH	# AP	Affected area (msq)	# AH	# AP	Affected area (msq)	# AH	# AP	Affected area (msq)	# AH	# AP	Affected area (msq)
Houayxay Neua	0	0	0	1	9	8,987.00	0	0	0	1	9	8,987
Houayxay Tai	1	4	20,880	2	9	42,300.00	0	0	0	3	13	63,180
Oudom	0	0	0	4	30	42,545.00	1	4	4,200	5	34	46,745
Pa Oi	2	8	12,251	17	89	131,848.00	4	16	9,358	23	113	153,457
Phibounthong	0	0	0	1	4	8,530.00	0	0	0	1	4	8,530
Total	3	12	33,131.00	25	141	234,210.00	5	20	13,558.00	33	173	280,899.00

b. Loss of Structures

49. Five households (19 APs) will be affected due to the loss of their structures. Two of them are concrete houses, and three of them are wooden shelters. All of these structures will be fully affected.

50. One concrete house with the area of 48msq will be rebuilt in the remaining plot area of the household, while the other concrete house with the area of 108msq will need to be relocated to a new area. During the time of updating the RP, the PIU will discuss with this affected household to either arrange a resettlement area or let the household to self-resettle.

51. The remaining three wooden shelters with a total area of 188msq are built to feed fish and therefore no relocation is required as the fishing operation will cease to exist after acquisition of the pond area.

52. All of the structures lost due to the project will be compensated as per the local regulation and in accordance with ADB SPS. Additionally, the AHs with houses fully affected will be provided with transportation allowance and 3 months rental for assistance.

Table II-2: Households affected by structures in Ecological Park sub-component

Name of Household Head - Affected Person	Village	# APs	Affected structure area (msq)	Type of structure
Houayxay Tai		4	48.00	
Mr. Khampheng Daothavyseng	Houayxay Tai	4	48	Concrete House, zink loof, single storey, rebuilt within the homestead area
Pa Oi		11	216.00	
Mr. Khampheng Fongsamouth	Pa Oi	4	54	Wooden shelter, fully affected
Ms. Thongchanh Phommahane	Pa Oi	4	54	Wooden shelter, fully affected
Mr. Bounchanh(Onh)	Pa Oi	3	108	Concrete House, single storey, removed
Oudom		4	80	
Mr. Inkham Keovongphet	Oudom	4	80	Wooden shelter, fully affected
TOTAL		19	344	

c. Loss of crops/vegetable

53. The project component will result in the loss of only 56,695msq of crop area, affecting 14 HHs in total. Of which, 27,670msq of rainfed rice cultivation, affecting 8 HHs; 27,795msq of corn affecting 5 HHs; 70msq with 18 cluster of banana, affecting 1 HH; and 1,160msq of vegetables affecting 2 HHs. All of these affected households will be provided with compensation of crops at replacement cost. The following table presents loss of crops of the affected households in detail.

Table II-3: Loss of crops in Ecological Park sub-component

Name of Household Head - Affected Person (Last, First, Middle)	Affected area /Village	Affected crops				
		Type of crops	Characteristic	Crop Area (msq)	Productivity (kg/msq)	Ann Yield in (kg)
Mr. Bounma Phetmalayseng	Pa Oi	Rice	Rainy season	2,305	4.0	9,220
Mr. Somxai	Pa Oi	Rice	Rainy season	2,782	4.0	11,128
Mr. Thavyphone	Pa Oi	Rice	Rainy season	2,536	4.0	10,144
Mr. Sonxay Sonepadith	Pa Oi	Rice	Rainy season	4,093	4.0	16,372
Mr. Amphone Ketmany	Pa Oi	Rice	Rainy season	3,544	4.0	14,176
Mr. Vilaysack Phetmalayseng	Pa Oi	Rice	Rainy Season	2,630	0.6	1,578
Mr. MaiDeng	Phibounthong	Rice	Rainy season	8,530	2.0	17,060
Ms. Chanda Pilakeo	Pa Oi	Corn	2 times/year	3,200	2.5	8,000
Mr. Houmphanh Vixay	Oudom	Vegetables	per msq	360		
Ms. Vea	Oudom	Corn	2 times/year	8,000	2.5	20,000
Mr. Khamsan Ahxaygnai	Pa Oi	Corn	2 times/year	105	2.5	263
		Banana	per cluster	70		-
		Rice	Rainy season	1,250	4.0	5,000
Mr. Chanpheng Yommalath	Pa Oi	Corn	Rainy season	9,600	1.0	9,600
Mr. Khamsing Konghaksoulinh	Pa Oi	corn	Rainy season	6,890	1.0	6,890
Mr. Khek	Pa Oi	Vegetables	per msq	800		
Total				56,695		

d. Loss of Trees

54. A total of 9 households (51 APs) will be affected by loss of 636 trees. These include 7 HHs (42APs) are affected by the loss of 611 teak trees; 1 HH (4 APs) affected due to the loss of 20 Padoo trees and another 1 HH (5 APs) due to the loss of 5 Jack fruit trees. Of the 9 affected households, 2 households (9 APs) belong to Kummou ethnic group, and 1 household (10 APs) belong to Phounoi ethnic group. All the households affected by the loss of trees will be entitled to compensation for affected trees as per the local regulation, at prevailing market price, and in accordance to ADB SPS.

e. Loss of Aquaculture

55. Among 5 AH have pond affected; only three households (12 APs) will experience the loss of aquaculture products due to construction of the sub-component. The total affected aquaculture production area is 7,900msq. These households are entitled for compensation of loss of aquaculture as per the local regulation, at prevailing market price, and in accordance to ADB SPS.

f. Loss of Businesses

56. The project component will affect 2 households (14APs) due to the loss of business incomes of selling sand and gravel storage. Of these, one business covers an area of 6,400msq, owned by an ethnic minority (Kunmou) household. The other household (9APs)

will be affected by the loss of business operated over an area of 8,987msq. The loss of businesses of these two households will cause severe impact on household incomes.

57. According to the discussion with the Department of Public Works and Transportation (DPWT), the activity of sand and gravel exploitation is under management of Division of Waterway, DPWT. This activity is licensed once a year. Therefore, DPWT is going to inform to households that from the year of 2016, the exploitation is not allowed in this area.

58. To mitigate the impacts for households with their business activity affected, DPWT and the province will provide a new area where the households continue their livelihood. This area is located in Dane village, Houayxay district, about 12 km to the south of the old area.

59. Among the 33 affected HHs, 9 HHs belong to Ethnic (Kummou and PhouNoi) and 4 HHs are classified as poor³ (3 of them are Ethnic).

2. Resettlement impacts for Riverbank Upgrading and Protection

a. Loss of Land

60. The proposed riverbank upgrading will affect a total of 837msq of land including 739 msq of private and 98 msq of government land affecting 11 HHs (67 APs). Of these 9 households will be affected due to the loss of their private residential land and 2 HH (4APs) occupying government land without permission of the authorities but having 2 structures as shops. All the 9 households affected due to the loss of their private land possess ownership certificates and are entitled for compensation of the loss of land. For the affected Government land, as there is river bank that the government has the right of way protected for the riverbank protection, therefore no compensation is required as agreed with the local authorities.

b. Loss of Structures

61. There will be 7 AHs (46 APs) affected by partial loss of structure on private land. These include a loss of 6 concrete verandas (200msq) and 1 concrete kitchen floor (9msq) over a total area of 209 msq. As the affected areas represent only about 3% of the total areas of structures, the remaining structures are considered viable for continued use. Relocation of affected houses will not be necessary. These affected structures are considered as partially affected. Apart from compensation of structures, these AHs will also be provided with repair allowance (at 10% of the compensation for affected structure) so that they are able to repair their remaining structures.

62. Additionally, there are and 2 AHs (4 APs) affected by loss of full structures on government land. These households are occupying the government land to set up 2 shops (6msq each) to sell stuffs for passengers who come across the river by boat. These AHs will be provided with compensation of structures, loss of business income, and transportation allowance to move to a new place.

63. All of the affected verandas, kitchen floor, and shops will be compensated as per the local regulation, at prevailing market price, and in accordance with ADB SPS. Detail of loss of structures is presented in the following table.

³ As per poverty line established by referring to the Decree 309 - Decree on Poverty and Development Criteria(2012-2015), PM 2013, the poverty line applied to urban area is Kip 240,000/person/month. This rate is close to the World Bank computation of daily income falling below \$ 1,25 per HH member equaling to Kip 250,000/member/month.

Table II-4: Loss of structure in Riverbank Upgrading sub-component

Village	Concrete verandas			Concrete kitchen floor			Wooden, zinc roof shop			Total		
	# AH	# AP	Affected area (msq)	# AH	# AP	Affected area (msq)	# AH	# AP	Affected area (msq)	# AH	# AP	Affected area (msq)
Khonkeo	2	13	48	-	-	-	2	4	12	4	17	60
Yai-Houayxay Neua	4	25	152	1	8	9	-	-	-	5	33	161
Total	6	38	200	1	8	9	2	4	12	9	50	221

c. Loss of Business

64. The loss of business will affect 5 households (31 APs) involved in small shop and restaurant business. Of these, there are 2 shops and 1 restaurant operating in the verandas of their house, and 2 shops are operating along the river bank, on the government land. These two shops are occupying government land without permission from the authority. They have small business to sell stuffs for passengers waiting to come across the river. The business is only in the dry season.

65. The DPWT will allocate new area for these 5 affected households to restart their business as appropriate. Details of the loss of business is presented in the table below.

Table II-5: Loss of business in Riverbank Upgrading sub-component

Village	# AH	# AP	Affected area (msq)	Type of land	Type of shop	Profit per month (K)
Khonkeo	4	17	60			
Khonkeo	1	5	16	Residential	Shop	500,000
Khonkeo	1	8	32	Residential	Restaurant	10,000,000
Khonkeo	1	2	6	Government land	Shop	700,000
Khonkeo	1	2	6	Government land	Shop	700,000
Yai-Houayxay Neua	1	14	40			
Yai-Houayxay Neua	1	14	40	Residential	Shop	4,000,000
TOTAL	5	31	100			

66. There is no loss of trees and crops due to this sub-component.

3. Resettlement impacts for the River Port Rehabilitation

67. For the river port rehabilitation, the boat association will be affected due to the loss of 49 msq of government land, without any structure or cultivation on the land affected. As agreed between the DPWT and the Provincial authorities, no compensation is required for the loss of land in this component. The Boat Association is under management of the Division of Waterway, DPWT. As confirmed by the DPWT, during this River port rehabilitation is under construction, the DPWT allocated other place nearby for the Association to work. The Boat Association confirmed the land acquisition will not cause any

significant impact to their operation and they agreed with the proposal of the DPWT of a new place nearby to work.

4. Resettlement impacts for the Urban Road Upgrading

68. The upgrading will affect one household (4 APs). The AH will lose one concrete house (30 msq) that is located within the right of way. The affected house can be reconstructed on the adjacent land (86 msq) owned by the household. There will be no impact on crops, trees, and business due to this component.

69. The AH is FHH and also is classified as poor. This AH will be entitled for compensation for its loss of house, and a other assistance in accordance with the policy specified in the RP.

C. Temporary Impacts

70. Based on the initial social assessment, and the public consultation with representatives of the affected households on 12th of February and on 29th of May 2015, the proposed subprojects will not have any potential loss of assets and/or livelihood. There will be temporary minor impacts such as noise and dust pollution during the construction phase and will be mitigated and addressed in the Environmental Management Plan.

D. Households Severely Affected in Houayxay subproject

71. AHs who (i) lose more than 10% of their productive income generating assets; or (ii) lose entire structures; or (iii) lose their business; or (iv) remaining productive land area are less than 250msq and not viable for agriculture/aquaculture production are considered severely affected.

72. Among 45 AHs of the whole subprojects, 23 AHs (125 APs) will lose more than 10% of productive land; 3 AHs (11 APs) will lose their entire houses; 7 AHs (45 APs) will lose their business; and 2 AHs (7 APs) will have remaining productive area smaller than 250msq, which is not viable for agriculture/aquaculture production in the future.

73. As a number of AHs will experience of more than one type of severe impact, to avoid double counting, in total there are 32 AHs (176 APs) will be severely affected due to construction of the subprojects in Houayxay.

Table II-6: Severely Affected Household in Houayxay

Component/Village	Lose of >10% productive land		Lose of entire house		Lose of business		Small remaining area		Total	
	# AH	# AP	# AH	# AP	# AH	# AP	# AH	# AP	# AH	# AP
Ecological park	23	125	2	7	2	14	2	7	26	141
Houayxay Neua	0	0	0	0	1	9	0	0	1	9
Houayxay Tai	2	9	1	4	0	0	0	0	3	13
Oudom	3	23	0	0	1	5	0	0	3	23
Pa Oi	17	89	1	3	0	0	2	7	18	92
Phibounthong	1	4	0	0	0	0	0	0	1	4
River Bank Upgrading	0	0	0	0	5	31	0	0	5	31
Khonkeo	0	0	0	0	4	17	0	0	4	17
Yai-Houayxay Neua	0	0	0	0	1	14	0	0	1	14
Urban Road Upgrading	0	0	1	4	0	0	0	0	1	4
Houay Xay Tai	0	0	1	4	0	0	0	0	1	4
TOTAL	23	125	3	11	7	45	2	7	32	176

E. Vulnerable Households affected in Houayxay subproject

74. Three types of affected households are considered as vulnerable in the project, including (i) ethnic minority; (ii) poor; and (iii) female headed households.

75. In the affected areas, only two ethnic groups are considered ethnic minority, which are Kummou and Phou Noi. The Leu and Taidam are in Lao Loum Group and therefore are not considered ethnic minority.

76. There are 9 ethnic minority HHs (51 APs), all of them are in the Ecological Park sub-component, Additionally, there are 5 households who have average income per person is lower than the poverty line as regulated by the Government⁴, and 5 households with women are headed.

77. Among these households, there are 3 households which are both ethnic minority and poor (in the Ecological Park sub-component); and 1 household which is both poor and headed by female. Therefore, in total there are 15 households which are considered vulnerable in the Houayxay. The breakdown of vulnerable households by each component and criteria is presented below:

⁴ The poverty line is defined as 240,000 Kip/person/month according to the Decree 309: Decree on Poverty and Development Criteria(2012-2015), PM 2013

Table II-7: Vulnerable affected households in Houayxay

Component/Village	Ethnic Minority		Poor		FHH		Total	
	# AH	# AP	# AH	# AP	# AH	# AP	# AH	# AP
Ecological Park	9	51	4	19	2	14	12	68
Houayxay Tai	2	9	0	0	0	0	2	9
Oudom	2	12	1	7	1	8	3	20
Pa Oi	5	30	3	12	1	6	7	39
Phibounthong	0	0	0	0	0	0	0	0
River Bank Upgrading	0	0	0	0	2	13	2	13
Khonkeo	0	0	0	0	2	13	2	13
Urban Road Upgrading	0	0	1	4	1	4	1	4
Houayxay Tai	0	0	1	4	1	4	1	4
Total	9	51	5	23	5	31	15	85

78. The severely affected and vulnerable AHs will get assistance, over and above their entitlements for compensation for lost assets, in accordance with the provisions specified in the entitlements matrix and following the Decree 309, Poverty Identify for Community and Household (Annex 9).

79. The subproject surveys carried by the project preparatory technical assistance (PPTA) team together with government agencies indicate category B for involuntary resettlement, according to ADB's Safeguard Policy Statement 2009.

III. SOCIO-ECONOMIC INFORMATION

A. Social Impacts

80. The proposed subproject has the following positive potential impacts, such as:
- (i) Improvement in the environmental conditions of the city dwellers through better drainage, better management of solid waste, protection of river erosion; and
 - (ii) Improvement of the socio-economic conditions in general through better facilities to
 - increase tourism in Houayxai Town and District;
 - modernize port access for loading the production from to the market place; and
 - improved environment for recreation facilities.

B. Profile of 45 affected households

81. To assess the socio-economic profile of the people living in the town, more specifically the households that will be affected (45 AHs), a socio-economic survey was conducted on 28-29 May, 2015 using a questionnaire covering every household that will be affected. The subjects covered during the survey focused on living conditions and socio-economic situation. (Annex 11)

1. General Characteristics of the AHs

82. The following table provides the general information and some disaggregated details about the members of the HH . It reveals that 44 HHs owned the land and the average family size is 5.3. There are no disabled members among the affected households. The main religion of all the households is Buddhism. The data shows that 5 HHs belongs to poor category and only 9 HHs belong to ethnic minority population. Among the male and female respondents they are literate for 96 and 95% respectively.

83. Head of the affected households. Among 45 AHs, only 5 are headed by female. These households are considered vulnerable and will be provided with additional assistance before the construction implemented. Most of them are in working age (91%), literate (96%), and none of them are disabled.

84. Spouse of the head of AHs. As mentioned above, only 5 affected households are headed by female. Among the spouses of the head of AHs, only 1 male was found. Therefore special care should be given to women, such as LURC in the case of land-for-land will be provided to both husband and wife of the family, or participation of mass organizations and community organizations to represent the interest of women.

85. **Family:** The average household size of the AHs is 5.3, with the composition of 55% are male and 45% are female. Most of the affected people are quite young, with only 5% are over 65.

86. **Ethnicity:** The total AHs is 45 comprising 9 AHs from the ethnic minority (8 from Kummour and 1 from Pho noi). These 2 ethnic minorities are well integrated in the Lao mainstream population. The EM AHs are mostly involved in business and working as employees are not differentially affected. They speak Lao language and participate in all social activities.

87. **Language.** Most of affected people speak Lao, while 8 households can speak the other languages.

88. **Religion:** The common religion of the affected households is Buddhism with 80% of the affected households.

89. **Economic status:** among 45 affected households, only 5 are poor (in accordance with the Decree 309, the poverty line is 240,000 Kip/person/month). These households will be given additional assistance for vulnerable households as presented in the Section E – Vulnerable Household.

Table III-1: General characteristics of the Affected Households

Head of the HH		Nos	Total	%
Sex	Male	40	45	89
	Female	5		11
Age	Up to 65	41	45	91
	Older than 65	4		9
Literate	Yes	43	45	96
	No	2		4
Disabled	Yes	0	45	0
	No	45		100
Owner of land	Yes	44	45	98
	No	1		2
Occupation	Own activities / self-employed	24	53	45
	Working for others	26		49
	Not working	3		6
Widowed	Yes	5	45	11
	No	40		89
Spouse of the head of the HH				
Sex	Male	1	39	3
	Female	38		97
Age	Up to 65	38	39	97
	Older than 65	1		3
Literate	Yes	36	38	95
	No	2		5
Disabled	Yes	0	39	0
	No	39		100
Owner of land	Yes	38	39	97
	No	1		3
Occupation	Own activities / self-employed	34	47	72
	Working for others	11		23
	Not working	2		4
Family				
Residency in village		30	years on average	
Family Size	Family members	239	Average 5.3	
	Male members	132	240	55
	Female members	108		45
Number per Age	<18	51	243	21
	18-30	75		31
	31-45	53		22

	46-65	51		21
	>65	13		5
Ethnicity	Lao Loam	36	45	80
	Others	9		20
Language	Lao	44	52	85
	Others	8		15
Religion	Buddhism	37	46	80
	Others	9		20
Status	Wealthy / Rich	0	45	0
	Middle / Average	40		89
	Poor / Not enough / Limited	5		11

2. Education level of the APs by gender

90. In general the level of education of the affected households is quite high. The table below reveals that the level of education is secondary school level and above for more than 65% of the female APs and more than 70% for the male APs. Notably, up to 32% of female AP and 43% of male AP have college/university degree. Only 4% of female AP and 2% of male AP do not have formal education.

Table III-2: Education level by gender

Male/female	Education level	Nos	Total APs	%
Females per school grade	Not attending school age	13	117	11
	Primary School	23		20
	Secondary - Lower School	14		12
	Secondary - Higher School	25		21
	College / University	37		32
	No formal education	5		4
Males per school grade	Not attending school age	12	113	11
	Primary School	18		16
	Secondary - Lower School			
	Secondary - Higher School	32		28
	College / University	49		43
	No formal education	2		2

3. Monthly Incomes level

The analysis of the household's income reveals that most of the affected households are rather well-off. Among 45 AHs, only 3 households have the average monthly income below the poverty line (KIP1,272,000/HH/month, with the average family size is 5.3). Distribution of household incomes is shown in Table III-3.

4. Source of income by gender

91. The AH members are involved in various activities to generate their income. The table below reveals that majority of the AHs are involved agriculture activity and income source followed by manual labor and salary/wages.

92. The main source of incomes generated by women comes from salary/wages followed by business activities as shown in the table III-4 below.

Table III-3: Income range among the AHs

Income Range	Nos	Income Category	With deficits	With Savings
Below KIP 1,272,000	3	At or Below poverty level	1	1
KIP 1,000,000 – 31,999,999	15	Low-Middle		15
KIP 2,000,000 – 2,999,999				6
KIP 3,000,000 – 3,999,999				6
KIP 4,000,000 – 54,999,999	6	Middle		69
KIP 5,000,000 – 5,999,999				0
KIP 6,000,000 – 96,999,999	9	High		92
KIP 7,000,000 – 7,999,999				2
KIP 8,000,000 – 8,999,999				1
KIP 9,000,000 – 9,999,999				1
KIP 10,000,000 & above	12	High and above		12
Total			1	12

Table III-4 Source of income by gender

Household's Source of Income		Total Amounts	Averages	No Cases	% of HHs performing this income activity, related ranking
Activity	HH member	KIP	KIP		
Agriculture	Head	6,000,000	6,000,000	1	76
	Spouse	10,000,000	10,000,000	1	
	Son/Daughter own or in-law	-	-	0	
	All	52,750,000	1,818,966	29	
Livestock	Head	-	-	0	36
	Spouse	-	-	0	
	Son/Daughter own or in-law	-	-	0	
	All	22,940,000	1,433,750	16	
Fishery	Head	-	-	0	24
	Spouse	-	-	1	
	Son/Daughter own or in-law	-	-	9	
	All	20,000,000	6,666,667	3	
Manual Labor	Head	21,850,000	5,462,500	4	51
	Spouse	9,600,000	4,800,000	2	

	Son/Daughter own or in-law	-	-	0	
	All	68,200,000	6,200,000	11	
Business / Trade	Head	396,000,000	396,000,000	1	38
	Spouse	90,400,000	30,133,333	3	
	Son/Daughter own or in-law	3,600,000	450,000	8	
	All	16,235,800,000	2,319,400,000	7	
Salary / Wage	Head	274,800,000	34,350,000	8	51
	Spouse	173,200,000	-	0	
	Son/Daughter own or in-law	222,600,000	27,825,000	8	
	All	561,000,000	80,142,857	7	
Services	Head	7,500,000	-	0	20
	Spouse	-	-	0	
	Son/Daughter own or in-law	12,000,000	1,500,000	8	
	All	50,000,000	50,000,000	1	
Estimated Incomes	Year	18,336,640,000	Average yearly	407,480,889	
	Month	1,528,053,333	Average monthly	33,956,741	

5. Occupation of the APs versus Ethnicity

93. The analysis of the APs occupation versus ethnicity reveals that among the EM APs the occupation “manual labor” is the highest whereas the majority of the Lao APs are involved in business activities followed by salary/wages.

Table III-5 Occupation of the APs by Ethnicity

Occupation of APs	Lao	EM	Total
Agriculture	4	2	6
Livestock	4	1	5
Fishery	3	0	3
Manual Labor	7	5	12
Business/Trade	17	2	19
Salary/Wage	15	3	18
Pension	2	1	3
Services	3	0	3
Total	55	14	69

6. Access to Social and Public Services

94. Practically all the AHs have electricity connections. They are living in the core villages in the town so they easily access to public facilities like water supply, roads, hospitals, schools and markets. They all using fire wood for cooking and have water seal pour flush toilet.

7. Impacts of Involuntary Resettlement on Women

95. The 5 female HH represent undisputedly play significant roles in sustaining their families by being actively involved in various occupations. But, given the result of land

acquisition in the subproject area, none of them will be physically or economically displaced. There will no differential impacts on female headed households due to the loss of assets. However, among the 5 FHH, one FHH (4 APs) will be given compensation to relocate their living house in their own adjacent area to free the right of way and like the others will be assisted with allowances to restore their livelihoods.

Table III-6: Component and impacts on FHHs

Components	Households		Female Headed HH	
	AHs	APs	FHH	%
River Bank Upgrading and Protection	11	67	2	18
Riverside road and walkway	0	0	0	0
River port Rehabilitation	0	0	0	0
Ecological Park and Recreation area	33	173	2	6
Solid Waste Management				
Urban Roads and Drainage Upgrading	1	4	1	100
Waste water collection	0	0	0	0
All Total	45	244	5	

IV. PUBLIC CONSULTATION AND DISCLOSURE

A. During project preparation phase

96. In cooperation with MPW&T officials, a first Stakeholders meeting was defined with the participation of public, private and civil society representatives. The MPW&T 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.

97. In November 2014 a first trip in the province occurred to visit the potential components and one participatory workshop was organized. The main objectives were:

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

98. On 12th of February 2015, and on 29th of May public consultation took place in the component areas with the villagers, affected persons and local officials. During this consultation meeting in the recreation park, the stakeholders present (list of attendees and summary in Annex 4) in the meeting have expressed negative and positive views about the subproject as follows:

99. Negative Feedbacks:

- Most impacted stakeholders requested to get adequate compensation for the impacted property they owned within the project area.
- Some impacted landowners worried about the possibilities of getting proper land as replacement for what they will lose as a result of the project.
- Some worried about losing some of their family generation livelihoods incomes when the year-round vegetable cropping will be converted into park.
- For some stakeholders, this land provided their families with everything especially a perfect land for cropping, thus they worried about getting suitable land replacement.
- The issues about the ownership with proper document need to be established during the survey to avoid complication during the payment

100. Positive Feedbacks:

- There were positive opinions expressed about the improvements proposed; most stakeholders encouraged to start the proposed subproject as soon as possible.
- The landowners to be affected were willing to give their land for the benefit of the public good if they are appropriately compensated. .
- Overall, most of the participants were pleased with the proposed subproject and will participate in the implementation.

101. Summary of discussion/consultation on 29/5/15 at Governor office:

- Head of Khonekeo village, Mr. Bounchanh Xayavong: On behalf of representative of people in Houayxay district and Khonekeo village, I am very happy to see the government have been trying hard to get this project happen in Houayxay. We have been waiting for this project happen very long time ago, and would like it construct in Houayxay as soon as possible.

- Head of Paoay Village: On behalf of Paoay village, in general I am agreed with the project and am very happy to see this project develop Nongthan pond, concerning to the private land of the villagers in Nongthane village, how to get assistance from the government in compensation?
- Villager in Paoay: Mr. Khamlang Thagnain, I personally agreed what is project planning and developing. I would like to know the project boundary and the impact area
- The PIU had explained and show the map and project area also explained the villages area expect to be affected.
- Mr. Phoungoun Phommaha, PCU had present and clarify the tentative time frame of project will be implemented in HX and LNT . And requested for advises from the district governor to avoided and minimize the impact that expect to have as much as possible.

102. Details of public consultation are in Annex 4.

103. During the initial consultation meetings, limited number of affected persons were present to share their views. The second consultation meeting was better attended. 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 exchange more information and publicize to a wider number of people.

B. During project detailed design phase

104. Further consultation with the APs will be carried out prior to, and during, the detailed design stage so that their needs and preferences can be further incorporated into the design arrangements. APs will participate in the various RP processes, including:

- Detailed Measurement Survey (DMS);
- Replacement Cost Study (RCS); (shown in annex)
- Discussion and settlement of grievances.

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

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

106. 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. Houayxay'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 (for draft PIB see annex 10) will be updated and disclosed to the affected people. 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 MPW's project website, to be managed by the PCU, and ADB website.

107. Updating and dissemination of the resettlement plan is integral to the project's Stakeholder Communication Strategy, as detailed on the Project Administration Manual. The key activities in the strategy that are designed to support review, updating and dissemination of the RP include:

- (i) Establishment of, 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.

V. LEGAL FRAMEWORK

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

A. Government Laws, Decrees, and Guidelines

109. 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).

110. 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 land is owned by the national community and the State ensures the rights to use, transfer, and inherit it in accordance with the law.

111. 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).

112. 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 right 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.

113. 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..

114. 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

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

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

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

prepared to identify strategies to address gender concerns and the involvement of women in the design, implementation and monitoring of the project.

118. ADB's Policy on Indigenous Peoples (SPS 2009) states that the borrower/client will ensure (i) that affected Indigenous Peoples receive culturally appropriate social and economic benefits; and (ii) that when potential adverse impacts on Indigenous Peoples are identified, these will be avoided to the maximum extent possible. Where this avoidance is proven to be impossible, based on meaningful consultation with indigenous communities, the Indigenous Peoples Plan⁵ will outline measures to minimize, mitigate, and compensate for the adverse impacts.

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

120. 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

121. The recent changes in legislation related to compensation and resettlement in development represents a significant improvement in the rights of citizens when their livelihoods, possessions and society are affected by development projects. The Decree, similar to ADB's Safeguard Policy 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. 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.

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

123. 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.

124. 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.

⁵ 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.

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

Table V-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

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

To carry out meaningful consultations with affected persons, host communities, and concerned nongovernment/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.

- (i) 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.

127. 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.

128. 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.

129. 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.

130. 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.

131. 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.

132. 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.

133. If required, 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.

134. 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.

135. 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.

136. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.

137. 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.

138. 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.

139. 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.

140. Specific methods will be adopted to:

- ensure collection and analysis of data disaggregated by sex and ethnicity;
- encourage the participation of women, ethnic groups and other vulnerable groups;
- provide appropriate rehabilitation measures for vulnerable APs as required.

VI. GRIEVANCE REDRESS MECHANISM

141. 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

142. The main objectives of the grievance procedure are:

- (i) To provide a mechanism to ensure that the compensation and resettlement programs have been implemented accurately and fairly, alleviating any adverse effects on APs;
- (ii) To mediate conflicts and to avoid lengthy litigation that is unfair to APs and can delay the project; and
- (iii) 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.

143. All APs have the right to appeal any aspect of the 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

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

145. **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;

146. 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;

147. **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;

148. **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;

149. **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 and the budget includes 2% of the project cost to cover administrative expenses.

150. The Bokeo governor decision No. 042/GO dated 14 January 2015 stated the establishment of Grievance Committee for compensation and resettlement for 2nd Greater Mekong Sub-Region Corridors Towns Development Project.

151. It includes the following articles:

- Art. 1: Establishment of Compensation and Resettlement Steering Committee for 2nd Greater Mekong Sub-Region Corridors Towns Development Project.
- Art. 2: This Grievance Committee has the following mandates:
 - Coordinate with concerned authorities at the provincial district and village levels to settle project related resettlement impacts, develop the budget and implement compensation schemes
 - 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.

152. 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.

153. 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.

VII. ENTITLEMENTS, ASSISTANCE AND BENEFITS

154. 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.”

155. The rate for the land to be acquired and the price of crops/trees/aquaculture products, structures have been initially assessed from the public consultation considered as market price and this follow the policy for calculating the due compensation in consultation with the provincial authorities. A committee (Compensation and Resettlement Steering Committee, see annex 6 on grievance) has been formed on 14 January 2015 at the province level to review the prices applicable and will issue an updated list of assets with the replacement value. (See annex 7 on replacement value).

156. In this project, the cut of 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.

157. 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.

158. The Matrix of entitlements below describes the entitlements for the project.

Table VII-1 Matrix of entitlements

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
A. Land			
Residential Land	Owners with legal title (Legal users are those with recognized land use rights such as registered title, land certificate, survey certificate, tax receipts and including unregistered users as per Land Law) 12 AHs (75 APs)	Cash compensation at the replacement cost value according to agreed rate (annex 7) With remaining land sufficient to rebuild affected houses/structures of similar size: (i) Cash compensation for the affected portion at replacement cost which is equivalent to the prevailing market value of land of similar type and category, and free from transaction costs (taxes, administration fees); and (ii) Project contractor to improve remaining residential land at no cost to APs (e.g. filling and leveling) so APs can move back on remaining plot. Without remaining land sufficient to rebuild houses/structures: Replacement land equal in area, same type and category and acceptable to the AH, without charge for taxes, registration and land transfer OR cash compensation at replacement cost which is equivalent to the prevailing market value of land of similar type and category, free from transaction costs (taxes, administration fees) plus assistance to purchase and register land.	Voluntary donation of land will not be allowed by the project. If land-for-land is offered, title or LURC should be registered to both husband and wife
Agricultural land	Owners with legal title (Legal users are those with recognized land use rights such as registered title, land certificate, survey certificate, tax receipts and including unregistered users as per Land Law) 25 AHs (141 APs)	Cash compensation at the replacement cost value according to agreed rate (annex 7)	Voluntary donation of land will not be allowed by the project. If land-for-land is offered, title or LURC should be registered to both husband and wife
Pond area	Owners with legal title (Legal users are those with recognized land use rights such as registered title, land certificate, survey certificate, tax receipts and including unregistered users as per Land Law) 5 AHs (20 APs)	Cash compensation at the replacement cost value according to agreed rate (annex 7)	Voluntary donation of land will not be allowed by the project.

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
B. Loss of Trees	<p>Owner of trees (Legal users are those with recognized land use rights such as registered title, land certificate, survey certificate, tax receipts and including unregistered users as per Land Law)</p> <p>9 AHs (636 trees)</p>	<p>For perennial trees/ cash compensation at replacement cost equivalent to current market value based on type, age, and productive capacity as per rate agreed by the grievance resettlement committee</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. (Annex 7)</p>	<p>APs have the right to use salvageable trees.</p> <p>Compensation will be based on the volume of recovery at current market value of timber trees.</p> <p>AHs to be given advance notice of any tree removal.</p>
C. Loss of crops	<p>Legal users are those with recognized land use rights such as registered title, land certificate, survey certificate, tax receipts and including unregistered users as per Land Law</p> <p>14 AHs</p>	<p>Cash compensation payable on the basis of the area, number of crop/harvest per year and yield based on the category of land and assess as per Grievance resettlement committee.</p>	<p>APs have the right to harvest salvageable crops</p> <p>Compensation will be based on the assessment at the market price</p> <p>AHs to be given advance notice of agricultural land acquisition</p>
D. Loss of aquaculture products	<p>Legal users are those with recognized land use rights such as registered title, land certificate, survey certificate, tax receipts and including unregistered users as per Land Law</p> <p>3 AHs (14 APs)</p>	<p>Cash compensation payable on the basis of the area, annual yield based on the category of land or pond and assess as per Grievance resettlement committee.</p>	<p>APs will be given advance notice that the fishponds on which their products are located will be recovered and that they must harvest their produce on time.</p> <p>APs will receive cash compensation at replacement cost for any unharvested produce that are near or ready to harvest at the time of land acquisition</p>
E. Structures			
Fully affected structures	<p>Owners regardless of tenure status, fully affected</p> <p>8 AHs (27 APs)</p>	<p>Cash compensation at replacement cost for the affected portion equivalent to prevailing market prices of (i) materials, with no deduction for depreciation of the structure or salvageable materials; (ii) materials transport; and (iii) labor cost to cover cost for dismantling, transfer and rebuild. Includes right to salvage material from structure</p> <p>Provision of all taxes, registration costs, and other fees incurred for</p>	<p>The amount of moving allowance will be determined during resettlement plan preparation</p>

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
		replacement structure. Rental allowance will be provided to the HHs with houses rebuilt or removed. Transport allowance will be provided to all HH relocating structures	
Partially affected structures	Owners regardless of tenure status, partially affected 7 AHs (46 APs)	Cash compensation at replacement cost for the affected portion equivalent to prevailing market prices of (i) materials, with no deduction for depreciation of the structure or salvageable materials; (ii) materials transport; and (iii) labor cost to cover cost for dismantling, transfer and rebuild. Includes right to salvage material from structure. Provision of all taxes, registration costs, and other fees incurred for replacement structure. For partially affected main structures where the remaining structures remain viable for continued use, a repair allowance of 10% of the compensation amount will be provided.	
F. Business	Owners regardless of tenure status 7 AHs (46 APs)	Loss of income /profit for 2 months Decree 192: 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.	The amount of income loss will be further determined during resettlement plan preparation
G. Assistance / Income restoration			
Assistance for severely affected Household	Household losing more than 10% of their productive land, or lose entire of the house, or lose business, or have small remaining area not sufficient for agri/aqua production 32 AHs (176 APs)	Allowance of 1 month wages (50,000/day)/AH The contractors will make all reasonable efforts to employ the severely APs for construction Decree 192: All APs severely affected by the project due to loss of 10% or more of productive income generating assets (loss of agricultural, industrial or commercial land), means of livelihood, employment or business and access to community resources 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.	Allowance will be reviewed based on the factors of vulnerability that will be assessed during updating RP
Special assistance to	Vulnerable households 15 AHs (85 APs)	Provision to restore their living conditions, livelihoods and income levels according to Decree 192	Special assistance will be adjusted through

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
vulnerable HH		Allowance of 1 month wages (50,000/day)/AH	consultation with the household during RP updating
Repair allowance	Repair of structures partially affected on remaining land 7 AHs (46 APs)	Provision of repair allowance equivalent to 10% of the compensation amount.	The allowance rate to be reviewed during RP updating
Rental Allowance	All AHs who will reconstruct house on remaining land 3 AHs (11 APs)	Provision of rental allowance during reconstruction of houses for 3 months at the rate of 750.000 kip/household/month	The rental rate to be reviewed during RP updating
Transportation Allowance	All HHs with houses and shops/restaurant fully affected 7 AHs (38 APs)	Provision for transport of materials to new location or cash assistance of 500,000 Kip/HH	The amount (cost of labor and distance from relocation site) to be validated during RP updating)
Unanticipated impacts / assistance	AP identified with Unanticipated impacts during updating RP	The unanticipated impacts identified during the DMS will be addressed in accordance with the policy specified in the RP	Will assist / compensate to the extent of the loss in agreement with provincial regulations

VIII. INCOME RESTORATION MEASURES

159. The compensation for affected persons due to land losses structures productive farming, businesses losses and relocation will ensure that they do not experience losses as a result of the subproject. The compensation must cover all the losses and provide adequate support / allowance to restore their livelihoods. During consultations affected persons will be given guidance on business planning to encourage them to save their compensation to re-invest in their business following the subproject improvements such as new jobs opening following the implementation of the improvement made for the recreation park.

160. Opportunities to be given to work according to ability and capacity of the vulnerable APs during the construction period such as driver, labor and/or opportunity in employment with the UDAA when the project is in operation and benefit from Agricultural training programme. During the updating of the RP and carrying out the public consultation and DMS, the assessment of suitable activities and trainings for the vulnerable and severely APs will be conducted at the District and Province level as required.

161. The following measures especially for the severely affected persons for the implementation of the ecological and recreation park will be taken to ensure restoration of income and rehabilitation of livelihoods:

- Offer of unskilled employment to affected persons of working age to offset losses during the construction phase;
- Provide training to affected persons in business planning and marketing under the project's capacity development activities.
- Some groups may be less able to restore their living conditions, livelihoods and income levels; and therefore, at greater risk of impoverishment when assets are affected. A transition allowance of one month of daily wages for one person is allocated for severely affected households.
- Out of 45 AHs, 8 HHs out of the 9 ethnic minority (Kummou, PhouNoi,) households are severely affected due to loss of productive land (more than 10%) for the establishment of the recreation park. The continued information and disclosure activities will ensure that non-Lao speakers have access to interpreters to understand all the related project information from within their community or arrange interpretation services if needed.

IX. RESETTLEMENT COSTS

162. The direct cost for land acquisition, structures and compensation of crop loss and allowances is KIP 3,306,017,000 (USD 413,252.10). The total cost of resettlement is KIP 3,828,899,000 (USD 478,612.40) including implementation cost and contingency.

163. The budget for resettlement is provided in Table IX-1 below. Breakdown and computation of compensation cost is presented below:

A. Resettlement Cost of Land

Table IX-1: Resettlement Cost of Residential Land

Component/Village	Residential land				
	# AH	# AP	Affected area (msq)	Unit price (K)	Amount (K)
Ecological park	3	12	33,131		99,393,000
Houayxay Neua	-	-	-	3,000	-
Houayxay Tai	1	4	20,880	3,000	62,640,000
Oudom	-	-	-	3,000	-
Pa Oi	2	8	12,251	3,000	36,753,000
Phibounthong	-	-	-	3,000	-
Riverbank	9	63	739		2,217,000
Khonkeo	2	13	48	3,000	144,000
Yai-Houayxay Neua	7	50	691	3,000	2,073,000
Urban Road Upgrading	-	-	-		
Houay Xay Tai			-		
Riverport Rehabilitation	-	-	-		
Khonekeo					
Total	12	75	33,870		101,610,000

Table IX-2: Resettlement Cost of Agricultural Land

Village	Agricultural land				
	# AH	# AP	Affected area (msq)	Compensation rate (KIP)	Amount (KIP)
Ecological park					
Houayxay Neua	1	9	8,987	3,000	26,961,000
Houayxay Tai	2	9	42,300	3,000	126,900,000
Oudom	4	30	42,545		72,065,000
<i>Hereditary paddy land, paddy land in use</i>	3	20	14,760	3,000	44,280,000
<i>Undeveloped land</i>	1	10	27,785	1,000	27,785,000
Pa Oi	17	89	131,848		367,400,000
<i>Agri land, land for tree growing</i>	2	16	56,288	2,500	140,720,000
<i>Hereditary paddy land, paddy land in use</i>	15	73	75,560	3,000	226,680,000
Phibounthong	1	4	8,530	3,000	25,590,000
Total	25	141	234,210		618,916,000

Table IX-3: Resettlement Cost of Pond Area

Village	Pond area				
	# AH	# AP	Affected area (msq)	Compensation rate (KIP)	Amount (KIP)
Ecological park					
Houayxay Neua					
Houayxay Tai					
Oudom	1	4	4,200		12,600,000
<i>Excavated manually and with machine</i>					
<i>Excavated manually</i>	1	4	4,200	3,000	12,600,000
Pa Oi	4	16	9,358		42,590,000
<i>Excavated manually and with machine</i>	3	11	7,258	5,000	36,290,000
<i>Excavated manually</i>	1	5	2,100	3,000	6,300,000
Phibounthong					
Total	5	20	13,558		55,190,000

B. Resettlement Cost of Structures

Table IX-4: Resettlement Cost of Structures

Component/Village	AH	AP	Area	Unit price	Amount (K)
Ecological park	5	19	344		214,020,000
Houayxay Neua					
Houayxay Tai	1	4	48	1,200,000	57,600,000
Oudom	1	4	80	315,000	25,200,000
Pa Oi	3	11	216		131,220,000
<i>Wooden shelters</i>	2	8	108	315,000	34,020,000
<i>Concrete house</i>	1	3	108	900,000	97,200,000
Phibounthong					
Riverbank	9	50	221		22,940,000
Khonkeo	4	17	60		6,840,000
<i>Concrete verandas</i>	2	13	48	100,000	4,800,000
<i>Wooden, zinc roof shops</i>	2	4	12	170,000	2,040,000
Yai-Houayxay Neua	5	33	161		16100000
<i>Concrete verandas</i>	4	25	152	100,000	15,200,000
<i>Concrete kitchen floor</i>	1	8	9	100,000	900,000
Urban Road Upgrading	1	4	30		25,200,000
Houayxay Tai	1	4	30	840,000	25,200,000
Riverport Rehabilitation					
Khonekeo	0	0	-		-
Total	15	73	595		262,160,000

C. Compensation for Loss of Business

Table IX-5: Compensation for loss of business

Component/ Village	Name of HH's head	AH	AP	Area	Profit/month	# month allowance	Amount (K)
Ecological park		2	15	54,047	700,000,000		1,400,000,000
Houayxay Neua	Mr. Chanpheng Keophoxay	1	5	6,400	200,000,000	2	400,000,000
Houayxay Tai	Mr. Vandy Keodouangdy						
Oudom		1	10	47647	500,000,000	2	1,000,000,000
Pa Oi							
Phibounthong							
Riverbank		5	31	100	15,900,000		31,800,000
Khonkeo		4	17	60	11,900,000		23,800,000
	<i>Ms. Thongvanh</i>	1	5	16	500,000	2	1,000,000
	<i>Ms. Bounmy</i>	1	8	32	10,000,000	2	20,000,000
	<i>Mr. Xiengla</i>	1	2	6	700,000	2	1,400,000
	<i>Mr. Khampei</i>	1	2	6	700,000	2	1,400,000
Yai-Houayxay Neua	Mr. Aloun Sakpasueth	1	14	40	4,000,000	2	8,000,000
Urban Road Upgrading		0	0	-			-
Houayxay Tai							
Riverport Rehabilitation							
Khonekeo		0	0	-			-
Total		7	46	54,147			1,431,800,000

D. Compensation for Loss of Crops (only in Ecological Park Sub-component)

Table IX-6: Compensation for Loss of Rice

Village	Rice				
	# AH	Crop area (msq)	Annual yield (kg)	Unit cost (K)	Amount (K)
Oudom					
Pa Oi	7	19,140	67,618	2,000	135,236,000
Phibounthong	1	8,530	17,060	2,000	34,120,000
Total	8	27,670	84,678		169,356,000

Table IX-7: Compensation for Loss of Corn

Village	Corn				
	# AH	Crop area (msq)	Annual yield (kg)	Unit cost (K)	Amount (K)
Oudom	1	8,000	20,000	486	9,720,000
Pa Oi	4	19,795	24,753	486	12,029,715
Phibounthong					
Total	5	27,795	44,753		21,749,715

Table IX-8: Compensation for Loss of Banana

Village	Banana				
	# AH	Crop area (msq)	# cluster	Unit cost (K)	Amount (K)
Oudom					
Pa Oi	1	70	18	20,000	360,000
Phibounthong					
Total	1	70	18		360,000

Table IX-9: Compensation for Loss of Vegetables

Village	Vegetable			
	# AH	Crop area (msq)	Unit cost (K)	Amount (K)
Oudom	1	360	1,000	360,000
Pa Oi	1	800	1,000	800,000
Phibounthong				
Total	2	1,160		1,160,000

E. Compensation of Trees

Table IX-10: Compensation for Loss of Teak

Village	Teak				
	# AH	Area (msq)	# Trees	Compensation rate (KIP)	Amount (KIP)
Houayxay Neua	1	8,987.00	80	900,000	72,000,000
Houayxay Tai	1	1,600.00	18	900,000	16,200,000
Oudom					
Pa Oi	5	35541	513	900,000	461,700,000
Total	7	46,128.00	611		549,900,000

Table IX-11: Compensation for Loss of Padoo

Village	Padoo				
	# AH	Area (msq)	# Trees	Compensation rate (KIP)	Amount (KIP)
Houayxay Neua					
Houayxay Tai					
Oudom	1	4,200	20	900,000	18,000,000
Pa Oi					
Total	1	4,200	20		18,000,000

Table IX-12: Compensation for Loss of Jackfruit

Village	Jack fruit				
	# AH	Area (msq)	# Trees	Compensation rate (KIP)	Amount (KIP)
Houayxay Neua	-	-	-	-	-
Houayxay Tai	-	-	-	-	-
Oudom	-	-	-	-	-
Pa Oi	1	7,200	5	35,000	175,000
Total	1	7,200	5		175,000

F. Compensation for Loss of Aquaculture Products

Name of HH's head	Village	# AP	Aquaculture area (msq)	Unit price	Amount (KIP)
Mr. Khampheng Fongsamouth	Pa Oi	4	2,100	2,000	4,200,000
Ms. Thongchanh Phommahane	Pa Oi	4	1,600	2,000	3,200,000
Mr. Inkham Keovongphet	Oudom	4	4,200	2,000	8,400,000
Total		12	7,900		15,800,000

G. Assistances and Allowances

1. Assistance for Severely Affected Households

164. In total, there are 32 AHs are considered severely affected households, each of them will be given an amount of KIP 1,000,000 as assistance. The total assistance for severely affected households is KIP 32,000,000.

2. Assistance for Vulnerable Households

165. In total there are 15 vulnerable households, an assistance for these households is set at KIP1,000,000 per household, which results the total assistance for vulnerable household is KIP15,000,000.

3. Repair Allowance

Name of head of HH	Component/Village	AP	Compensation amount	Type of impact	10% repair allowance
River bank		50	22,940,000		2,294,000
Mr. Bounthan	Yai-Houayxay Neua	3	400,000	Verandas, partially affected	40,000
Mr. Thidkhon	Yai-Houayxay Neua	5	8,100,000	Verandas, partially affected	810,000
Mr. Thongsouk	Yai-Houayxay Neua	3	2,700,000	Verandas, partially affected	270,000
Mr. Aloun Sakpasueth	Yai-Houayxay Neua	14	4,000,000	Verandas, partially affected	400,000
Mr. Khamsing	Yai-Houayxay Neua	8	900,000	Kitchen, partially affected	90,000
Ms. Thongvanh	Khonkeo	5	1,600,000	Verandas, partially affected	160,000
Ms. Bounmy	Khonkeo	8	3,200,000	Verandas, partially affected	320,000

4. Transportation Allowance

166. 3 houses and 5 shops will be provided with transportation allowance at the rate of KIP 500,000/HH. The total transportation allowance therefore is KIP 4,000,000.

5. Rental Allowance

167. Rental allowance will be provided to 3 households with houses fully affected. The allowance equals to 3 months of rental fee at the estimated cost of KIP750,000/household/month. The total allowance for these 3 households is KIP6,750,000.

168. Applicable compensation rates will be reviewed and verified during the RP updating and following RCS and consultations with the provincial authorities. The Government will cover all land acquisition and compensation costs including legal and administrative costs incurred by the APs during the grievance process.

Table IX-13: Estimated Direct Cost ('000KIP)

Component/Village	Loss of land	Loss of structures	Loss of business	Loss of crops	Loss of trees	Loss of aquaculture	Assistance for severely affected HH	Assistance for Vulnerable HH	Repair Allowance	Transportation Allowance	Rental Allowance	Total ('000 KIP)
Ecological Park	773,499	214,020	1,400,000	192,626	568,075	15,800	26,000	12,000	-	1,000	4,500	3,207,520
Houayxay Neua	26,961	-	400,000	-	72,000	-	1,000	-	-	-	-	499,961
Houayxay Tai	189,540	57,600	-	-	16,200	-	3,000	2,000	-	500	2,250	271,090
Oudom	84,665	25,200	1,000,000	10,080	18,000	8,400	3,000	3,000	-	-	-	1,152,345
Pa Oi	446,743	131,220	-	148,426	461,875	7,400	18,000	7,000	-	500	2,250	1,223,414
Phibounthong	25,590	-	-	34,120	-	-	1,000	-	-	-	-	60,710
River bank	2,217	22,940	31,800	-	-	-	5,000	2,000	2,090	2,500	-	68,547
Khonkeo	144	6,840	23,800	-	-	-	4,000	2,000	480	2,000	-	39,264
Yai-Houayxay Neua	2,073	16,100	8,000	-	-	-	1,000	-	1,610	500	-	29,283
Urban Road Upgrading	-	25,200	-	-	-	-	1,000	1,000	-	500	2,250	29,950
Houay Xay Tai	-	25,200	-	-	-	-	1,000	1,000	-	500	2,250	29,950
Riverport Rehabilitation	-	-	-	-	-	-	-	-	-	-	-	-
Khonekeo	-	-	-	-	-	-	-	-	-	-	-	-
A - Total Direct Cost	775,716	262,160	1,431,800	192,626	568,075	15,800	32,000	15,000	2,090	4,000	6,750	3,306,017

Direct

Cost

in

USD

413,252.10

Table IX-14: Grand Estimated Cost

Cost item	Unit	Rate ('000KIP)	Quantity	Amount ('000 KIP)
A - Total Direct Cost				3,306,017
Detail Measurement Survey	LS			2,000
Community consultations	Event	2,000	3	6,000
Capacity building for RP implementation	LS			1,500
Monitoring (3% of A)				99,181
Administrative costs (2% of A)				66,120
B - Total Implementation Cost				3,480,818
C - Contingency (10% of B)				348,082
D - Grand Total Resettlement Cost (B+C)				3,828,899

Total Resettlement in USD 478,612.40 at an exchange rate of 1 USD = 8,000 KIP

X. INSTITUTIONAL ARRANGEMENTS

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

A. Ministry of Public Works

170. MPW 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 by international and national consultants (Annex 8).

B. Departments of Public Works

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

C. Project Coordination Unit

172. The PCU consisting of representatives of various ministries and departments of the town together with the safeguard coordinator will appoint one international (intermittent 2mm) and one national consultants (6 mm) (Annex 8) and will have the following responsibilities:

- Assist the MPWT in the dissemination of information on the resettlement plan/updated resettlement plan;
- Coordinates with the Houayxay 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 Houayxay 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)

173. 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 PIU.

174. The Province Resettlement Committee (PRC) will undertake critical roles, including:

- Undertaking consultation meetings with APs;
- Establishing compensation rates (replacement value costs) for affected assets;
- Reviewing and confirming the final DMS data;
- Undertaking the final agreement with APs on compensation;
- Managing funds disbursed from the Provincial Department of Finance for disbursement to APs;
- Monitoring and reporting of all RP activities; and
- Acting as grievance officers.

175. The PRCs will be supported by the District (DRC) and Village Resettlement Committees (VRCs) who will assist in all local activities.

176. The District 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 (if any).

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

- Ensuring that due diligence in implementing the Resettlement Plans (RPs) to be carried out for all subprojects;
- In accordance with 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
- 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 safeguard policies, participation and communication and grievance procedures; and

178. Train DPW/PCU assigned social safeguard focal persons to carry out internal monitoring and reporting of social safeguards plans.

XI. UPDATING AND IMPLEMENTATION OF THE RESETTLEMENT PLAN

A. Updating

179. 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 DPW 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; and
- 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 below in Table XI-1

Table XI-1: Surveys for Resettlement Plan Updating

<p>Detailed Measurement Survey (DMS)</p>	<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, 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; (v) Quantity of other losses, e.g., business or other income, jobs or other productive assets; estimated daily net income from informal shops; (vi) Quantity/area of affected common property, community or public assets, by type; (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.
<p>Socioeconomic Survey</p>	<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 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
<p>Replacement Cost Survey (RCS)</p>	<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

180. Land acquisition, compensation and relocation (if necessary) of APs cannot commence until the RP has been reviewed and agreed on by 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.

XII. MONITORING AND REPORTING

181. 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.

182. These monitoring objectives will be addressed through internal monitoring by the PCU in MPW at central level and the PIUs in DPWs 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.

183. 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.

184. Primary responsibility for internal monitoring lies with MPW as the project-executing agency. MPW will be responsible for overseeing the formation, function, and activities of the implementing agencies. The DPW 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 DPW will be made public and posted on MPW website.

185. The indicators that will be monitored regularly will include any of the following, if applicable, as set out in below table:

Table XII-1: Monitoring and Evaluation Indicators

Type	Indicator	Examples
Indicator Inputs	Staffing and . Equipment	<ul style="list-style-type: none"> • Number of PRC and DRC members and job function Trainings undertaken <ul style="list-style-type: none"> • Construction Contractor meeting local employment targets for unskilled labor
Process Indicators	Consultation, .Participation, and Grievance Resolution	<ul style="list-style-type: none"> • Distribution of PIB to all APs • Summary RP available in all districts • Number of local focal points established • Number of consultations (meetings/individual) undertaken as scheduled in the RP and stakeholder communication plan • Grievances by type and resolution • Number of local-based organizations participating in project
	Acquisition of Land	Area of agriculture land acquired

Output Indicators	Buildings	Number, type and size of private houses/structures acquired
	Trees and crops	<ul style="list-style-type: none"> • Number and type of private trees acquired • Number and type of government/community trees acquired
	Compensation and rehabilitation	<ul style="list-style-type: none"> • Number of households affected (land, buildings, trees, crops) • Number of owners compensated by type of loss • Amount compensated by type and owner • Number and amount of payment paid • Compensation payments made on time • Compensation payments according to agreed rates • Number of structures demolished or partially dismantled • Number of replacement structures built by APs on the same plot • Number of replacement structures built by at other location • Number of temporary replacement businesses constructed by APs • Number of owners requesting additional assistance

XIII. IMPLEMENTATION SCHEDULE

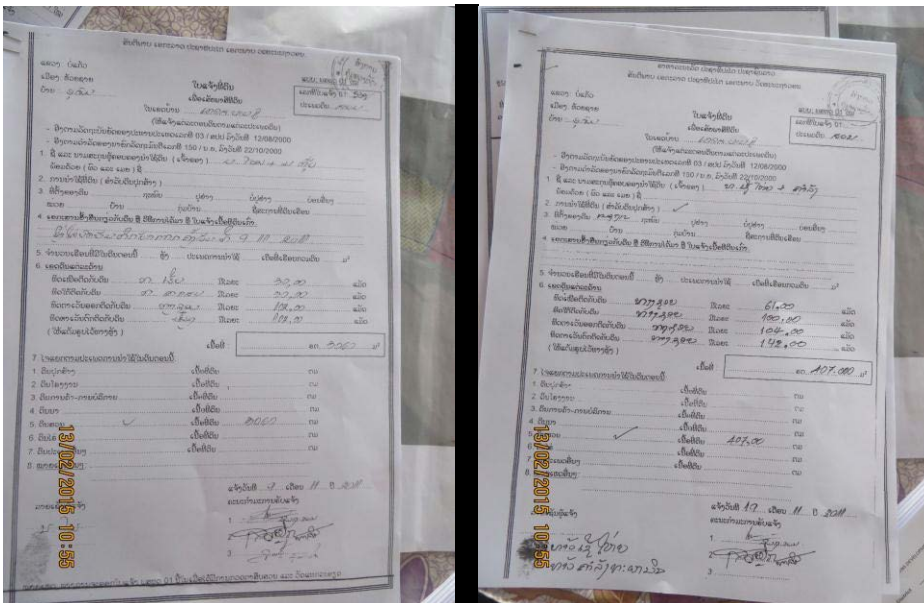
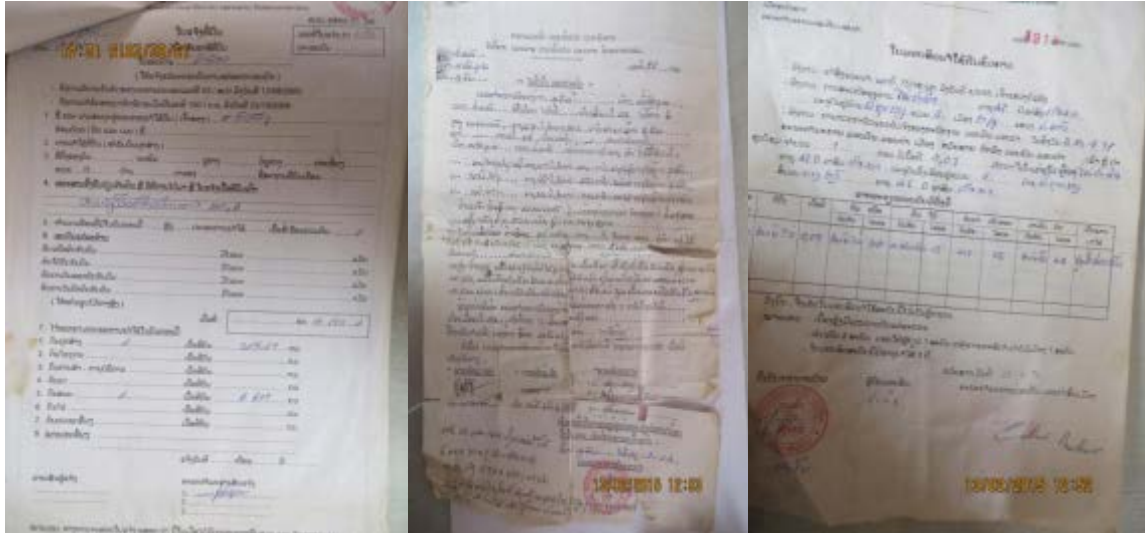
186. The tentative implementation schedule for following resettlement activities is shown in Table XIII-1 below.

Table XIII-1: Implementation Schedule


Main Activities	Tentative timing
RP Preparation	Feb April 2015
ADB Approval of Draft RP	Jul 2015
Disclosure of approved RP	3 rd quarter 2015
Public Consultations and DMS	3 rd quarter 2015
Contracting Resettlement specialist	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 Resettlement Plan	3 rd and 4 th quarter 2015
Implementation of the approved updated RP (payment of compensation)	1 st quarter 2016
Internal Monitoring (Submission of Quarterly Progress Reports)	Start 1 st quarter 2016 continuous
Resettlement Completion verification & handing over cleared land	End of 1 st quarter 2016
Start of Civil Works*	2 nd quarter 2016

ANNEXES

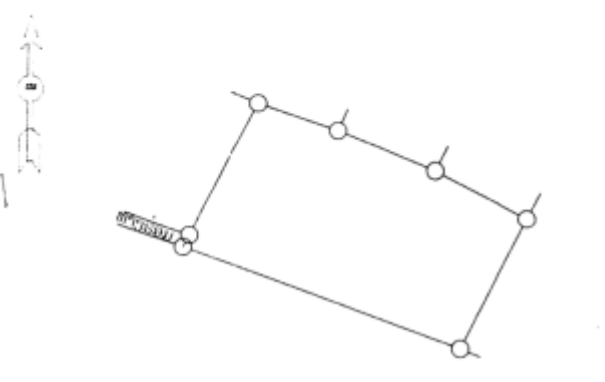
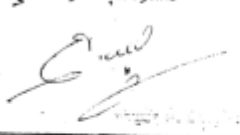

ANNEX 1 - The land certificate in the Recreation Park



Example of Land Title



ສາທາລະນະລັດ ປະຊາທິປະໄຕ ປະຊາຊົນລາວ
ສັນຕິພາບ ເອກະລາດ ປະຊາທິປະໄຕ ເອກະພາບ ວັດທະນະຖາວອນ

ອົງການຊື້ເຊື້ອສິນສ່ວງຊາດ ອົງການຊື້ເຊື້ອສິນສ່ວງປະທານ ລາທີ: 1004-00027 ສະຖານທີ່: 1	<p>ໃບຕາດິນ ບຸກຄົນ, ບິຕິບຸກຄົນ</p>	ວເລີກ: <input type="checkbox"/> 046 02104 046 D196 ແຂວງ: ບໍ່ແກ້ວ ເມືອງ: ຫວຍຊາຍ ບ້ານ: ປາອອຍ ທ້ວຍ: 11
ອອກໃຫ້ແກ່: ທ່ານ ສິກ ດາອາລິມ @ 12.251 m ² 056 ວັນເດືອນປີເກີດ: 15/12/1963 ສັນຊາດ: ລາວ ອາຊີບ: ພະນັກງານ ຊື່ບໍລິສັດ: ບໍ່ມີ		
ວັນເດືອນປີເກີດບໍລິສັດ: _____ ສັນຊາດ: _____ ອາຊີບ: _____ ທີ່ຢູ່ປັດຈຸບັນ: ບ. ປາອອຍ ຫວຍ 11 ມ. ຫວຍຊາຍ ຂ. ບໍ່ແກ້ວ ຊື່ບໍລິສັດ: ທ່ານ ສິກ ດາອາລິມ @ 12.251 m ² 056 ຊື່ແມ່: ມ. ສຸດທາ ຊື່ບໍລິສັດ: _____		
ການໄດ້ມາຂອງສິດນໍາໃຊ້ທີ່ດິນ: ມອບໂອນ ຕາມເປັນເຈົ້າຂອງສິດນໍາໃຊ້ທີ່ດິນ: ສິບເດີມ ບາດເທກທີ່ດິນ: ຄົນສອນ ເລກ: ສຸດອຍ ຄົວເມືອງ ປຶ້ມບາດເທກທີ່ດິນຊື່ມູນທີ່: 04 ໃບທີ: 046 ແຜນທີ່ຕາດິນເລກທີ: C 650-238/06 ຕອບດິນເລກທີ: 01 ເນື້ອທີ່ຂອງດິນ: 12.251 ຫມ. ຕາມັດ ມາດຕາສ່ວນ: 1/500		
<p>ແຜນທີ່ຕອນດິນ</p> 		
ອອກໃຫ້: ແຂວງ ບໍ່ແກ້ວ ວັນທີ: 23 ທ້ວຍ: 04 ປີ: 2010 ຫົວໜ້າອົງການຊື້ເຊື້ອສິນສ່ວງຊາດ ຫົວໜ້າອົງການທີ່ດິນ  		

ANNEX 2 - IOL List of Affected Households

Second GMS Corridor Towns Development Project

ADB PPTA TA: 8425

REG

Subproject

name: Houayxay Subproject

Item	Component	No	Name	Village	Spouse name	Family status (Rich, Medium, Poor)		Ethnic	No of family member
						MHH	FHH		
I	Urban Road Upgrading	1	Ms. Ae	Houayxay Tai	Mr. Toui		1,P	Lao	4
II	River Bank Upgrading and Protection								67
		2	Mr. Xiengla	Khonkeo	Ms. Mone	1,M		Lao	2
		3	Mr. Khampei	Khonkeo	Ms. Bouakham	1,M		Lao	2
		4	Mr. Channuan	Yai-Houayxay Neua	Ms. Synuan	1,M		Lao	9
		5	Mr. Bounthan	Yai-Houayxay Neua	Ms. Lay	1,M		Lao	3
		6	Mr. Thidkhon	Yai-Houayxay Neua	Ms. One	1,M		Lao	5
		7	Mr. Thongsouk	Yai-Houayxay Neua	Ms. Bouakeo	1,M		Lao	3
		8	Mr. Aloun Nothai	Yai-Houayxay Neua	Ms. Somphone	1,M		Lao	8
		9	Mr. Aloun Sakpasueth	Yai-Houayxay Neua	Ms. So	1,M		Lao	14
		10	Mr. Khamsing	Yai-Houayxay Neua	Ms. Bounmee	1,M		Lao	8
		11	Ms. Thongvanh	Khonkeo			1,M	Lao	5
		12	Ms. Bounmy	Khonkeo			1,M	Lao	8
III	River port Rehabilitation		Boat Association	Khonekeo	Mr. Khamsing			Lao	
IV	Recreation park								173
		13	Mr. Khampheng Daothavyseng	Houayxay Tai	Mrs. Viengkham	1M		Lao	4
		14	Mr. Bounma Phetmalayseng,	Pa Oi	Mrs. Pheng Phetmalayseng	1M		Lao	5
		15	Mr. Somxai	Pa Oi	Mrs. Tan	1,M		Leu	3
		16	Mr. Thavyphone ,	Pa Oi	Ms. Phaivanh Thongsavath	1,M		Lao	4
		17	Mr. Sonxay Sonepadith	Pa Oi	Mr. Vilayphone	1,M		Leu	3
		18	Mr. Amphone Ketmany	Pa Oi	Mrs. Sonmany Ketmany	1,M		Lao	2
		19	Mr. Sonxay Phetmalayseng	Pa Oi		1,M		Lao	3
		20	Mr. Vilaysack Phetmalayseng	Pa Oi	Mrs. Phitsamay	1,M		Lao	4

		21	Mr. Thamma Inkhamfong	Pa Oi	Mrs. Viengsing	1,M		Lao	6
		22	Mr. Somphone	Pa Oi	Ms. Champa	1,M		Lao	10
		23	Mr. Chanpheng Keophoxay	Oudom	Ms. Chansouk	1,M		Kummou	5
		24	Mr. Vandy Keodouangdy	Houayxay Neua	Mrs. Somchith	1,M		Lao	9
	severely Affected	25	Mr. Anousack + Boualoy	Pa Oi	Mrs. Boualoy	1,M		Lao	5
		26	Mr. Khamphouang Thongsaba	Oudom	Mrs. Bounhieng	1,M		Lao	10
		27	Mr. Inkham Keovongphet	Oudom	Mrs. Nilamith	1,M		Lao	4
		28	Mr. MaiDeng	Phibounthong	Mrs. Yord	1,M		Leu	4
		29	Mr. Khampheng Fongsamouth	Pa Oi		1,M		Lao	4
		30	Mr. Houmpheng Inthachack	Pa Oi		1,M		Lao	5
		31	Ms. Thongchanh Phommahane	Pa Oi		1,M		Lao	4
		32	Mr. Souliyong, Lao State Fuel Company	Pa Oi		1,M		Lao	6
		33	Ms. Chanda Pilakeo	Pa Oi			1,M	Lao	6
		34	Mr. Phathana (Noh)	Pa Oi	Mrs. Thip Sibouavong	1,M		Lao	6
		35	Dr. Thongtheng Bounsy	Pa Oi	Mrs. Souphavanh	1,M		Lao	4
		36	Ms. Champa Chiamvilaysing	Houayxay Tai	Mrs. Hong	1,M		Kummou	4
	Ethnic, Poor	37	Mr. Houmphanh Vixay	Oudom	Mrs. Keth Viengsy	1,P		Kummou	7
		38	Ms. Vea	Oudom			1,M	Taidam	8
		39	Mr. Khamlang Thayanin	Houayxay Tai	Ms. Bouaphanh	1,M		Kummou	5
		40	Mr. Khamsan Ahxaygnai	Pa Oi	Mrs. Mouth	1,M		PhouNoi	10
		41	Mr. Chanpheng Yommalath	Pa Oi	Mrs. Tan	1,M		Kummou	6
	Poor	42	Mr. Bounchanh(Onh)	Pa Oi		0	1,P	Lao	3
		43	Mr. Thansy Sysomhak	Pa Oi		0	1,M	Kummou	5
	Ethnic, Poor	44	Mr. Khamsing Konghaksoulinh	Pa Oi	Mrs. Kep	1,P		Kummou	5
	Ethnic, Poor	45	Mr. Khek	PaOi	Mrs. Chanh	1,P		Kummou	4
									244

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

187. There are 29 AHs (148 APs) are loss more than 10% of their Productive land, so they are considered to be severely affected by Eco park recreation.

188. There are 9 AHs (51 APs)s Ethnic (Kummou and Phoinoi).

189. There are 5 FHHs, (31 APs).

190. There are 2 AHs (9 APs) are poor, income is lower than poverty line. 1 HH is Kummou Ethnic (5 APs) and the other is Lao and FHH (4 APs).

ANNEX 3 - Public consultation on 12/2/15 and 29/05/15

Discussion and list of attendees

ADB TA 8425 - Lao PDR
SECOND MEKONG SUBREGION CORRIDOR TOWNS DEVELOPMENT PROJECT

LIST OF ATTENDEES

Meeting subject: HX - Borko

Date: 12/2/15

Venue: Province and District Consolidation WS

No.	Name	Agency	Contact info. (Cell phone/Email)
1.	Mr. Phantavong	LCG	5601003
2.	Mr. N. N. N. N. N.	W. N. N. N. N.	22225886
3.	Mr. N. N. N. N. N.	DD-PCU	2226278 W. N. N.
4.	Mr. N. N. N. N. N.	W. N. N. N. N.	22387613
5.	Mr. N. N. N. N. N.	W. N. N. N. N.	5584929
6.	Mr. N. N. N. N. N.	W. N. N. N. N.	22380606
7.	Mr. N. N. N. N. N.	W. N. N. N. N.	35197285
8.	Mr. N. N. N. N. N.	W. N. N. N. N.	55535832
9.	Mr. N. N. N. N. N.	W. N. N. N. N.	2889279
10.	Mr. N. N. N. N. N.	W. N. N. N. N.	2283219
11.	Mr. N. N. N. N. N.	W. N. N. N. N.	1922-3289
12.	Mr. N. N. N. N. N.	W. N. N. N. N.	22380113
13.	Mr. N. N. N. N. N.	LCG	9888-5476
14.	Mr. N. N. N. N. N.	W. N. N. N. N.	2288488
15.	Mr. N. N. N. N. N.	W. N. N. N. N.	5583052
16.	Mr. N. N. N. N. N.	W. N. N. N. N.	98091999
17.	Mr. N. N. N. N. N.	UDAP/PIU	2234279
18.	Mr. N. N. N. N. N.	LCG	9888-5476
19.			
20.			
21.			
22.			

ຕາຕະລາງລາຍຊື່ຜູ້ເຂົ້າຮ່ວມປະຊຸມ ໃນວັນທີ 29ພຶດສະພາ 2015

ຫົວຂໍ້ກອງປະຊຸມ: ປຶກສາຫາລື ກ່ຽວກັບ ການເອກະຊົນທີ່ ຕົວ ການ ບົດບັນຍັດ ຈັດ
 ເລບບາຍ ຂອງ ທີ່ ການ ພັດທະນາ ການ ສົ່ງເສີມ ທີ່ວັດ ຊາຍ
 ທີ່: ທ້ອງຟ້າ ສູນກາງ ວັດ ພັດທະນາ ທີ່ວັດ ຊາຍ ພັດທະນາ ຊາຍ 29/5/15

ຊື່ ແລະ ນາມສະກຸນ	ມາຈາກພາກສ່ວນ	ເບີໂທຕິດຕໍ່	ລາຍເຊັນ
ນ. ເພັດສິດ ຈິດທະວົງ	ຊື່ (ໜຶ່ງ) Resettlement specialist	22237799	Handwritten signature
ທ. ສິດສິດ ສິດສິດ	ທ/ພ ປ/ຸ	22384566	Handwritten signature
ທ. ບຸນສິດ ສິດສິດ	ຊື່ (ໜຶ່ງ) ພັດທະນາ	23919111	Handwritten signature
ທ. ພິມພິມ ຈິດທະວົງ	ຊື່ (ໜຶ່ງ) ທີ່ວັດ ຊາຍ ພັດທະນາ	55684729	Handwritten signature
ທ. ສິດສິດ ສິດສິດ	ທ/ພ ການ ສົ່ງເສີມ ທີ່ວັດ ຊາຍ	99991166	Handwritten signature
ທ. ທະວີ ພອນ ວິໄລສິດ	ອພພອ	22380213	Handwritten signature
ທ. ສິດສິດ ສິດສິດ		55185555	Handwritten signature
ທ. ສິດສິດ ສິດສິດ	ທ. ທະວີ ພອນ ວິໄລສິດ	56585343	Handwritten signature
ທ. ສິດສິດ ສິດສິດ	ທ. ທະວີ ພອນ ວິໄລສິດ	55784177	Handwritten signature
ທ. ສິດສິດ ສິດສິດ	ທ. ທະວີ ພອນ ວິໄລສິດ	55783562	Handwritten signature
ທ. ສິດສິດ ສິດສິດ	ທ. ທະວີ ພອນ ວິໄລສິດ	22991188	Handwritten signature
ທ. ສິດສິດ ສິດສິດ	ທ. ທະວີ ພອນ ວິໄລສິດ		
ທ. ສິດສິດ ສິດສິດ	ທ. ທະວີ ພອນ ວິໄລສິດ		
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36	ທ. ພິມພິມ ຈິດທະວົງ	ທ/ພ ການ ສົ່ງເສີມ ທີ່ວັດ ຊາຍ	55684729	Handwritten signature
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Public Consultation Meeting for Houayxay Subproject on 29 May 2014

The meeting was chaired by Vice District governor of Houayxay with participation of Grievance Redress Committee, Head of the core villages and affected people from the villages about 35 people. The meeting following were raised:

The PIU is Welcome guests and inform objective of the meeting.

The Chairman has opening speech and announced the participation of the villagers especially affected people in the core villages to cooperate with the government in implementing this urban development project especially in Houayxay town to be a new challenges and a nice town. Houayxay town is a lucky town to receive the financial support (grant) from ADB together with Luang Namtha which will be implemented in the 3 countries as under Second Greater Mekong Subregion-Corridor Towns Development Project.

Concerning to the affected by this project, the district will be assisted according to the provincial policy on the compensation.

The PIU had a briefing presentation of scope of works, the components of the project and the project area.

National Resettlement Specialist inform about the objective of the Socio-Economic survey, the Lao law on Land Acquisition Resettlement and Compensation (Decree 192 and the ADB SPS 2009. Informed people in the core villages and the project area to avoid or not to construct and develop any permanent structure on the area that have been study which will be affected by the project.

Open for consultation and villagers have proposed and consulted as follow:

Head of Khonekeo village, Mr. Bounchanh Xayavong: On behalf of representative of people in Houayxay district and Khonekeo village, I am very happy to see the government has been trying hard to get this project happen in Houayxay. We have been waiting for this project happen very long time ago, and would like it construct in Houayxay as soon as possible.

Head of PaOay Village: On behalf of Paoay village, in general I am agreed with the project and am very happy to see this project develop Nongthan pond, concerning to the private land of the villagers in Nongthane village, how to get assistance from the government in compensation?

Villager in PaOay: Mr. Khamlang Thagnain, I personally agreed what is project planning and developing. I would like to know the project boundary and the impact area

The PIU had explained and show the map and project area also explained the villages area expect to be affected.

Mr. Phoungun Phommaha, PCU had presented and clarify the tentative time frame of project will be implemented in HX and LNT. And requested for advises from the district governor to avoided and minimize the impact that expect to have as much as possible.

10: 30 The Chairman explained that the district has a grievance redress committee to work on the LARC with affected households. The chairman has thank you to all parties for the consultation and discussion and had closing speech.

Public Consultation Meeting on Land Acquisition Resettlement and Compensation

Dated: 29 May 2015

Time: 8:30 – 10:30

Venue: Houayxay District Governor's Meeting Room

List of attendees

No	Name and surname	Organization	Contact Number	Signature
1	Mrs. Phengvichith Chanthavong	National RS	020 2223 7799	
2	Mr. Sousath Souttavong	Head of PIU/HX	020 22384566	
3	Mr. Bounkhong Vongkhamchanh	Vice Dist Gov of HX	23919111	
4	Mr. Thongphanh Chanthavong	HX	55684729	
5	Mr. Khamphay Vongpaseuth	PONRE	99991166	
6	Mr. Thaviphone Vonglorkham	UDAA	22380713	
7	Mr. Khampheng Daothaviseng		55185555	
8	Ms. Sinouane Ouanekhanachack	Houayxay Neua	56585343	
9	Mr. Khamsing Sithiphone	Boat Association	55784177	
10	Mr. Thid Khonh Dypaseuth	Houayxay Neua	55783562	
11	Mr. Bounchanh Xayavong	Head of Khonekeo village	29994188	
12	Ms. Noy	Khonekeo		
13	Ms. Bouasone	Khonekeo		
14	Ms. Keth	Oudom		
15	Ms. Chanh	Oudom		
16	Mr. Khamlang Thagnanin	PaOay	97755112	
17	Mr. Champa			
18	Mr. Thongsouk Thammaly	Houayxay Neua		
19	Mr. Khamsan Ahxaygnai	PaOay	52808155	
20	Mr. Somphong Xayasane	PIU/HX	22851184	
21	Mr. Phoungoun Phommaha	PCU	22226378	
22	Mr. Bouakham	PaOay	5437479	
23	Mr. Sonexay Sonepadith	PaOay	22384123	
24	Mr. Anong Thammachanh	PaOay	55484141	
25	Ms. Sengkhouane	PaOay	56005002	
26	Ms. Tane	PaOay	58724504	
27	Ms. Phayvanh	Oudom	22383137	
28	Ms. Khampheng	PaOay	56054344	
29	Ms. Chanda	PaOay	22251919	
30	Mr. Vilaysack	PaOay	22381616	
31	Ms. Sonemany	PaOay	58753500	
32	Mr. Sonexay Phetmalayseng	PaOay	22382281	
33	Mr. Kanda Keosopha	LCG	54111902	
34	Mr. Thongphanh Silipangna	PIU/UDAA	22383239	
35	Mr. Phetnakhone Vonglorkham	DPWT	22225886	

Consultation meeting at Provincial and District level for Province, District and villagers around the town of Houyxyay



IUD Part A: Resettlement: Possibly some temporary resettlement during construction period as:



Board station at Ban Khonekeo



First board Association ticket seller (first AH)



Structures affected along the River bank



ANNEX 4 - DECREE 192



Lao People's Democratic Republic Peace Independence Democracy Unity Prosperity

Prime Minister's Office

No 192/PM

191. 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/STEA-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 provided 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 5 - Establishment of Grievance committee decision

Translated

Bokeo Province

Houayxay town

No. 042/GO

14 January 2015

Decision Governor On the Establishment of Grievance Committee for Compensation and Resettlement of the AP by 2nd Greater Mekong Sub-Region Corridors Towns Development Project

Ref:

- Schedule III, Article 14, Provision 7 of Local Area Governance Law of Lao PDR No 03/NA dated 13 October 2013
- Letters dated 23 September 2013 and 31 March 2014 between the Lao Government and Asian Development Bank on the Endorsement of TA for 2nd Greater Mekong Sub-Region Corridors Towns Development Project
- Letter from Bokeo DPWT No. 037/Bokeo DPWT dated 07 January 2015 on the establishment of Grievance Committee

The Governor of Bokeo agreed:

Art. 1: Establishment of Compensation and Resettlement Steering Committee for 2nd Greater Mekong Sub-Region Corridors Towns Development Project as follows:

1. Mr. Khamking Euimanihak	Deputy Governor of Bokeo Province	Chairman
2. Mr. Chom Xaysongkham	Director Bokeo DPWT	Deputy Chairman
3. Mr. Soubanh Sompasong	Director Bokeo Department of Planning and Investment	Management team
4. Mr. Sengphet Keosingthong	Director of PAFO	Management team
5. Mr. Khamla Outhayod	Director of Bokeo department of Justice	Management team
6. Mr. Singthong Vilasouk	Houixay District Chief	Management team
7. Mr. Somphone Vannasy	Director of Bokeo PONRE	Management team

Art 2: Compensation and Resettlement Implementation Committee

1. Mr. Bounkhong Vongkhamchanh	Deputy Chief of Namtha District	Chairman
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2. Mr. Thongphanh Vonglorkham	Head of UDAA	Deputy Chairman
3. Mr. Thongphanh Chanthavong	Head of Lao Front for National Construction	Deputy Chairman
4. Mr. Bounleuam Vongphachanh	Deputy Head of Housing and Urban Planning Division, DPWT	Team member
5. Mr. Xouxath Soutavong	Head of PIU	Team member
6. Mr. Khamphai Vongpaseut	Head of Houixay DONRE	Team member
7. Mr. Souksavanh Phengchanh	State Monitoring Division, DAFO	Team member
8. Mr. Vonglak Phonechaleun	Head of Land Division, PONRE	Team member
9. Mr. Somsavanh Chayavong	Head of State property Div, DoF	Team member
10. Mr. Chandi Lasouvanh	Head of monitoring Div. Bokeo Military Administration Office	Team member
11. Ms. Kayson Chomsavanh	Deputy Head of Investment Promotion Div, Department of Planning and Investment	Team member
12. Ms. Anoukone Phetthammavong	Head of Law Consultation Div. DoJ	Team member
13. Mr. Phonexay Chanthasith	Housing and Urban Planning Div. DPWT	Team member
14. Mr. Ounkeo Phetphangthong	Lang Division PONRE	Team member
15. Head of villages targeted by the project		Team member

Art. 3: This Committee has the mandates to supervise, implement and coordinate with concerned parties in evaluating the values of the affected assets, in monitoring of compensation and resettlement of the affected objects

Art. 4: All concerned parties must understand and provide cooperation in successful implementation of the project

Art.5: This Decision is effective from the date of signing.

Bokeo Provincial Governor

Mr. Khammanh Sounvileuth

ANNEX 6 - Replacement cost for land, fish ponds and other items

I. Replacement costs for land, fish ponds, and canals are as below:

item	Description	Unit	Replacement cost	Remarks
1	Residential land, land within village center	m ²	3,000	Land with house already, land within residential area
2	Agricultural land, land for tree growing	m ²	2,500	Fruit trees, industrial trees
3	Undeveloped land, empty land	m ²	1,000	For growing annuals
4	Hereditary paddy land, paddy land in use	m ²	3,000	
5	Newly developed paddy land	m ²	2,000	
6	Unused paddy land, gardening land	m ²	1,200	Paddy land not used for several years consecutively
7	Fish pond	m ²	5,000	Excavated manually and with machinery, has water for fish growing
8	Fish pond	m ²	2,000	Excavated manually, blocking of streams or excavated but not used
9	Canal	m	6,000	
10	Water well (water hole), borewell	No.		Calculated at cost
11	Relocation of cemetery	Ha.	300,000	For maintenance of tradition
12	Relocation of spirit house, village posts	No.	100,000	For maintenance of tradition
13	Village wall (brick construction)	m	85,000	

II. Replacement costs annual crops, fruit trees and industrial trees:

item	Description	Unit	Replacement cost	Remarks
1	Dry season corn	tonne	486,000	Corn cobs
2	Wet season corn	tonne	432,000	Corn cobs
3	Soybeans	tonne	2,700,000	Dried seeds
4	Green beans	tonne	5,400,000	Dried seeds
5	Peanuts	tonne	1,350,000	Fresh raw
6	Pineapple in garden land	No.	5,000	> 3 years growth
7	Annual crops in garden land	m ²	1,000	
8	Bananas, sugar cane, rattan	cluster	20,000	> 3 years growth
9	Jatropha	Tree	5,000	> 3 years growth
10	Mangos, oranges, longans, lychees, guavas	Tree	35,000	> 3 years growth
11	Mangos, oranges, longans, lychees, guavas	Tree	20,000	< 3 years growth
12	Coconut	Tree	100,000	< 5 years growth
13	Bamboo (<15 in cluster)	cluster	20,000	
14	Bamboo (>16 in cluster)	cluster	30,000	
15	Rosewood,	m ³	1,657,500	> 30cm diameter
16	Teak	m ³	900,000	> 30cm diameter
17	Teak	Tree	7,500	< 30cm diameter
18		m ³	1,000,000	> 30cm diameter

item	Description	Unit	Replacement cost	Remarks
19		Tree	50,000	< 30cm diameter

III. Replacement costs for constructions:

item	Description	Unit	Replacement cost	Remarks
1	2-storey and higher brick construction	m ²	1,733,000	Painted, tile flooring and concrete tile roof
2	2-storey and higher brick construction	m ²	1,628,000	Painted, tile flooring and fibre cement tile roof
3	2-storey and higher brick construction	m ²	1,200,000	Painted, tile flooring and zinc roof
4	2-storey and higher half brick half wood construction	m ²	1,000,000	Concrete columns, rendered brickwork and painted, tile flooring and fibre cement tile roof
5	2-storey and higher half brick half wood construction	m ²	945,000	Concrete columns, rendered brickwork and painted, tile flooring and zinc roof
6	1-storey building	m ²	900,000	Concrete columns, rendered brickwork and painted, tile flooring and concrete tile roof
7	1-storey building	m ²	840,000	Concrete columns, rendered brickwork and painted, tile flooring and fibre cement tile roof
8	1-storey building	m ²	600,000	Concrete columns, rendered brickwork and painted, tile flooring and zinc roof
9	2-storey building half brick half wood construction	m ²	578,000	Wood floor, wood walls, fibre cement roof tiles
10	2-storey building half wood, no walls on ground floor construction	m ²	473,000	Wood floor, wood walls, fibre cement roof tiles
11	1-storey building	m ²	420,000	Wood floor, wood walls, ceiling, fibre cement roof tiles
12	1-storey building	m ²	315,000	Wood floor, wood walls, ceiling, zinc roofing
13	1-storey building	m ²	263,000	Concrete columns and floor, wood walls, painted, fibre cement roof tiles
14	1-storey building	m ²	257,000	Concrete columns and floor, wood walls, painted, zinc roofing
15	1-storey building, shack in paddy field, or shop	m ²	170,000	Wood column, floor and walls, zinc roofing
16	1-storey building, shack in paddy	m ²	150,000	Wood column, floor and

item	Description	Unit	Replacement cost	Remarks
	field, or shop			walls, grass roofing
17	1-storey building, shack in paddy field, or shop	m ²	100,000	Wood column and floor, woven bamboo walls, zinc roofing
18	1-storey building, shack in paddy field, or shop	m ²	85,000	Concrete floor, woven bamboo walls, zinc roofing
19	1-storey building, shack in paddy field, or shop	m ²	75,000	Wood floor, woven bamboo walls, grass roofing
20	1-storey building, shack in paddy field, or shop	m ²	50,000	Wood floor, woven bamboo walls, zinc roofing
21	1-storey building, shack in paddy field, or shop	m ²	40,000	Earth floor, woven bamboo walls, zinc roofing

ANNEX 7 - TERMS OF REFERENCE

Social safeguards (Resettlement) Consultant (International 2 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 would 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:

- (i) 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
- (ii) Assist in consultations and finalization of resettlement plans;
- (iii) Assist in implementation of resettlement plans;
- (iv) 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;
- (v) Assisting in RP monitoring and reporting formats
- (vi) Provide over sight and guide the provision of inputs into all the safeguard documents;
- (vii) 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
- (viii) 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
- (ix) 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
- (x) Assist in recruitment of project staff, as required to ensure effective RP implementation in the project
- (xi) Ensure that grievances redressal mechanisms are appropriate, and advise if necessary on speedy resolution
- (xii) Review the approved land acquisition and resettlement plans.
- (xiii) Ensure compliance with ADB SPS (2009) for all sub-projects

Social Safeguards Expert (Resettlement), National – 6 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.

- (i) 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.

- (ii) 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.
- (iii) 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).
- (iv) 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
- (v) assist PIUs in implementing the updated and approved resettlement plans with a focus on community consultation, entitlement matrix review, compensation assessment, and grievance procedures
- (vi) assist the PIUs to establish and implement procedures for ongoing internal resettlement monitoring;
- (vii) 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
- (viii) 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)
- (ix) 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.
- (x) Assist the PIU in conducting public information campaigns and community participation.
- (xi) Assist in updating the public information booklets
- (xii) Ensure compliance with ADB SPS (2009) for all sub-projects

ANNEX 8 - Decree 309 Poverty identity and community



ສາທາລະນະລັດ ປະຊາທິປະໄຕ ປະຊາຊົນລາວ
ສັນຕິພາບ ເອກະລາດ ປະຊາທິປະໄຕ ເອກະພາບ ວັດທະນະຖາວອນ

ນາຍົກລັດຖະມົນຕີ

ເລກທີ 309 ກມ
ນະຄອນຫລວງວຽງຈັນ, ວັນທີ 14.11.2013

ດຳລັດ

**ວ່າດ້ວຍ ມາດຕະຖານຄວາມອຸກອາກ ແລະ ມາດຕະຖານການຂັດທະນາ
ໄລຍະ 2012 - 2015**

- ອີງຕາມ ກົດໝາຍວ່າດ້ວຍລັດຖະບານ ແຫ່ງ ສປປ ລາວ ສະບັບເລກທີ 02/ສພຊ, ລົງວັນທີ 06 ພຶດສະພາ 2003;
- ອີງຕາມ ມະຕິກອງປະຊຸມລັດຖະບານ ປະຈຳເດືອນກຸມພາ ປີ 2012 ສະບັບເລກທີ 03/ລບ, ລົງວັນທີ 05 ມີນາ 2012;
- ອີງຕາມ ຜັງສືສະເໜີ ສະບັບເລກທີ 606/ທສທສ, ລົງວັນທີ 18 ກັນຍາ 2013 ຂອງສະພາລັດ ທະນາຊົນນະບົດ ແລະ ຂົບລ້າງຄວາມອຸກອາກ ຂຶ້ນສູນກາງ.

ນາຍົກລັດຖະມົນຕີ ອອກດຳລັດ:

**ໝວດທີ 1
ປົດບັນຍັດທົ່ວໄປ**

ມາດຕາ 1. ຈຸດປະສົງ

ດຳລັດສະບັບນີ້ ກຳນົດມາດຕະຖານຄວາມອຸກອາກ, ມາດຕະຖານການຂັດທະນາ, ຂຶ້ນຕອນ, ວິທີ ການ ກ່ຽວກັບ ການຈັດຕັ້ງປະຕິບັດ, ອົງການຮັບຜິດຊອບ, ການສະເໜີ ແລະ ຂຶ້ນລອງເອົາຄອບຄົວ, ບ້ານ ແລະ ເມືອງພົ້ນອຸກ, ຄອບຄົວ, ບ້ານຂັດທະນາ, ບ້ານໃຫຍ່ກ່າຍເປັນຕົວເມືອງນ້ອຍ ໃນຄືນນະ ບົດ ແລະ ເມືອງຂັດທະນາ ເພື່ອໃຫ້ບັນດາສະໜອງການຄົ້ນຄຸມກາງ ແລະ ຕ້ອງຖິ້ມ ເປົ້າໂປຈັດຕັ້ງປະຕິ ບັດໃຫ້ເປັນເອກະພາບກັນ ໃນອອບເອດທົ່ວປະເທດ.

ມາດຕາ 2. ຄວາມໝາຍ "ຄວາມອຸກອາກ" ແລະ "ການຂັດທະນາ"

ຄວາມອຸກອາກ ແມ່ນການຂາດເສີມປັດໄຈພື້ນຖານ ໃນການດຳລົງຊີວິດປະຈຳວັນ ຄື: ຂາດເສີມ ສະບຽງອາຫານ ທີ່ບໍ່ສາມາດຕອບສະໜອງພະລັງງານ 2100 ກິໂລຄາລໍຣີທີ່ຕົວຕົວມີ, ຂາດເສີມເຄື່ອງ ມຸ່ງສົມທົ່ວຈຳເປັນ, ບໍ່ມີພື້ນຖານໂສຖາວອນ, ບໍ່ສາມາດໃຊ້ຈ່າຍໃນການຍົກເບິ່ງເວລາຈົນເປັນພື້ນຖານ.

ບໍ່ສາມາດໃຊ້ຈ່າຍເຂົ້າໃນການສຶກສາຂັ້ນພື້ນຖານ, ບໍ່ມີເງື່ອນໄຂເຂົ້າເຖິງຕາຕ່າງການບໍລິການ ດ້ານ
ພື້ນຖານໂຄງຕ່າງໆທີ່ຈຳເປັນຂອງສັງຄົມ.

ການພັດທະນາ ແມ່ນຄວາມສຳເລັດສອບຖົນ ໃນການສ້າງສາພັດທະນາເຊັ່ນ: ລະບົບການຈັດ
ຕັ້ງມິດວາມພັດທະນາ ແລະ ເລີ່ມແຂ່ງ ປະກອບມີສັງຄົມ ແລະ ຊາຍ, ປະຊາຊົນມິດວາມຕົວຕົວທາງ
ດ້ານການເມືອງສູງ, ມີສະຕິເອົາພິນ ແລະ ປະຕິບັດລະບຽບກົດໝາຍ, ສັງຄົມມີ ຄວາມເປັນລະບຽບ
ຮຽບຮ້ອຍ ແລະ ມິດວາມສະຫງົບພັດທະນາ, ພື້ນຖານດ້ານເສດຖະກິດ-ສັງຄົມ ໄດ້ຮັບການພັດທະນາ
ມິດວາມພັດທະນາ ແລະ ສະຫຍາຍຕົວຢ່າງຕໍ່ເນື່ອງ, ມີການປົກປັກຮັກສາສິ່ງແວດລ້ອມແບບຍືນຍົງ,
ປະຊາຊົນສາມາດເຂົ້າເຖິງການບໍລິການພື້ນຖານທີ່ຈຳເປັນ ແລະ ສູດສົມອອກຈາກຄວາມສຸກຍາກ.

ໝວດທີ II

ການກຳນົດມາດຕະຖານຄວາມສຸກຍາກ

ມາດຕາ 3. ສິ່ງໜ້ອຍຄິດໄລ່ ມາດຕະຖານຄວາມສຸກຍາກ

ສິ່ງໜ້ອຍຄິດໄລ່ມາດຕະຖານຄວາມສຸກຍາກ ແມ່ນຖືເອົາລາຍຮັບສະເລ່ຍຄິດໄລ່ລະດັບເງິນຕໍ່ຄົນ
ຕໍ່ເດືອນເປັນພື້ນຖານໂດຍບໍ່ຈຳແນກເສດ, ສາຍ ແລະ ຖືເອົາເງິນກີບ ເປັນຫຼັກ, ເຊິ່ງໄດ້ກຳນົດດັ່ງນີ້:

- ສະເລ່ຍສິ່ງໜ້ອຍຄິດໄລ່ ແມ່ນ 192.000 ກີບ/ຄົນ/ເດືອນ.
- ສຳລັບເສດຊີພູມະຍົດແມ່ນ 180.000 ກີບ/ຄົນ/ເດືອນ.
- ສຳລັບເສດຕົວເມືອງ ແມ່ນ 240.000 ກີບ/ຄົນ/ເດືອນ.

ມາດຕາ 4. ມາດຕະຖານຄວາມສຸກຍາກ ສຳລັບຄອບຄົວ

ຄອບຄົວທີ່ຈຳເປັນສຸກຍາກ ແມ່ນຄອບຄົວທີ່ມີລາຍຮັບສະເລ່ຍ ຄິດໄລ່ລະດັບເງິນກີບຕໍ່ຄົນຕໍ່ເດືອນ
ຕໍ່າກວ່າມາດຕະຖານທີ່ລະບຸໄວ້ໃນ ມາດຕາ 3 ຂອງຕໍາລັດສະບັບນີ້
ຄອບຄົວທີ່ບໍ່ຖືກຈັດວ່າສຸກຍາກ ແມ່ນຄອບຄົວພື້ນຖານ.

ມາດຕາ 5. ມາດຕະຖານຄວາມສຸກຍາກ ສຳລັບບ້ານ

- ບ້ານສຸກຍາກ ແມ່ນບ້ານທີ່ອາດເງື່ອນໄຂພື້ນຖານໃນການພັດທະນາ ດັ່ງນີ້:
1. ບ້ານທີ່ມີຄອບຄົວສຸກຍາກຫຼາຍກວ່າ 50 % ຂຶ້ນໄປ ຂອງຈຳນວນຄອບຄົວສັງຄົມທຸກໆບ້ານ;
 2. ບ້ານທີ່ບໍ່ມີໂຮງຮຽນປະຖົມ ຫຼື ໂຮງຮຽນຕ່າງໂປຼແກນ ຢູ່ໂຮງຮຽນທີ່ຢູ່ໃກ້ບ້ານທີ່ສຸດ ຫຼາຍກວ່າ 1
ຊົ່ວໂມງ;
 3. ບ້ານທີ່ບໍ່ມີຖັງຢາປະຈຳບ້ານ ຫຼືອ້າຍສາຍອາ, ຖ້າຈະໄປຫາສຸກສາລາ ຫລື ໂຮງພໍ່ເມືອງທີ່ໃກ້ທີ່ສຸດ
ຕ້ອງໃຊ້ເວລາຍ່າງຫຼາຍກວ່າ 2 ຊົ່ວໂມງ;
 4. ບ້ານທີ່ບໍ່ມີບົນທະນາຄືມໃຊ້ ເຊັ່ນ: ບົນທະນາຢາງ, ບົນທະນາ, ບົນພິນ ແລະ ອື່ນໆ;
 5. ບ້ານທີ່ບໍ່ມີເສັ້ນທາງຕົວເມນາຄົມເຂົ້າເຖິງ ຫລື ມີທາງແຕ່ງໄວ້ລະດູຖຽວ. ບ້ານທີ່ບໍ່ໄດ້ຈັດວ່າ
ສຸກຍາກ ແມ່ນບ້ານພື້ນຖານ.

7. ເປັນບ້ານເອກດຳເນີນເປັນຕົວ;
8. ມີກຸ່ມການປະສານງານ ແລະ ບໍລິການສື່ມວນຊົນ;
9. ມີສິນທາງຄົມມະນາຄົມເຂົ້າເຖິງບ້ານແຫຼ່ງໄດ້ຕະຫລອດປີ;
10. ບ້ານມີແຜນຮັກສາບ້ານສິດິ ແລະ ມີການຈັດຕັ້ງປະຕິບັດຕາມແຜນຮັກສາ;
11. ມີການຈັດສັນຄຸນນະພາບເປັນຄັ້ງສົ່ງ ແລະ ບໍ່ມີບັນຫາກ່ຽວກັບຄວາມສະຫງົບ;
12. ມີສິນທາງຄົມມະນາຄົມເຂົ້າເຖິງບ້ານ ແຫຼ່ງໄດ້ຕະຫລອດປີ;
13. ມີທາງຄ່າຍໄປສູ່ບ້ານ;
14. ເປັນບ້ານແບບຢ່າງສາສາດສາທາລະນະສູງ;
15. ເປັນບ້ານສຳເລັດການສຶກສາພາກບົ່ງຄັ້ງ (ຈັບຮຸ້ນປະຈຳປີ);
16. ເປັນບ້ານມີຄວາມສະຫງົບ;
17. ມີສິນທາງຄົມມະນາຄົມ ແລະ ສູນສື່ມວນຊົນສຳຄັນຂອງບ້ານ;
18. ເປັນບ້ານທີ່ມີການປະຕິບັດສິດສະເໜີອາຍຸບົ່ງ-ຊາຍ ແລະ ປາສະຈາກການໃຊ້ຄວາມຊຸມແຮງຕໍ່ ແມ່ຍິງ ແລະ ເດັກນ້ອຍ;
19. ມີສະຖານທີ່ສາທາລະນະອັບໂລຢົດຈະການຄວມຂອງບ້ານ ຫຼື ການຊື້-ຈ້າງແຜນໂຕຍັງ

ມາດຕາ 9. ມາດຕະຖານບ້ານໃຫຍ່ກ່າຍເປັນຕົວເມືອງນ້ອຍໃນສົມມະນິດ

ບ້ານໃຫຍ່ກ່າຍເປັນຕົວເມືອງນ້ອຍໃນສົມມະນິດ ແມ່ນບ້ານທີ່ບັນລຸເງື່ອນໄຂໃນການພັດທະນາດັ່ງນີ້:

1. ເປັນບ້ານມີຄວາມສະຫງົບ;
2. ມີສິນທາງຄົມມະນາຄົມເຂົ້າເຖິງບ້ານແຫຼ່ງໄດ້ຕະຫລອດປີຢ່າງສະເດັດ, ເສັ້ນມາສອດເຖິງ ເມືອງ ແລະ ບ້ານອື່ນໆອ້ອມຂ້າງ;
3. ມີສິນທາງຄົມມະນາຄົມ ແລະ ປຸງແຕ່ງເປັນສິນຄ້າ ທີ່ເໝາະສົມ;
4. ມີຕະຫຼາດຕາດອນ ທີ່ມີການຊື້-ຊາຍ ເປັນປະຈຳ;
5. ມີສູນບໍລິການໄປສະນີ ຫຼື ໂຄສະນາຄົມມະນາຄົມ;
6. ມີໂຮມ ຫຼື ສູນບໍລິການເຕັກນິກສາສາດ ແລະ ປ່າໄມ້;
7. ມີໂຮມບໍລິການຂອງສະບາສານ ຫຼື ໂຮມບໍລິການ ການເງິນບຸລະວາກໂຕຍັງ;
8. ມີສູນສາລາ ຫຼື ໂຮງຜັງນ້ອຍ;
9. ມີສະບັບບົດປະຊາສຸມສົມ;
10. ມີທາງຄ່າຍໄປສູ່ບ້ານ;
11. ມີໂຮງຮຽນປະຖົມສູນ ແລະ ມັດທະຍົມຕົ້ນ ຫຼື ມັດທະຍົມປາຍ;
12. ບ້ານຢູ່ເອກສົມມະນິດສູດອອບມີສິນທາງຄົມມະນາຄົມ ແຕ່ສິ່ງທີ່ບໍ່ສົມຄຸນໄປ, ບ້ານຢູ່ເອກສົມມະນິດອື່ນໆ ແມ່ນມີສິນທາງຄົມມະນາຄົມ ສາມາດບັນລຸໄປ.

ມາດຕາ 10. ມາດຕະຖານເມືອງພັດທະນາ

ເມືອງພັດທະນາ ແມ່ນເມືອງທີ່ບັນລຸມາດຕະຖານເງື່ອນໄຂໃນການພັດທະນາດັ່ງນີ້:

1. ມີບ້ານພັດທະນາກວມ 85% ຂຶ້ນໄປ ແລະ ສຳລັບເມືອງສິນບະບົດ ມີບ້ານໂຕຍ່າກຍເປັນຕົວເມືອງນ້ອຍໃນສິນບະບົດ ຢ່າງນ້ອຍ 2 ບ້ານຂຶ້ນໄປ;
2. ລະບົບການຈັດຕັ້ງຂອງເມືອງມີຄວາມໜັກແໜ້ນ ແລະ ເຂັ້ມແຂງ ບໍ່ມີກອບມີທັງບຶງ ແລະ ຊາຍ, ມີຄວາມໜັກຂອງຄູນຳອາວອນດ້ານ ກວມຫລາຍກວ່າ 85% ຂຶ້ນໄປ;
3. ເປັນເມືອງ ທີ່ມີຄວາມເປັນລະບຽບຂຽບສ້ອຍ ແລະ ມີຄວາມສະອາດໜັກແໜ້ນ;
4. ເຫດສະບາຍເມືອງມີແຜນຮັງເມືອງທີ່ດີ, ມີການຈັດຕັ້ງປະຕິບັດຕາມແຜນຮັງເປັນຢ່າງດີ;
5. ມີພື້ນຖານເສດຖະກິດທີ່ໜັກແໜ້ນ ແລະ ສະຫງ່າເປັນຢ່າງດີເມືອງ;
6. ສາມາດກຸ້ມຕົ້ນເອງດ້ານລາຍຈ່າຍກຽມປະມານປົກກະຕິ;
7. ມີພື້ນຖານພົນລະເມະນາຄົມເຂົ້າເຖິງເມືອງທຽວໄດ້ຕອບສະໜອງຢ່າງສະດວກ, ເສື້ອມຈອດເຖິງແຕ່ລະບ້ານສາຍໃນເມືອງ;
8. ເຫດສະບາຍເມືອງມີລະບົບບໍ່ປະປາ ຫຼື ບໍ່ປະປາຄຸມສິນຄ້າໄດ້;
9. ເຫດສະບາຍເມືອງມີອາດຳລັງໄວ້ໃນລະບົບ;
10. ມີສູນປຶກສາ ຫຼື ໂຮງຮຽນປຶກສາສູນໂຕໜຶ່ງ;
11. ມີສູນບໍລິການເຕັກໂນໂລຊີສູນ ແລະ ປ່າໄມ້;
12. ມີໂຮງຜະສົມໂຮງຮຽນ;
13. ມີຕະຫຼາດຖາວອນ ທີ່ມີການຊື້-ຂາຍ ເປັນປະຈຳ;
14. ມີລະບົບການບໍລິການໄປສະນີ ແລະ ໂທລະສັບມະນາຄົມ;
15. ມີຫວ່ອຍບໍລິການ ຫຼື ສາຂາຂອງທະນາຄານໂຕໜຶ່ງ;
16. ເປັນເມືອງທີ່ມີການປະຕິບັດສົດສະເໝີກັບບຶງ-ຊາຍ ແລະ ປາສະຈາກການໂຮ້ຄວາມສຸມຂອງຕໍ່ແມ່ບຶງ ແລະ ເລັກນ້ອຍ.

ໝວດທີ IV
ວິທີການຈັດຕັ້ງປະຕິບັດ

ມາດຕາ 11. ການສະເໜີ, ຍິງຢືນ ແລະ ຮັບຮອງ

1. ການສະເໜີ, ຍິງຢືນ ແລະ ຮັບຮອງ ຕອບຄິດພື້ນຖຸກ ແລະ ຕອບຄິດພິດທະນາ ພື້ນຖານບ້ານເປັນຜູ້ສະເໜີຕໍ່ເຈົ້າເມືອງ ແລະ ເຈົ້າເມືອງ ເປັນຜູ້ອອກຄຳຕົກລົງຮັບຮອງ, ປົກຄຸມຖານມີການກວດກາ, ປະເມີນຕົວ ແລະ ຍິງຢືນຈາກໜ່ວຍງານຕ່າງໆ ທີ່ກ່ຽວຂ້ອງຂອງເມືອງ;
2. ການສະເໜີ, ຍິງຢືນ ແລະ ຮັບຮອງບ້ານພື້ນຖຸກ, ບ້ານພິດທະນາ, ບ້ານໂຫຍ່ກາຍເປັນຕົວເມືອງນ້ອຍໃນສິນບະບົດ ພື້ນຖານເມືອງເປັນຜູ້ສະເໜີຕໍ່ເຈົ້າຂອງ ແລະ ເຈົ້າຂອງເປັນຜູ້ອອກຄຳຕົກລົງຮັບຮອງ, ປົກຄຸມຖານມີການກວດກາ, ປະເມີນຕົວ ແລະ ຍິງຢືນຈາກໜ່ວຍງານຕ່າງໆ ທີ່ກ່ຽວຂ້ອງຂອງຂອງ;
3. ການສະເໜີ, ຍິງຢືນ ແລະ ຮັບຮອງເມືອງພື້ນຖຸກ ແລະ ເມືອງພິດທະນາ ພື້ນຖານເມືອງເປັນຜູ້ສະເໜີຕໍ່ນາຍົກລັດຖະມົນຕີ ແລະ ນາຍົກລັດຖະມົນຕີ ເປັນຜູ້ອອກຄຳຕົກລົງຮັບຮອງ, ປົກຄຸມຖານມີການກວດກາ, ປະເມີນຕົວ ແລະ ຍິງຢືນຈາກໜ່ວຍງານຕ່າງໆ ທີ່ກ່ຽວຂ້ອງ ຂອງສູນກາງ.

ມາດຕາ 12. ການປັບປຸງ ແລະ ການປ່ຽນແປງມາດຕະຖານ

- ໃຫ້ການປັບປຸງ ແລະ ການປ່ຽນແປງມາດຕະຖານ ໃຫ້ປະຕິບັດດັ່ງນີ້:
1. ມາດຕະຖານຄວາມສຸກຍາກ ແລະ ມາດຕະຖານການຂັດທະນາ ແມ່ນຈະໄດ້ມີການປັບປຸງ ແລະ ປ່ຽນແປງໄປຕາມສັດຕາໄພເງິນເຮົາ, ຄ່າຄ່ອງສິນ ແລະ ການສະໜອງບົດຂອງເສດຖະກິດ-ສັງຄົມ ໃນແຕ່ລະໄລຍະ;
 2. ຄະນະຂັດທະນາສິນເນະນິດ ແລະ ສົມລັງຄວາມສຸກຍາກ ສົມສູນກາງ ເປັນໃຈກາງ ສົມທົບກັບ ກະຊວງທີ່ກ່ຽວຂ້ອງ ຄົ້ນຄວ້າ, ປັບປຸງມາດຕະຖານຄວາມສຸກຍາກ ແລະ ມາດຕະຖານການຂັດ ທະນາ ແລະ ນຳສະເໜີລັດຖະບານ ອີຈາລະນາ;
 3. ທຸກໆ 5 ປີ ໃນຕອນທ້າຍ ຂອງການຈັດຕັ້ງປະຕິບັດແຜນຂັດທະນາເສດຖະກິດ-ສັງຄົມ ແຫ່ງລັດ ຕ້ອງມີການອົບອຸ່ນ, ກວດກາ ແລະ ປະເມີນຜົນຂະບັນຊາດ.

ໝວດທີ V
ບົດບັນຍັດສຸດທ້າຍ

ມາດຕາ 13. ການຈັດຕັ້ງປະຕິບັດ

ຂອບໃຫ້ຄະນະຂັດທະນາສິນເນະນິດ ແລະ ສົມລັງຄວາມສຸກຍາກ ສົມສູນກາງ ສົມທົບກັບກະຊວງ ແຜນການ ແລະ ການຄ້າສິນ ອອກຍົດແນະນຳສະເໜາະໃນການຈັດຕັ້ງປະຕິບັດຕໍາລັດສະບັບນີ້ ພ້ອມ ທັງບົດຕາມ, ສູກຢູ່, ກວດກາ, ປະເມີນຜົນ ແລະ ລາຍງານຜົນການຈັດຕັ້ງປະຕິບັດມາດຕະຖານໃຫ້ ລັດຖະບານໃນແຕ່ລະປີ;

ຂອບໃຫ້ບັນດາກະຊວງ, ອົງການທຽບເທົ່າສົມສູນກາງ, ນະຄອນຫຼວງວຽງຈັນ ແລະ ບັນດາແຂວງ ໃນທົ່ວປະເທດ ເປັນຜູ້ຈັດຕັ້ງປະຕິບັດຈົບຈົງຕາມອາລະບົດບາດຂອງຕົນ ແລະ ລາຍງານຜົນການຈັດ ຕັ້ງປະຕິບັດໃຫ້ຄະນະຂັດທະນາສິນເນະນິດ ແລະ ສົມລັງຄວາມສຸກຍາກ ສົມສູນກາງ ເປັນແຕ່ລະປີ ເພື່ອສັງລວມລາຍງານຕໍ່ລັດຖະບານ;

ບັນດາກະຊວງ, ອົງການທຽບເທົ່າສົມສູນກາງ, ອົງການປົກຄອງທ້ອງຖິ່ນທຸກຂັ້ນ ໃນທົ່ວປະເທດ ຈົ່ງຮັບຮູ້ ແລະ ຈັດຕັ້ງປະຕິບັດຕໍາລັດສະບັບນີ້ ຢ່າງເສັ້ນກວດ.

ມາດຕາ 14. ຜົນສັກສິດ

ຕໍາລັດສະບັບນີ້ ປ່ຽນແທນ ຕໍາລັດ 201/ອຍ, ລົງວັນທີ 25 ເມສາ 2012 ແລະ ຕໍາລັດ 354/ນຍ ລົງ ວັນທີ 06 ສິງຫາ 2012 ແລະ ມີຜົນສັກສິດນັບແຕ່ມີວັນລາຍເຊັນເປັນຕົ້ນໄປ; ສໍາຄານໃດ, ບົດບັນ ຍັດໃດ ຫາກຂັດກັບຕໍາລັດສະບັບນີ້ ຈົ່ງບໍ່ແຕ່ຖືກນຳໃຊ້.

ນາຍົກລັດຖະມົນຕີ



ຄອງສິງ ທຳມະວິງ

ANNEX 9 - SAMPLE PUBLIC INFORMATION BOOKLET

RESETTLEMENT PLAN - SAMPLE PUBLIC INFORMATION BOOKLET

GMS CTDP

What is the GMS CTDP?

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 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.

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 February 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 matrix of entitlements 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.