

# Resettlement Framework

---

Project Number: 42203  
May 2016

## **LAO: Northern Rural Infrastructure Development Sector Project – Due Diligence for Additional Financing**

Prepared by Ministry of Agriculture and Forestry for the Asian Development Bank.

## CURRENCY EQUIVALENTS

(as of March 2016)

Currency unit	–	kip (KN)
KN1.00	=	\$0.00012
\$1.00	=	KN 8300

## ABBREVIATIONS

ADB	–	Asian Development Bank
AP	–	Affected Persons
DAFO	–	District Agricultural and Forestry and Office
DCO	–	District Coordination Office
DMS	–	Detailed Measurement Survey
EA	–	Executing Agency
EIRR	–	Economic Internal Rate of Return
IA	–	Implementing Agency
IOL	–	Inventory of Losses
MAF	–	Ministry of Agriculture and Forestry
MONRE	–	Ministry of Natural Resources and Environment
NGO	–	Non-government organization
NPC	–	National Project Coordinator
NPMO	–	National Project Management Office
PAFO	–	Provincial Agriculture and Forestry Office
PPO	–	Provincial Project Office
PPTA	–	Project Preparatory Technical Assistance
RF	–	Resettlement Framework
RP	–	Resettlement Plan
SPS	–	ADB Safeguard Policy Statement (2009)
STEA	–	Science Technology and Environmental Agency (now disbanded, function taken up by MONRE)
VLD	–	Voluntary Land Donation
WREA	–	Water Resources and Environment Authority (now disbanded, function taken up by MONRE)

## WEIGHTS AND MEASURES

ha	–	hectares
km	–	kilometers
km <sup>2</sup>	–	square kilometers
m	–	meters
m <sup>2</sup>	–	square meters
m <sup>3</sup>	–	cubic meters

## NOTE

- (i) In this report, "\$" refers to US dollars.

This resettlement framework is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature. Your attention is directed to the "terms of use" section of this website.

In preparing any country program or strategy, financing any project, or by making any designation of or reference to a particular territory or geographic area in this document, the Asian Development Bank does not intend to make any judgments as to the legal or other status of any territory or area.

## CONTENTS

	<b>Page</b>
I. INTRODUCTION	1
A. Project Description	1
B. Scope and Nature of Resettlement Impacts	2
C. The criteria for screening and selecting subprojects and/or components	2
D. Mitigation measures	3
E. Representative Subprojects	3
II. OBJECTIVES, POLICY FRAMEWORK AND ENTITLEMENTS	4
A. Rationale for a Resettlement Framework	4
B. Lao Laws and Regulations	4
C. ADB Policies	5
D. Reconciliation of Government and ADB Policies	7
III. PROJECT RESETTLEMENT PRINCIPLES AND OBJECTIVES	9
IV. ELIGIBILITY AND ENTITLEMENT	11
A. Project Affected Persons	11
B. Project Impacts and Entitlements	11
C. Voluntary Land Donation	15
V. PREPARATION OF SUBPROJECT RESETTLEMENT PLAN	21
VI. CONSULTATION, PARTICIPATION AND DISCLOSURE	24
VII. GRIEVANCE REDRESS MECHANISMS	25
VIII. IMPLEMENTATION ARRANGEMENTS	26
IX. IMPLEMENTATION SCHEDULE	27
X. RESETTLEMENT/COMPENSATION BUDGET	28
XI. STAFFING REQUIREMENTS AND BUDGET	28
XII. SUPERVISION, MONITORING AND EVALUATION	29

<b>DEFINITIONS OF LAND ACQUISITION, RESETTLEMENT AND COMPENSATION RELATED TERMS</b>	
Affected Person (AP)	<p>An affected person indicates any juridical person being as it may an individual, a household, a firm or a private or public institution who, on account of the execution of the Program and its subprojects or parts thereof would have their:</p> <ul style="list-style-type: none"> <li>(i) Right, title or interest in any house, land (including residential, agricultural and grazing land), water resources or any other fixed or moveable asset acquired, possessed, restricted or otherwise adversely affected in full or in part, permanently or temporarily; and/or</li> <li>(ii) Business, occupation, place of work or residence or habitat adversely affected, with or without physical displacement; or</li> <li>(iii) Standard of living adversely affected.</li> </ul>
Cut-off date	<p>This refers to the date that establishes the eligibility of affected persons. To be consistent with previous projects under the Ministry of Agriculture and Forestry, the cut-off date for this project coincides with the completion of the census of affected persons after the Provincial Coordination Unit officially informs the public about the Project and its locations. Anyone who occupies or encroaches into the defined boundaries of the Project area after the cut-off date will not be compensated for affected assets and incomes.</p>
Compensation	<p>Payment made in cash or in kind to APs at replacement cost for assets, resources and/or sources of livelihood and income acquired or adversely affected by the project.</p>
Land Acquisition	<p>The process whereby an individual, household, firm or private institution is compelled to alienate all or part of the land s/he/it owns or is in the process of getting ownership of in favour of the government for the Project in return for compensation at replacement cost.</p>
Rehabilitation	<p>The process to restore income earning capacity, production levels and living standards in a longer term. Rehabilitation measures are provided in the entitlement matrix as an integral part of the entitlements.</p>
Relocation	<p>The physical displacement of an AP from her/his pre-project place of residence and/or business.</p>
Replacement Cost	<p>The amount in cash or in kind needed to replace lost assets at the time of payment of compensation, including cost of transactions. If land, it means the cost of buying a replacement land near the lost land with equal productive potential and same or better legal status, including transaction costs. If structures, the replacement cost is the current fair market price of building materials and required labor cost without depreciation or deductions for salvaged building material or other transaction cost. Market prices will be used for crops, trees and other commodities.</p>
Resettlement Plans	<p>Resettlement Plans (RPs) are time-bound action plans with budget setting out resettlement strategy, objectives, entitlement, actions, responsibilities, monitoring and evaluation.</p>
Resettlement	<p>Refers to all physical and socioeconomic displacements and various measures provided to DPs or AHs to mitigate all adverse impacts of the project, including compensation, relocation, and rehabilitation as needed.</p>
Severely affected Households	<p>This refers to AHs who will (i) lose 10% or more of their total productive assets (generating income); and/or (ii) have to relocate.</p>

**DEFINITIONS OF LAND ACQUISITION, RESETTLEMENT AND  
COMPENSATION RELATED TERMS**

Vulnerable groups	These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized due to the project and specifically include: (i) female-headed households with dependents; (ii) household heads with disabilities; (iii) households falling under the national poverty standard; (iv) elderly with no other means of support; and (v) landless households.
Voluntary Land Donation	This refers to voluntary contribution to the Project through donation of lost land of AH without requesting any (i) compensation for loss of land; and (ii) support/assistance for which they would be entitled. Voluntary donation of land shall be allowed under the following criteria: (i) The impacts are marginal (based on percentage of loss and minimum size of remaining assets); (ii) Impacts do not result in displacement of households or cause loss of household's incomes and livelihood; (iii) The households making voluntary donations are direct beneficiaries of the project; (iv) Land donated is free from any dispute on ownership or any other encumbrances; (v) Consultations with the affected households is conducted in a free and transparent manner; (vi) Land transactions are supported by transfer of titles; and, (vii) Proper documentation of consultation meetings, grievances and actions taken to address such grievances is maintained. For sub-projects with voluntary land donation, an independent external party will be engaged to verify that land acquisition follows the principles and procedures set for the Project.

## I. INTRODUCTION

1. This Resettlement Framework (RF) is updated for the Northern Rural Infrastructure Development Sector Project - Additional Financing based on the original RF for the Northern Rural Infrastructure Development Sector Project, approved on 26 November 2010 and scheduled to close on 31 August 2017, which is addressing key constraints to rural economic growth and poverty reduction in the provinces of Bokeo, Luang Namtha, Oudomxay, and Phongsaly in the northern part of Lao PDR. These provinces feature high proportions of poor households (around 33%), and very high proportions of households are food insecure (as much as 80% in Phongsaly), particularly amongst ethnic minorities. The population of the four provinces is predominantly rural. Impacts of improved infrastructure, including enhanced rural connectivity and improved agricultural production, are expected to have substantial and far reaching benefits to much of the target population.

2. A midterm review of the Northern Rural Infrastructure Development Sector Project took place in March 2014, and determined that progress against specified indicators was satisfactory. A very high demand for expanding the project was consistently expressed by the stakeholders. Subsequently, the ADB allocated \$30.0 million of Asian Development Fund loan resources for additional financing of the Project, scheduled for approval in 2017. Due diligence for additional financing, being carried out under PPTA 8882-LAO includes a review and update of all safeguards documents and arrangements. The PPTA included review of feasibility studies and documentation relating to two sample subprojects, the Nam Beng Irrigation Subproject and the Nam Oun Irrigation Subproject, both in Oudomxay Province.

3. Project outputs will consist of infrastructure improvements and linked initiatives to maximize the ability of beneficiaries, to add value to commodities they produce, to build the capacity in support of institutional development within the Ministry of Agriculture and Forestry (MAF), the project Executing Agency (EA), and in support of subproject implementation, and project management services. It is a sector project with subprojects comprising the rehabilitation of rural access roads, irrigation systems and possibly rural water supplies. These will be selected within the participating provinces. The improvements will take account of increased frequency and intensity of extreme climatic events that are expected to result from continuing global climate change.

4. The location and scope of each subproject are screened for potential land acquisition and resettlement impacts. Proposed subprojects considered to have significant impacts or, for larger subprojects, schemes within the subproject considered to entail significant impacts, are ineligible under the proposed Project.

### A. Project Description

5. The Project has the same four components as the original project, namely: (i) productivity enhancing rural infrastructure rehabilitated and/or constructed; (ii) associated initiatives undertaken to maximize the impact from and sustainability of infrastructure development; (iii) strengthened capacities of national and provincial agencies developed to monitor project impacts and implement subprojects; and (iv) efficient project and subproject implementation and management.

6. Of the four proposed components, those with potential implications for resettlement will be the construction or rehabilitation of irrigation canals, and the rehabilitation or upgrading of rural access roads. In most cases, weirs will be rehabilitated on the site of existing weirs, or if in

the case of new sites, site selection will retain sufficient flexibility to avoid resettlement issues. The location of “large or complex” structures such as weirs and control gates will be on the alignment of existing canals. The scope of subprojects is confined to the construction or rehabilitation of existing irrigation facilities.

7. Some subproject sites will develop structures where they previously did not exist. At these sites, canal alignment will be determined by physical conditions but all efforts will be made to minimize resettlement. No improvements, with the possible exception of fencing to prevent livestock access, will be included on land to be resumed for canal location.

8. The purpose of the proposed Project is to promote increased agricultural productivity and marketing efficiency. This will be directed primarily at commercial agriculture and associated agribusiness with the objective of achieving sustained increases in rural incomes and long-term reductions in rural poverty. Specific objectives are to improve access for rural communities to markets, social services (health and education), and achieving food security in geographically isolated areas through small scale irrigation, and other strategic items of infrastructure to maximize the impact from infrastructure investment.

9. The proposed Project covers the provinces of Bokeo (Houai Xai, Pha Oudom and Paktha Districts), Luang Namtha (Namtha, Long and Sing Districts), Oudomxay (Beng and Houne Districts), and Phongsaly (Phongsaly, Nghot Ou and Boon Tai Districts). These provinces comprise mostly rural upland areas interspersed with more productive elevated plateaus. In upland areas, poverty remains persistently high, particularly with 40% of all villages being classified as poor and accounting for about half of all poor people in Lao PDR.

## **B. Scope and Nature of Resettlement Impacts**

10. Subproject may include activities such as widening and minor re-alignment of rural roads, lining of irrigation canals and possible extension of irrigation networks, that may result in the permanent loss of small areas of land; minor damage to structures, crops and trees, and temporary loss or disruption of the use of land or other assets caused by construction works and the movement of construction plant and materials to and from work sites. Some businesses, particularly those located close to project roads, may be affected, though these impacts are expected to be temporary, possibly in all cases. Few, if any, households will need to be relocated or will lose 10% or more of their productive assets. Subproject eligibility criteria (listed below) preclude any candidate subprojects that are potential category A subprojects – 200 people or more will be relocated and/or will lose 10% or more of their productive assets.

## **C. The criteria for screening<sup>1</sup> and selecting subprojects and/or components**

11. Subprojects have the following eligibility criteria:

- (i) Subprojects must be shown to contribute to strategic objectives of provincial and, where appropriate, district socio-economic development plans;
- (ii) Subprojects must have limited potential environmental impacts and conform with Category B subprojects of ADB's environmental classification system and also with Category 1 as outlined in Lao PDR's Decree on Environmental Impact Assessment of April 2010;

---

<sup>1</sup> Use screening checklist in attachment 4.



- (iii) Subprojects with cat A impact for involuntary resettlement will be excluded. Subprojects must be located only in rural areas where the majority of beneficiaries are likely to be dependent upon agriculture for their livelihoods;
- (iv) Subprojects must be able to demonstrate either increased agricultural productivity or improved access to facilitate the development of stronger market linkages;
- (v) There must be demonstrated local commitment to the subproject with confirmation by beneficiaries (inclusive of women and ethnic groups), participating kumbans, and district authorities to that effect;
- (vi) Subprojects must be within the cost range of \$300,000 to \$800,000;
- (vii) Subprojects likely to have recurrent expenditure requirements for their continued operations and maintenance will need to confirm financing arrangements for routine and periodic maintenance;
- (viii) In view of environmental issues and the potential impact rural infrastructure development can have on protected areas, an additional criteria is proposed that will specifically exclude subprojects that adjoin or pass through an existing or proposed protected area.
- (ix) The benefits from each subproject must be independent and achieved directly from the investment under consideration, i.e. not dependent on subsequent adjoining subproject;
- (x) The subproject must not be located in any area where a major development, such as a new hydropower scheme, a mine, or a Special Economic Zone, is planned; and
- (xi) The subproject must satisfy the threshold economic internal rate of return (EIRR) of 12%. In cases where the estimated EIRRs are below the 12% threshold, EIRRs of 10% are acceptable in the presence of substantial level of benefits that cannot be readily quantified. Such unquantified benefits must be documented to justify the eligibility of the subproject for financing.

#### **D. Mitigation measures**

12. To avoid or minimize the potential resettlement impacts from the project activities, the implementing agencies will:
  - (i) Consider design alternatives, favoring those which meet technical and final requirements as well as other criteria,
  - (ii) Where resettlement impacts are unavoidable, provide the financial and technical assistance to households as prescribed in this RF; and
  - (iii) Ensure adequate monitoring of construction activities to ensure adherence to approved designs, and the Environmental Management Plan for each subproject.

#### **E. Representative Subprojects**

13. During the preparation of the Northern Rural Infrastructure Development Sector Project - Additional Financing, feasibility Studies have been prepared for two representative subprojects selected as priority locations in Oudomxay province at the Nam Beng and Nam Oun schemes. Impacts are minor with few affected households and no physical displacement, a Resettlement Plan is required to guide the necessary compensation payable for each of these subprojects.

14. Further schemes will be included in the project, based on selection criteria agreed between the Government and ADB. These additional schemes will undergo feasibility studies

during implementation so it is therefore not possible to assess resettlement impacts at this stage.

## **II. OBJECTIVES, POLICY FRAMEWORK AND ENTITLEMENTS**

### **A. Rationale for a Resettlement Framework**

15. The updated Resettlement Framework (RF) sets out the objectives, principles, eligibility criteria and entitlements for affected persons (APs), based on the national legal and institutional framework and the 2009 ADB Safeguards Policy Statement (SPS). It details entitlements and modes of compensation, participation and consultation procedures and grievance redress mechanisms that will be employed to compensate APs and/or assist them through the process of resettlement in order to enable them to attain an equivalent or better living standard than they had before the project. It also sets out the steps for preparation of resettlement plans (RPs) for any component or subproject that entails involuntary resettlement and/or effects on land or non-land property.

16. As there are still some significant gaps between the Involuntary Resettlement Policy with the Government Policies on Compensation, Assurances and Resettlement, the RF identifies the key issues to address in reconciling the involuntary resettlement safeguards requirements of ADB (as expressed in its Safeguards Policy Statement [SPS] 2009) with national and provincial government policies relative to compensation for recovered assets and adversely affected incomes, including measures for ensuring that affected people or households are able to restore their standards of living to at least their pre-project levels.

17. Where issues arise relating to compensation and assistance of APs that have not been specifically reconciled, the ADB's SPS (2009) shall prevail.

18. The RF for the proposed Project has been built upon the laws of the Government of Lao PDR in particular, the Draft National Resettlement Policy Degree No 192/PM dated 7 July, 2005 and Degree No 699/PMO - Water Resources and Environmental Agency (WREA) dated 12 March 2010 on Compensation and Resettlement of the Development Project (Improved), as well as ADB's SPS (2009).

19. This proposed Project will be bound by the principles and conditions stated in the RF that will be approved by the ADB and MAF. The principles and objectives are to ensure that all APs will be compensated for their losses at replacement cost and provided with rehabilitation measures in order to assist them to improve, or at least maintain, their pre-project living standards and income earning capacity.

### **B. Lao Laws and Regulations**

20. The legal and policy framework for addressing the resettlement impacts of the Northern Rural Infrastructure Development Sector Project is provided by relevant policies and laws of the Lao PDR and the ADB SPS (2009). The following section outlines the relevant policies and laws, and highlights where differences exist, and the specific policies and principles adopted for the proposed Project.

21. In the Lao PDR, compensation principles and policy framework for land acquisition and resettlement are governed by the following laws, decrees and regulations:

- (i) the Constitution (1991),
- (ii) the Land Law (2003),
- (iii) the Road Law (1999),
- (iv) Regulations for Implementing the Decree of the Prime Minister on Compensation and Resettlement of People Affected by Development Projects (No.2432/STEA, dated 11 November 2005), and
- (v) The new improved degree 699/PMO-WREA dated 12 March 2010 on Compensation and Resettlement of the Development Projects.

22. In general, the main principles of the government policies on land acquisition, compensation, assistance and resettlement reflect those set out in ADB's SPS (2009).

### **C. ADB Policies**

23. ADB's Policy on Involuntary Resettlement is outlined in the Safeguard Policy Statement (June 2009), and detailed in the Operational Manual Section F1/OP (issued on 4 March 2010).

24. The objectives of ADB Involuntary Resettlement Safeguards are: to avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups.

25. The ADB Involuntary Resettlement Safeguards Policy Principles are as follows:

- (i) Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. 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.
- (ii) Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations (NGO). Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
- (iii) Improve, or at least restore, the livelihoods of all displaced persons through: (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.

- (iv) Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- (v) Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- (vii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- (viii) Prepare a RP elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- (ix) Disclose a draft RP, 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 RP and its updates to affected persons and other stakeholders.
- (x) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a subproject with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the subproject as a stand-alone operation.
- (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the RP under close supervision throughout project implementation.
- (xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the RP have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

26. ADB's Policy on Gender and Development (2003) 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 proposed Project.

27. Other policies of ADB that have a bearing on resettlement planning and implementation are: (i) Public Communications Policy (2011) and the Operations Manual Section L3/BP (2012); and (ii) Accountability Mechanism (Operations Manual Section L1/BP, dated 29 October, 2012). Following these requirements, the National Project Management Office (NPMO) and provincial project offices (PPOs) are required to share and disclose project information with stakeholders and the public at large. APs should have easy access to project information. The Executing Agency (EA) is also required to provide access for people adversely affected by the proposed Project to voice and seek solutions to their problems during and after resettlement. The grievance redress mechanism, therefore, must be included in the RPs and disclosed to the APs.

#### **D. Reconciliation of Government and ADB Policies**

28. Changes in legislation relating to compensation and resettlement assistance to persons affected by development projects instituted by the Government of Lao PDR in 2005 have been initiated to more effectively safeguard the rights of citizens in respect of their livelihoods, possessions and living standards.

29. Both Lao PDR law and ADB policies entitle APs to compensation for affected land and non-land assets at replacement cost. However, Government and ADB policy differ in the definition of severely affected APs. The ADB (Operational Manual Section F2 para. 5) set a threshold of 10% or more of productive assets to define severely affected APs, while the Government Decree 192/PM (Article 8) adopts a threshold of 20% of income generating assets. Using a 10% threshold is, however, in accordance with Decree 192/PM (Article 6) which entitles all APs to economic rehabilitation assistance to ensure they are not worse off due to the proposed Project.

30. Both Lao PDR law and ADB policies entitle APs to compensation for affected assets at replacement cost and other assistance so that they are not made worse off due to the proposed Project. 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. Should APs be found to be non-titled and required to relocate, the proposed Project will ensure they are provided replacement land at no cost to the APs, or cash sufficient to purchase replacement land.

**Table 1: Reconciliation of Government and ADB Policies and Measures for addressing the differences**

Items with difference in Policies	ADB Policy	National Policy and Identified Gaps	Agreed Measures to Close the Gaps
Severely Affected Households	Being physically displaced from housing; losing 10% or more of productive assets (income generating)	Losing 20% or more of productive income generating assets (loss of agricultural, industrial or commercial land) and means of livelihood, employment or business, and access to community resources	Being physically displaced from housing; and/or losing 10% or more of productive assets (income generating)
Vulnerable Households	Individuals and groups who may be differentially or disproportionately affected by	Vulnerable households include (i) divorced or widowed female headed	Vulnerable households are (i) female headed households with

Items with difference in Policies	ADB Policy	National Policy and Identified Gaps	Agreed Measures to Close the Gaps
	a project because of their disadvantaged or vulnerable status. Vulnerable groups generally include those below the poverty line, the landless, women headed households without any earning members, indigenous peoples those will be vulnerable due to project impact, households with elderly and handicapped members	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.	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 or ethnic minorities those are severely affected by the project
Compensation for those without legal title on land	Non-titled APs are not compensated for affected land, but are eligible for compensation of non-land assets and other assistances.	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, will be compensated for their lost rights to use land and for their assets at replacement costs and other additional assistance. APs is without legal title on land and required to relocate will be provided replacement land at no cost or cash sufficient to purchase replacement land.	Non-legal APs will not receive compensation for affected land. However, if they have no other residential land to stay, they will be allocated replacement land with at no cost or cash sufficient to purchase replacement land and will be compensated at replacement cost for non-land affected structures.
Voluntary land donation	Voluntary donation of land by beneficiary households is acceptable where:  (a) The impacts are marginal (based on percentage of loss and minimum size of remaining assets); (b) Impacts do not result in displacement of households or cause loss of household's incomes and livelihood; (c) The households making voluntary donations are direct beneficiaries of the project; (d) Land donated is free from any dispute on ownership or any other encumbrances; (e) Consultations with the affected households is conducted in a free and transparent manner; (f) Land transactions are	Only if marginal impacts (less than 20% of productive assets) and do not result in displacement. APs aware of entitlements.	<ul style="list-style-type: none"> <li>- Voluntary land donation is accepted only the land donated does not exceed 5% of the total land owned by the affected household.</li> <li>- The land donated does not result in uncompensated permanent non-land assets;</li> <li>- Land donation will only be accepted if the total land owned by the household is not less than 300 m<sup>2</sup>;</li> <li>- Land is not used for productive purposes;</li> <li>- Only secondary structures are affected;</li> <li>- Independent external</li> </ul>

Items with difference in Policies	ADB Policy	National Policy and Identified Gaps	Agreed Measures to Close the Gaps
	supported by transfer of titles; and (g) Proper documentation of consultation meetings, grievances and actions taken to address such grievances is maintained		party will be engaged to verify the criteria and procedures applied for voluntary donation.

### III. PROJECT RESETTLEMENT PRINCIPLES AND OBJECTIVES

31. For the proposed Project, the basic principles and objectives in respect of resettlement are:
- (i) Acquisition of land and other assets, and resettlement of people will be minimized as much as possible.
  - (ii) The census or inventory of losses to be carried out as part of the resettlement planning process for infrastructure subprojects will specify the cut-off date for eligibility. Eligible persons are entitled to be provided with compensation and rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income earning capacity and production levels.
  - (iii) Lack of formal legal rights to the land lost will not prevent APs from entitlement to resettlement assistance and compensation for non-land assets and rehabilitation measures as well.
  - (iv) The compensation and rehabilitation measures to be provided are:
    - a. cash compensation at replacement cost of houses and other structures without deduction for depreciation or salvageable materials;
    - b. replacement of agricultural land for land of equal productive capacity acceptable to the AP;
    - c. replacement of residential and commercial land for land of equal size acceptable to the AP; and
    - d. transfer and subsistence allowances.
  - (v) Replacement of agricultural, residential or commercial land will be as close as possible to the quality of land that was lost, and acceptable to the AP.
  - (vi) Plans for acquisition of land and other assets and provision of rehabilitation measures will be carried out in consultation with the APs to ensure minimal disturbance.
  - (vii) Compensation rates for physical assets (land, house, buildings, and other structures) and non-physical assets (lost income from productive assets or jobs) will be calculated at replacement cost at current market value at the time of compensation.

- (viii) Affected persons that stand to lose only part of their physical assets will not be left with a proportion that will be inadequate to sustain their current standard of living; such a minimum size being identified and agreed during the resettlement planning process.
- (ix) Potentially affected persons will be treated as a potential affected household unless they decided and confirmed in a written and signed compensation entitlement form to voluntarily donate their portion of affected land as a contribution to the Project<sup>2</sup>.
- (x) Affected persons will be systematically informed and consulted about the proposed Project, the rights and options available to them and proposed mitigating measures, and to the extent possible be involved in the decisions that are made concerning their resettlement.
- (xi) The consultative process will include not only those affected, but also representatives of the local governments of the areas in which the subproject is located, host communities' community leaders, civil society organizations such as NGOs, and members of local people's organizations.
- (xii) Existing cultural and religious practices shall be respected and, to the maximum extent practical, preserved.
- (xiii) Special measures shall be incorporated in the RP to protect socially and economically vulnerable groups such as the ethnic minorities, women-headed households, children, and elderly people without support structures and people living in extreme poverty.
- (xiv) The previous level of community services and resources shall be improved after resettlement.
- (xv) There shall be effective mechanisms for hearing and resolving grievances during the implementation of the RP.
- (xvi) The compensation, resettlement and rehabilitation activities will be satisfactorily completed before a 'No-Objection' from ADB will be provided for the subsequent award of contract of civil-works under each subproject.
- (xvii) The Executing Agency (EA) will see that institutional arrangements are in place to ensure effective and timely design, planning, consultation and implementation of the land acquisition, compensation, resettlement, and rehabilitation program.
- (xviii) Where a host community is affected by the resettlement of others into that community, the host community shall be involved in any resettlement planning and decision-making. All attempts shall be made to minimize the adverse impacts of resettlement upon host communities.
- (xix) Adequate budgetary support will be fully committed and made available to cover the costs of land acquisition and resettlement within the agreed implementation period. Owing to practices established under current government procedures, clear budget commitments are required for critical activities such as formal detailed physical surveys and administrative functions associated with compensation and resettlement.

---

<sup>2</sup> Criteria and procedures for voluntary donation are described in Section IV.C of this Resettlement Framework.



- (xx) Appropriate reporting (including auditing and redress functions), monitoring and evaluation mechanisms, will be identified and set in place as part of the resettlement management system. An external monitoring group shall be hired by the Project and the said group shall evaluate the resettlement process and final outcome. Such groups may include qualified NGOs, research institutions or universities. Monitoring reports shall be forwarded directly to ADB.
- (xxi) Construction activities will not commence until the required lands have been fully acquired and populations appropriately compensated and relocated in accordance with the principles set out above.

#### **IV. ELIGIBILITY AND ENTITLEMENT**

32. The cut-off date of eligibility for entitlement is the date that the census and inventory of losses (IOL) survey is completed. The PPO, in association with Provincial Agriculture and Forestry Office (PAFOs) and District Agricultural and Forestry and Office (DAFOs), shall officially inform APs, provincial and district resettlement committees, and APs villages of the proposed schedule of activities. The PRC shall approve the proposed activities and shall issue a notice to proceed to PAFO to carry out the joint Census and IOL survey. The PRC shall also officially inform the concerned district and village administrations and concerned departments and local-based organizations to assist PAFO with these activities. Persons who encroach upon the area after the above cut-off date will not be entitled to compensation or any other form of resettlement assistance.

##### **A. Project Affected Persons**

33. Project includes the following persons to be identified during the census for each of the subprojects under this component (infrastructure rehabilitation) where there is land, property, asset acquisition or resettlement involved:

- (i) Persons whose agricultural, residential, or commercial land is in part or in total affected (temporarily or permanently) by the proposed Project;
- (ii) Persons whose houses and other structures are part or in total affected (temporarily or permanently) by the proposed Project;
- (iii) Persons whose businesses or source of income are part or in total affected (temporarily or permanently) by the proposed Project;
- (iv) Persons whose crops (annual and perennial) and trees are affected by the proposed Project; and
- (v) Persons whose other assets are part or in total affected (temporarily or permanently) by the proposed Project.
- (vi) Persons who will be affected due to involuntary restrictions on land use
- (vii) People who will lose or restrict access to natural resources, communal facilities and services;

##### **B. Project Impacts and Entitlements**

34. Entitlements for each type of APs are based on the types and levels of losses. Entitlement Matrix for the proposed Project is shown in Table 3.

## **1. Temporary Loss of Agricultural, Residential or Commercial Land**

35. This includes the loss of use of land for a period less than one year e.g. during construction.

- (i) No compensation for land if returned to original user. However, the proposed Project will pay rent to APs during the temporary use of APs' land;
- (ii) Restoration of land to its previous or better quality by providing measures to improve land quality in cases of land being adversely affected or acidified;
- (iii) Cash compensation for loss of crops and trees at market prices and compensation for loss of net income from subsequent crops that cannot be planted for the duration of the lease; and
- (iv) If the disruption is more than one year, APs have an option to: (i) continue temporary use arrangements, or (ii) sell affected land to the proposed Project at full replacement cost.

## **2. Permanent Loss of Agricultural, Residential and Commercial Land**

### **a. Agricultural Land**

36. At many sites, land value is not known by villagers resident in both peri-urban and remote areas. Land is available, at most subproject sites, for an annual rent to be provided by PAFO and DAFO negotiated on the season of the year per hectare. This rental charge will be applied to the hectares of land lost at the rate negotiated between PAFO and the AP (up to the local land rental price).

- (i) Compensation will be through the provision of "land-for-land" arrangements of equal productive capacity of the lost land satisfactory to APs,
- (ii) If the impact on the land is minor or less than 10% of the total landholdings of APs, the AP may opt for cash compensation equivalent to the replacement cost at current market value, and
- (iii) Cash compensation for loss of crops and trees at market prices.

### **b. Residential Land**

- (i) Compensation will be through the provision of a "land-for-land" arrangements of equivalent size satisfactory to APs,
- (ii) Cash compensation for affected structures at full replacement cost without deduction for depreciation or salvageable materials,
- (iii) If the impact on the residential land is minor or less than 10% of the total landholdings of APs, the AP may opt for cash compensation equivalent to the replacement cost at current market value,
- (iv) If the residential land and/or fixed improvement is partially affected by the proposed Project and the remaining residential land is not sufficient to rebuild the residential structure lost, then, at the request of the APs, the entire residential land and structure will be acquired at replacement cost

without depreciation. The threshold of insufficient remaining residential land is to be determined based on the consultation with APs, and

- (v) For relocating APs, the proposed Project will provide transition and subsistence allowance.

**c. Commercial Land**

- (i) Compensation will be through the provision of alternative business or commercial site of equal size and accessibility to customers satisfactory to APs,
- (ii) If the impact on the commercial land is minor or less than 10% of the total landholding of APs, the AP may opt for cash compensation equivalent to the replacement cost at current market value,
- (iii) If the commercial land and/or fixed improvement is partially affected by the proposed Project and the remaining commercial land is not sufficient to rebuild the commercial improvement lost, then at the request of the APs, the entire commercial land and structure will be acquired at replacement cost without depreciation. The threshold of insufficient remaining commercial land is to be determined based on the consultation with APs,
- (iv) Cash compensation for the affected business structures at full replacement cost without deduction for depreciation or salvageable materials, and
- (v) Cash compensation for the loss of income during the transition period.

**3. Houses and Structures**

- (i) Cash compensation equivalent to replacement cost without depreciation of salvageable materials, and
- (ii) Tenants renting structures are entitled to three months' rent at prevailing market rate in the area and assistance to identify alternative accommodation and transport allowance and transition allowance.

**4. Crops and Trees**

37. Cash compensation for loss of crops and trees will be at current market value. Compensation for crops will be based on the anticipated harvest at market value while will compensation for trees will be based on the type and age and productivity.

**1. Loss of Common Property Resources**

- (i) Affected land will be replaced in areas identified in consultation with affected communities and relevant organizations,
- (ii) Restoration of affected community buildings and structures to original or better condition, and
- (iii) If income loss is expected (e.g. community forest, income from fishpond), the affected village will be entitled to compensation for the total

production loss (over 3 years). This compensation should be used collectively for income restoration measures and/or new infrastructure.

## **2. Materials Transport and Transition Subsistence Allowance**

### **a. Materials Transport Allowance**

38. Based on information obtained during the resettlement related fieldwork in the three representative subprojects, the PPTA for the current project estimated the amount required to transport household effects, salvaged and new building materials to new sites was KN6.0 million for large houses while APs with small houses, the equivalent figure was KN5.0 million. Updating these figures to 2016, and using an average inflation rate (rural) of around 5%, the applicable figures for the project are KN7.7 million for large houses and KN6.4 million for small houses (factor of 1.28).

### **b. Housing Transition Subsistence Allowance**

39. Relocating APs will receive a lump sum of KN1.9 million during transition. This is based on figures adopted for the current project and factored up to take account of inflation to the year 2016. The basis for the calculation is the existing paid labor rate for planting rice at KN45,000m per day multiplied by 30 days during the transition period for AP.

### **c. Business Transition Allowance**

40. For relocating small businesses such as shops or small restaurants, the PPTA for the current project calculated a lump sum of KN2.3 million. Allowing for inflation, this figure should be factored up to KN2.95 million as at 2016. It is recommended for bigger business shops to base any transition allowance on business income statements and/or their tax-related income calculations. For employees, cash compensation will be necessary for loss of daily salary/wages for those days they cannot work while business is reorganizing at new site.

### **d. Special Assistance for Socially and Economically Vulnerable Households**

41. APs belonging to vulnerable groups including the very poor headed by the elderly, women, disabled persons, or ethnic minorities to be vulnerable due to subproject impact are entitled to an additional special daily allowances amounting to KN25,000 based on identified needs and priorities – updated in 2016. Its monthly total of KN750,000 represents about half of a surveyed monthly salary of affected people – updated in 2016. Households with more than one factor of vulnerability should be entitled to a daily KN25,000 special allowance for each factor – updated in 2016. For example, very poor households with elderly household head would be entitled to KN50,000 per day – updated in 2016. The period shall be defined in dependence of the average monthly income of seriously affected households. Thus this support covers between 3 and 6 months as a minimum, and shall cover at least that period of a construction phase which leads to adverse impacts for affected households. The subproject monitoring will document for such cases. In addition, combined with cash support special assistance shall also be through food supply, such as 0.5 kg rice/day/person to be provide on a bi-monthly or quarterly basis to avoid either selling bigger amount of food or getting in cultural obligation to donate food in bigger quantities which both could contribute to malnutrition of whole families or some family members. Furthermore, APs will receive any necessary support to obtain replacement land and resettlement. These figures are preliminary and might have to be verified at implementation stage. Furthermore, preferences will be given as part of this

special assistance for extension, training, and contractually required employment through the Project for very vulnerable APs.

## C. Voluntary Land Donation

### 1. Conditions for Applying Voluntary Land Donations (VLD)

42. The project allows community members who will benefit from a sub-project to donate their land and other private assets to the sub-project without compensation. It is expected that that the impact of VLD will not have any significant or long-term negative impact on their livelihood.

43. Voluntary donation of land usually involves the contribution by individuals of land for a project that has community benefits. The basic idea is that the project benefits will realistically offset the size of the donated land.

44. The executing and implementing agencies (EA and IAs) are obliged to (i) verify that the donation is in fact voluntary and did not result from coercion, using verbal and written records and confirmation through an independent third party such as a designated nongovernmental organization or legal authority; and (ii) ensure that voluntary donations do not severely affect the living standards of affected persons and benefit them directly.

### 2. Requirements Governing VLDs

45. General ADB requirements on voluntary donation are provided in the Table 2 below:

**Table 2: Criteria and Guidance Notes on Voluntary Land Donation**

Criteria	Guidance Notes
The impacts are marginal (based on percentage of loss and minimum size of remaining assets);	<ul style="list-style-type: none"> <li>- The land donated does not exceed 5% of the total land owned by the affected household.</li> <li>- The land donated does not result in uncompensated permanent non-land assets</li> <li>- Land donation will only be accepted if the total land owned by the household is not less than 300 m<sup>2</sup></li> </ul>
Impacts do not result in physical displacement of households or cause loss of household's incomes and livelihood;	<ul style="list-style-type: none"> <li>- The land is not used for productive purposes</li> <li>- Only secondary structures are affected; there is no physical relocation of household due to the project and land donation.</li> <li>- The affected household does not fall under the category of poor or vulnerable.</li> </ul>
The households making voluntary donations are direct beneficiaries of the project;	<ul style="list-style-type: none"> <li>- Both positive and negative impacts of the project on the affected household are considered.</li> <li>- The affected household can identify the project's direct benefits to them.</li> </ul>
Land donated is free from any dispute on ownership or any other encumbrances;	<ul style="list-style-type: none"> <li>- The affected household has recognized legal tenure.</li> <li>- The land is not being occupied and/or used by any other party.</li> <li>- The land is not in dispute for its ownership.</li> </ul>

Criteria	Guidance Notes
<p>Consultations with the affected households is conducted in a free and transparent manner with participation of the third party and documented by minutes with signatures of land owners, the third party and local authorities;</p>	<ul style="list-style-type: none"> <li>- The affected household should be informed that they have the right to receive compensation for their land and the equivalent amount of compensation for the land they wish to donate.</li> <li>- The affected household receives clear and adequate information on the project, and participates in the project planning.</li> <li>- Provisions on voluntary donation are integrated into the decision making process at community level.</li> <li>- Prepare land donation minutes<sup>3</sup> for each household with signature of the household head, the third party and local authorities.</li> </ul>
<p>Land transactions are supported by transfer of titles; and</p>	<ul style="list-style-type: none"> <li>- Official land ownership document is updated.</li> </ul>
<p>Proper documentation of consultation meetings, grievances and actions taken to address such grievances is maintained.</p>	<ul style="list-style-type: none"> <li>- Agreement is properly documented with signatures of affected person, the EA and witnesses.</li> <li>- Consultation meetings, grievances and actions taken to address such grievances are properly recorded.</li> </ul>

46. The main requirements as agreed between ADB and EA in February 2014 during the implementation phase for this Project to be considered for planning and implementing VLDs are: voluntary donations are an act of informed consent and the affected people are not forced to donate land or other assets with coercion or under duress, or misled to believe that they are obliged to do so. The criteria and guidelines in Table 1 will be followed.

- (i) VLD is allowed only if a sub-project can be technically implemented in another location than where it is planned. If a sub-project is location specific by nature, land acquisition associated with such a sub-project cannot be considered as voluntary, rather, it is an act of eminent domain. In such cases, an agreed and approved entitlement matrix has to be followed accordingly;
- (ii) VLD is allowed only for very minor impact that meets the following criteria:
- (iii) The affected HH are fully informed that they have the right to refuse to donate land and instead receive compensation at replacement cost, and that a grievance redress mechanism is available to them through which they can express their unwillingness to donate;
- (iv) The affected people are encouraged to use the grievance redress mechanism if they have questions or inquiries, either in writing or verbally;
- (v) Adequate measures are in place to protect complainants;
- (vi) Confirmation from face to face meetings and in writing that the affected people are indeed aware that they are entitled to compensation and knowingly agree to donate land or other assets without compensation. The minutes of the meeting, which include confirmation that all conditions for voluntary donations above are

---

<sup>3</sup> Use template of the voluntary land donation minute in attachment 1.

met. The voluntary donation form should be attached in the local language. Once the informed consent of the affected people has been confirmed in writing, both husband and wife of the affected HH sign the form in the presence of the third party, and the affected HH keeps one original signed form;

- (vii) Implementation of sub-projects involving VLD starts only once the assigned authority (village committee, resettlement committee, etc.) has approved the signed voluntary donation forms;
- (viii) If affected people are unwilling to donate assets without compensation, or if impacts go beyond the threshold for voluntary donations occur, compensation should be paid accordingly.
- (ix) Voluntary land donation will be verified by the external independent party.

### **3. Complementary Commitments**

47. VLDs for this Project can be applied following the following major principles and the criteria and guideline in Table 2:

- (i) The subproject site is selected in full consultation with landowners and any non-titled affected people;
- (ii) The APs have joint the Detailed Measurement Survey (DMS) and been part of the Socio-Economic Survey of Affected Households;
- (iii) The APs have been informed about the value of the asset affected and the threshold of their proportional loss of their total land;
- (iv) Voluntary donations do not seriously affect the living standards of APs as indicated by them independent from the threshold of loss of portions of their land;
- (v) Land donations are linked to benefits for the APs.

48. The grievance procedures and the participation mechanisms (see Section VII) have to pay particular attention to cases of VLD. The EA/IAs have to ensure meaningful consultation and communication with AHs in this matter. The Resettlement Committee shall act as the third party and facilitate between APs and EA/IAs if required or necessary. Verification of the procedures shall be included in the Terms of Reference for the External Monitor.

**Table 3: Entitlement Matrix**

Type of Loss	Entitled Persons	Compensation and Rehabilitation Measures	Implementation Issues
<b>I. LOSS OF LAND</b>			
<b>A. Temporarily Affected Agricultural, Residential or Commercial Land</b>	Legal owners or legalizable/recognized right; and those covered by customary rights, such as members of ethnic minority groups.	No compensation for land. Cash compensation for loss of income, standing crops and trees, and the cost of soil restoration and damaged infrastructure during the time of disturbance (during construction).	For the portion to be used temporarily during construction (less than one year): Compensation for land for temporary use including net income from standing crops and trees until maturity; and land is returned to legal owner/user to pre-project condition. If temporary disturbance is more than 1 year, the APs have the option to sell the land to the proposed Project at replacement cost or current market value which will be assessed during resettlement plan preparation or continue to get compensation for net income from standing crops and trees lost until maturity.
	Users without formalized rights	No compensation for land. They are entitled to cash compensation for non-land assets (standing crops, trees, structures) at replacement cost. See item II and III below.	
<b>B. Permanently Affected Agricultural, Residential or Commercial Land</b>	Legal owners or legalizable/recognized rights; and those covered by customary rights, such as members of ethnic minority groups.	a) As a priority, compensation will be through "land for land arrangements" satisfactory to APs (for agricultural land - equal size and productive capacity; for residential land - equivalent size; and for commercial land - equal size and accessibility to customers). b) Cash compensation for affected houses and structures at replacement cost without deduction for depreciation or salvageable materials. Cash compensation for crops and trees at current market values.	If the impact on land is minor or less than 10% of the total landholdings, APs may opt for cash compensation for the affected land equivalent to replacement cost or at current market value. Compensation costs will be assessed during resettlement plan preparation. Cash assistance for standing crops, trees and other assets/improvements. In case AHs voluntarily donate their land, procedures and guideline on land donation regulated in this RF should be followed.
	Users without formalized rights	No compensation for land. They are entitled to compensation for non-land assets	



Type of Loss	Entitled Persons	Compensation and Rehabilitation Measures	Implementation Issues
		(crops, trees, structures). See item II and III below.	
<b>II. LOSS OF HOUSES &amp; OTHER STRUCTURES</b>			
<b>Affected Houses and Structures</b>	Owners identified during the census.  Tenants renting houses/structures.	<p>a) For permanent houses and structures, cash compensation equivalent to replacement cost without depreciation of salvageable materials.</p> <p>b) For temporary or moveable structures, APs will receive a lump sum of KN1.0 million* for damages and reconstruction.</p> <p>c) Tenants renting structures are entitled to three months' rent at prevailing market rate in the area and assistance to identify alternative accommodation and transport allowance and transition allowance.</p>	<p>A lump sum of KN7.5 million shall be paid as shifting allowance to a relocated household, including the lump sum for damages and reconstruction.</p> <p>All relocating affected household with permanent or temporary houses/structures are entitled to a shifting allowance.</p>
<b>III. LOSS OF CROPS AND TREES</b>			
<b>Crops and Trees</b>	Owner or person with customary land usage rights.	<p>a) Cash compensation for loss of crops (including any unharvested crops that are near or ready to harvest at the time of land acquisition) at current market price.</p> <p>b) 1) Cash compensation for standing trees in full replacement cost (until maturity), or 2) compensation in kind for loss of trees, or 3) Compensation for replanting same trees with additional compensation for limited loss of crop.</p>	APs will be identified by the village head. Compensation will be based on the type and age and productivity for trees while crops will be based on the anticipated harvest at market value. APs will be given two months' notice that the land on which their crops are planted will be recovered.
<b>IV. LOSS OF COMMON PROPERTY RESOURCES</b>			
<b>Common Property Resources</b>	Affected communities or concerned government agencies.	a) If income loss is expected (e.g. irrigation, community forest, community grazing	The compensation will be used collectively for income restoration measures and/or new infrastructure.

Type of Loss	Entitled Persons	Compensation and Rehabilitation Measures	Implementation Issues
		land), the village is entitled to compensation for the total production loss (over 3 years); AND b) Restoration of affected community properties to at least previous condition; OR c) Replacement in areas identified in consultation with affected communities and relevant authorities.	
<b>V. INCOME RESTORATION</b>			
<b>A. Materials Transport Allowance</b>	For relocating APs that are required to move back or relocate to other areas	a) For large houses/, a lump sum of KN7.7 million. b) For small houses, a lump sum of KN6.4 million.	Applies to all APs with either permanent or temporary (moveable) houses/structures For relocating APs, the PAFOs, with the help of the concerned resettlement committees, will calculate the amount for the transport of household effects, salvaged and new building materials to new sites.
<b>B. Housing Transition Allowance</b>	For relocating APs that are required to move back or relocate to other areas.	Lump-sum of KN1.9 million (equivalent to 30 days wages).	
<b>C. Business Transition Allowance</b>	For owners of business identified during census	a) Lump sum of KN2.95 million to compensate for loss of small business and restoration of income. For bigger business shops income related compensation will have to be calculated  b) For employees, cash compensation for lost salary/wages for each day they cannot work while business is reorganizing at new site. In the case where the business cannot resume following relocation, allowance provided for 6 months.	For relocating small businesses such as shops or small restaurants, the PPTA calculated a lump sum of KN0.7 million during the transition period. For big businesses, the amount will be calculated based on the business income statement that they could provide.
<b>D. Special Assistance for Socially or Economically Vulnerable Households</b>	APs belonging to vulnerable groups including the very poor headed by the aged, women, disabled, and ethnic minorities.	A KN25,000 special allowance plus additional cash and other assistance based on identified needs and priorities, households with more than one factor	For example, households that are very poor and with an elderly household head would be entitled to allowance of KN40,000.

Type of Loss	Entitled Persons	Compensation and Rehabilitation Measures	Implementation Issues
		<p>of vulnerability being entitled to a KN 25,000 allowance for each factor.</p> <p>In addition APs will receive any necessary support to obtain replacement land and resettlement.</p>	

## V. PREPARATION OF SUBPROJECT RESETTLEMENT PLAN

49. A RP for each subproject with involuntary resettlement impacts will be prepared based on this RF, by the concerned PAFO (in the case of irrigation subprojects) and the Department of Public Works and Transport (in the case of rural access road rehabilitation subprojects) with the cooperation of the respective sections in the district administration offices. Each PAFO, with the assistance of the DAFO will work closely with the APs concerned, resettlement committees, local administrative authorities, and various stakeholder groups (women, ethnic minorities etc.). The RPs prepared by PAFOs or the Department of Public Works and Transport will be submitted to the National Project Coordinator (NPC) through the PPO for review and comment. The PPO will then provide a copy to the Provincial Resettlement Committee for independent review and approval. The finalized RP will be submitted to ADB by the NPC for review, concurrence and upload on ADB website before implementation of the subproject.

50. An RP will be prepared for each subproject with involuntary resettlement impacts. A resettlement plan would cover (i) project description; (ii) a discussion on the scope of land acquisition and resettlement; (iii) socioeconomic information and profile that reflects an assessment of social impacts, including gender concerns; (iv) information disclosure, consultation, and participation; (v) a grievance redress mechanism; (vi) a legal framework, including analysis to identify gaps, if any, between national laws and regulations and ADB requirements regarding compensation, relocation and rehabilitation, and to develop an appropriate gap-filling strategy; (vii) entitlements, assistance, and benefits; (viii) relocation of housing and settlements; (ix) income restoration and rehabilitation, including access to training, employment, and credit; (x) a resettlement budget and financing plan that includes valuation of and compensation for lost assets, relocation, and rehabilitation; (xi) institutional arrangements; (xii) an implementation schedule; and (xiii) monitoring and reporting. An outline of an RP is included as attachment 3.

51. For sub-projects where screening and due diligence confirms no land acquisition or resettlement impacts, RP is not required but a Due Diligence Report need to be prepared, providing the following information:

- (i) **Background on the Project and Subproject:** A brief summary of the state of implementation of the project, description of the subproject type and key details, dates of investigations, and outline of subproject interventions, including a location map.
- (ii) **Land Acquisition and Mitigation Requirements:** Confirmation that the subproject will not result in losses of (i) agricultural and residential land; (ii) crops and trees (iii) primary and secondary structures; (iv) cases of economic resettlement and or

disruption to the lives of vulnerable people; and (v) common property. The section should include a description of the beneficiary group, including ethnic groups, gender issues, main occupations, decision making norms, and data on the community.

- (iii) **Affected Assets of Households:** Confirmation that no assets are affected. Records of consultations with village groups and village leaders
- (iv) **Consultation, Participation and Grievance Mechanisms:** A description of the grievance redress mechanism in place for the subproject
- (v) **Planning, Implementing and Monitoring:** Description of arrangements for monitoring, including Please a statement that in the event that impacts are identified based on detailed design, suitable requirements and arrangements will be made for land acquisition and compensation actions as for category B project.

52. The preparation of subproject RPs will require community participation. Under the guidance of MAF, specifically the NPMO, the PAFO with the assistance of the respective District Coordination Office (DCO) will work closely with the APs and local administrative authorities, resettlement committees, community organizations, women's group, minority groups in the area throughout the various stages of the RPs, i.e., from preparation to implementation and monitoring of RPs.

53. In the planning stage of the subproject, the following steps should be taken (a template screening checklist is provided as attachment 2):

**Step 1:** Based on the preliminary subproject design, identify which of the following categories applies to the subproject: (a) no resettlement effect; (b) insignificant resettlement effect; (c) significant resettlement. Both (b) and (c) require preparation of a RP.

Note that the term "resettlement impact" includes the loss of crops and incomes in addition to physical relocation of APs. While subprojects will be designed according to the principle of avoidance, in cases where resettlement is unavoidable, the subproject must identify all effects and mitigation measures in the subproject RP. The entitlement policy outlined in this RF will be applied.

**Step 2:** In further refining the subproject physical design, consult with potential APs and engineers to avoid and minimize, as far as possible, resettlement impacts by realigning and adjusting the cross-sectional design of subproject canals, drains and minor access roads.

**Step 3:** For subprojects with resettlement impacts, an inventory of losses and census survey of all APs will be carried out as part of the Social Assessment. This should include the socio-economic data of the APs and a record of accurate measurements of type and level of loss. Should the impacts be quantified on the basis of preliminary design (for example, during feasibility study / subproject preparation), then data on impacts will be finalized during detailed measurement survey, when the detailed design is available. The census survey establishes the cut-off date for the eligibility of entitlements. In addition, socio-economic data is collected, this is required for RP development to understand fully how the existing socioeconomic profiles may be affected by the project, particularly the adverse impacts; and to identify and assess social dimensions that are needed to formulate plans to restore and improve the quality

of life of the APs; and as a baseline to monitor and evaluate the impacts during implementation. The set of variables in this baseline data may include the following areas:

- (i) demographic (household composition by age, gender, relationship, ethnicity, education levels);
- (ii) social (corporate groups such as family, lineage, clan, community, and non-corporate such as caste, class, ethnic, religious groups);
- (iii) income and assets (individual, corporate, or collective incomes as well as ownership land, livestock, fishing boats, shops, wood lots, among households) as well as expenditures;
- (iv) occupation (farmers, teachers, shopkeepers, artisans, laborers, transporters, students, spiritual leaders, etc.);
- (v) access to public services (health care, water supply and sanitation, education, transport, etc.);
- (vi) gender roles and issues; and
- (vii) attitudes and preferences on resettlement.

Sample DMS and SES forms that can be used during data gathering are found in Attachments 4 and 5.

Subprojects with significant resettlement impacts are ineligible under the proposed Project and should be removed from the list of eligible subprojects.

**Step 4:** In parallel to the AP census survey, continue consultation with APs to identify their preferences for compensation in cash or kind and any special needs to be addressed in the RP. The evaluation of compensation costs shall be based on values of assets as applied by: (i) the market; (ii) local authorities; (iii) other/similar cases; and (iv) consultation with APs. Determining the costs requires information to be collected from respective provincial, district, and commune or village authorities and where possible, recent and relevant market or value chain studies. The purpose is to estimate a fair value for the productive capacity of the asset being lost. Judgment is required to assess information such as market prices and production and transportation costs. Final compensation unit rates have to be agreed upon prior to formal arrangements for compensation payments of APs.

**Step 5:** Prepare the subproject RP. The Entitlement Matrix in this RF should be used for establishing entitlement matrix for each subproject RP relevant to actual impacts.

**Step 6:** Present the draft RP at the public meeting for the subproject. Any comments made during the meeting need to be documented and considered for incorporation into the finalized RP. The comments are considered by the team, and amendments made to the RP as appropriate and practicable. Again, this involves judgement and may cover aspects such as revising compensation rates. When updating, a matrix should be prepared listing comments made during consultations, options considered, and amendments made to the RP.

**Step 7:** One of the criteria for the subproject appraisal is that an RP is prepared for subproject with resettlement impacts. If it is prepared, it must be submitted to the NPC as part of the social assessment, together with other studies carried out for the subproject feasibility report. The NPC will be required to forward the English translation of the RP to ADB for review and endorsement and upload on the ADB website before

the subproject appraisal in accordance with ADB's Safeguard Policy Statement (2009). If the social assessment and resettlement census survey for subprojects identify new categories of APs and types of loss that are not known at this time, the RF and its Entitlement Matrix will need to be updated accordingly. The socio-economic survey and IOL will be attached as annexes to the RP together with the list of APs based on the census and IOL survey.

## **VI. CONSULTATION, PARTICIPATION AND DISCLOSURE**

54. In parallel to the AP census survey, continue consultation with APs to identify their preferences for compensation in cash or kind and any special needs to be addressed in the RP. Concerning temporary loss of assets, compensation in cash and/or providing temporary guaranteed income through project created income sources for APs shall be applied. Concerning "same/similar asset-for-permanent loss of asset," alternatives should be initially discussed with APs during the PPTA, but require final detailed discussion leading to agreement with the concerned APs during implementation of RP. Concerning "cash-for-permanent loss of assets," information on market prices at replacement cost for land, crops and other assets needs to be collected from respective provincial, district, and kumban authorities and the local market and discussed with APs for concurrence. The evaluation of compensation costs shall be based on values of assets as applied by: (i) the market; (ii) local authorities; (iii) other/similar cases; and (iv) expectations from APs. Determining the costs requires information to be collected from respective provincial, district, and commune or village authorities and where possible, recent and relevant market or value chain studies. The purpose is to estimate a fair value for the productive capacity of the asset being lost. Judgment is required to assess information such as market prices and production and transportation costs. Final compensation unit rates have to be agreed with APs upon prior to formal arrangements for compensation payments of APs.

55. The draft and updated RPs need to be disclosed to APs through public meeting for the subprojects. Any comments made during the meeting need to be documented and considered for incorporation into the finalized RP. The comments are considered by the project team and local authorities, and amendments made to the RP as appropriate and practicable. Again, this involves judgement and may cover aspects such as revising compensation rates. When updating, a matrix should be prepared listing comments made during consultations, options considered, and amendments made to the RP.

56. Further consultation will be undertaken as necessary during the implementation of RPs to ensure (i) that the views and needs of project beneficiaries are taken account of in detailed design; (ii) that key information relating to the subproject, including objectives, scope, implementation arrangements and support to user groups is clearly communicated; and (iii) to ensure that any concerns can be heard and addressed. Consultations will take place with village leaders, with potential user group members, and with villagers at large including affected people. Meetings with women only should be arranged and where warranted, with particular ethnic groups. The consultations shall ensure to be effective and appropriate to the village representation structure, presence and relative proportion of ethnic groups and their culture, and appropriate for subprojects that have multiple sites. The consultation approach will set out the (i) timing of different consultation events such as briefing of local government officials and village leaders; (ii) followed by public consultations prior to conduct of resettlement surveys, and further consultations as required; and (iii) both under defined responsibilities between EA and IAs. The consultation process has to be transparent, conducted in an atmosphere free of coercion, and results made available to all stakeholders, in particular to APs by means of summary documents written in the Lao language as well as languages of any ethnic groups

members who are not conversant with Lao. Project Environmental and Social Monitoring, carried out by an external agency, will verify that consultations took place by checking meeting records, interviewing stakeholders on site to identify if any issues that were raised during earlier consultations were addressed, and/or if any further issues of concern arise.

## VII. GRIEVANCE REDRESS MECHANISMS

57. The APs will participate throughout the various stages of planning and implementation of subproject RPs. They will be properly informed of all activities to be carried out. The information should include the specific activities, schedules, and potential impacts and mitigation measures. The information should be in a form of public meetings to be held by the respective PAFOs, DAFOs, and village committees, following consultation methods described in paragraph 33.

58. In terms of grievance redresses, the APs will be made fully aware of their rights to grievance and the procedures by doing so verbally and in writing during consultation, survey and time of compensation. The APs may present their complaints to the concerned local administrative officials and resettlement committees. Attachment 7 provides the names and contact details for the people to whom complaints can be addressed at the village, district and provincial levels for the sample subprojects of Nam Oun and Nam Beng.

59. The complaint can be elevated to the highest or provincial level if the APs are not satisfied with the decisions made by the village and district levels/committees. APs will be exempted from all taxes, administrative and legal fees associated with their claims and grievance redress.

60. Attempts should be made to settle the issues at the village level through the village mediation committee. This shall be supported through involvement of social and resettlement experts as required, NGOs and mediators and facilitators if required.

61. In general, the following main steps shall be applied and serve as an orientation for the grievance main approach which shall be defined during the preparation of the detailed resettlement (action) plan. For each step details shall be described, agreed and explained to both resettlement responsible committees and the residents of affected villages. Additional steps can be incorporated as appropriate. Subproject APs shall understand the complaints and grievance mechanisms concerning related compensation and mitigation measures.

**Step 1:** In each village existing mediation committees would be the first contact for APs to address their concerns. It is recommended that in agreement with villages either this committee would be responsible for resettlement issues or the village would establish a project related resettlement committee. The village shall decide about its community internal approach.

**Step 2:** APs would address their complaints to these committee/s that would have to react within a defined time (5 days to be defined by village) after submission of the complaint.

**Step 3:** In case provided responses are not satisfying to affected people the grievance applications would be forwarded to the district council for resolution within a defined time (5 days) from the date of filing the complaint with this court.

**Step 4:** In case APs are still not satisfied next steps could involve provincial authorities that would have to issue a final decision within a defined time (10 days). Before applying step 4, the involved district staff shall undertake a final effort for an amicable solution at village level to avoid next legal steps.

**Step 5:** If subproject APs are still not satisfied with the response given or decisions made, the complaint can be elevated at national level either to the national court, if legal decision at provincial level will require this, or to the NPMO which is to be established by the DOP through which the MAF will be responsible for the overall project management for final clarification in this matter within 15 days.

All complaints and resolutions will be properly documented by the concerned resettlement committee and be available for (i) the public; and (ii) review for monitoring purposes.

### VIII. IMPLEMENTATION ARRANGEMENTS

62. MAF, through the NPMO, will continue to oversee the RP activities of the concerned PAFO and provide technical assistance if necessary. The existing arrangements are functioning well and will be appropriate for the resettlement activities under the additional financing.

63. Each PPO within PAFO is headed by a Provincial Project Director who is responsible for all implementing components of the subprojects including the RP. PAFOs shall continue to submit all subproject RPs to NPC, for forwarding to ADB for concurrence.

64. PAFOs, with the assistance of the respective DAFOs, will continue to be responsible for overall planning, preparation and approval of subproject RPs, implementation and coordination of the Overall Project including RP. The NPC will continue to: (i) review and approve all subproject RPs submitted by the provinces; (ii) approve subproject RPs after obtaining concurrence from ADB; (iii) allocate necessary RP budget; (iv) periodically supervise RP implementation progress; (v) coordinate with other relevant central government agencies; and (vi) report these directly to ADB.

65. PAFO has already designated one full-time Resettlement Officer from within PAFO, and one will be designated from each DAFO, who together will ensure that all resettlement-related activities are properly planned, implemented and monitored. The Resettlement Officer designated will continue to be responsible for organizing the affected districts and villages to carry out the activities designated in this RF.

66. PAFOs will continue to be responsible for preparing subproject RPs, and DAFOs at district level will be responsible for implementing and monitoring day-to-day activities including coordination with civil works schedule and financial management. Activities of PAFOs are, but not limited to the following: (i) consultation with APs; (ii) carry out census, inventories of assets, socio-economic surveys; (iii) coordination with implementers, including contractors where they are used, on civil works schedule; (iv) coordination with various departments at the district and village levels; (v) assist APs in finding new replacement land; (vi) prepare rehabilitation assistance to APs at village levels; and (vii) schedule resettlement activities and reporting regularly to the NPC on progress and outstanding issues. To ensure that the preparation of subproject RPs are transparent and conducted in a participatory manner, PAFOs and DAFOs will work closely with the APs, concerned local administrative authorities and local-based organizations (women, ethnic minority groups etc.).



67. Resettlement committees are already established at provincial, and resettlement committees will be established at the district level to review and approve the subproject RPs submitted by the PAFO for forwarding to the NPC. The resettlement committees will also act as an advisor and will assess and monitor the RP activities. They will also act as grievance officers.

68. PRCs have been established and will continue to be headed by the Governor or Vice Governor of the participating Province. Members of the PRC are, but not limited to the following: concerned district governors, Department of Finance (Land Property Office), PAFO, the Department of Planning and Investment, and concerned DAFO heads.

69. The District Resettlement Committee will be headed by the district governor and will be composed of representatives from DAFO, APs, Lao Women's Union of district, and heads of affected villages.

70. Capacity building will be provided in resettlement planning for the newly established implementing stakeholders who will be involved and responsible for the final preparation and implementation of resettlement plans. Costs for capacity building in respect of resettlement have been incorporated into Component 3 with other safeguard topics. It is recommended to organize resettlement related training sessions prior to the start of resettlement activities, where the following topics have to be introduced:

- (i) Latest policies, decrees and technical guidelines.
- (ii) Basic principles of resettlement planning and the conceptual approach on entitlements for losses.
- (iii) Restoration and rehabilitation of livelihoods.
- (iv) Institutional requirements.
- (v) Staff and training requirements.
- (vi) Others.

71. Decisive for the successful implementation of the resettlement plan will continue to be the coordination and cooperation of the resettlement committees at national, provincial, district and village level. The most practical requirements these committees will need to jointly work on among others are:

- (i) Information campaign and consultation with project affected people.
- (ii) Compensation payments.
- (iii) Grievance resolution.
- (iv) Progress completion reporting.
- (v) Loss of land and other assets due to project implementation.
- (vi) Resettlement costs.
- (vii) Income restoration and rehabilitation measures.
- (viii) Negotiation and compensation activities.
- (ix) Local-based organizations to assist resettlement activities.
- (x) Community mobilization.
- (xi) Social construction supervision.

## **IX. IMPLEMENTATION SCHEDULE**

72. The RP for each subproject will be prepared following the completion of concept design for that subproject (i.e. feasibility study stage). A detailed implementation schedule of the various activities to be undertaken will be included in each RP. The schedule for all resettlement activities must be agreed and settled by all stakeholders before resettlement activities begin.

Satisfactory payment of compensation and provision of other rehabilitation entitlements and relocation, if that be the case, will be completed before a 'no objection' can be provided by ADB for commencing civil works construction under each subproject.

## X. RESETTLEMENT/COMPENSATION BUDGET

73. The budget for social surveys, census and inventory of losses, land acquisition, compensation, administrative expenses or operation costs, and internal monitoring will be financed by grant funds and an estimate of the budget is presented in Table 4. Reference is made to the web linked document 3 - the Project Administration Manual. PAFOs and the NPMO will ensure that the costs of resettlement and land acquisition are included in overall subproject cost estimates. These cost estimates will also include adequate provision for contingencies. The RP will include the breakdown for each type of losses with corresponding cost estimates reflecting replacement cost or current market values. The RP will also include detailed schedule and procedures related to flow of RP funds.

**Table 4: Estimated Resettlement/Compensation Budget**

Budget Item	Estimation Basis	Total (\$)
Civil Works (base cost) (*)	16,777,000	
Estimated Resettlement/Compensation Budget	2% of (*)	336,000
Year 1		57,000
Year 2		101,000
Year 3		101,000
Year 4		77,000
Contingencies		50,000
<b>TOTAL</b>		<b>386,000</b>

Notes – The 2% rate is assumed based on the plan to pre-screen all subprojects to ensure resettlement and compensation is minimal. This rate is also based on representative subprojects' feasibility studies actual figures. The yearly break-down is based on the estimate for capital works in the year following. The contingency is calculated on 15% of the estimated budget.

## XI. STAFFING REQUIREMENTS AND BUDGET

74. Resettlement is unlikely to be a significant issue in the implementation of the proposed Project in view of the identification criteria and the pre-screening activities already undertaken during the preparation phase. In order to address the concerns, international and national specialists will be engaged to assist the NPMO ensure that resettlement procedures are followed in accordance with laws of Lao PDR and policies of ADB. It is estimated that one international and one national resettlement specialists will be required with inputs of 12 pm and 25 pm respectively. Timing of input and budget are outlined in Table 5.

**Table 5: Resettlement Specialist Budget**

Budget Item	Unit Cost (\$)	Q'ty/Units	Total (\$)
International Specialist	18,000	12 pm	216,000
Domestic Specialist	3,200	25 pm	80,000
International Air Travel	2,300	5 r/t	11,500
Domestic Air Travel	250	8 r/t	2,000
Per Diem: International Specialist	80	360 days	28,800
Per Diem: Domestic Specialist	40	225 days	9,000
<b>TOTAL</b>			<b>347,300</b>

75. The specialists will assume responsibility for the training of NPMO and PPO staff in resettlement issues and procedures. They will also be responsible for establishing procedures in respect of resettlement and assist in the identification of procedures to resolve any resettlement that might be needed associated with rural infrastructure rehabilitation. The international specialist will have tertiary qualifications in an appropriate discipline and will have more than 10 years of experience working in the field of resettlement for internationally funded development projects, some of which will have been undertaken in Lao PDR. The national specialist will also be an experienced specialist with a minimum of 5 years practical experience with appropriate tertiary qualifications. The national specialist will be conversant with the resettlement laws of Lao PDR and will also have considerable experience in internationally financed development projects where resettlement was an issue. The specialists will be based on the NPMO and will travel throughout the project area as required, answering to the grant implementation consultant team leader.

76. Specific duties of the specialists will include the following:

- (i) Review the PPTA consultant's Final Report and the recommendations on land acquisition and resettlement therein;
- (ii) Support and finalize the Resettlement Plans prepared by the PPTA consultants to prepare the safeguard studies for all subprojects;
- (iii) Make recommendations to develop the resettlement plans (RPs) to a standard acceptable to ADB and have those changes incorporated in the subproject investment reports (SIRs);
- (iv) Visit all participating provinces and brief the provincial administrations, PPOs and participating district staff on the land acquisition and resettlement requirements and, specifically how they differ from standard government procedures in light of ADB policies;
- (v) Brief local consultants recruited to undertake RP preparation in the preparation and reporting procedures to be followed;
- (vi) Review random selected RPs as they are being prepared and make suggestions for their improvement;
- (vii) Review all RPs submitted with subproject investment reports;
- (viii) Liaise with the safeguards officer in each PPO and randomly review RPs being undertaken by the provincial and district governments and report anomalies to the NPMO and relevant PPO; and
- (ix) Assist in developing and implementing the training program on the land acquisition and resettlement aspects of the proposed Project.

## **XII. SUPERVISION, MONITORING AND EVALUATION**

77. The monitoring will be split into two components:

78. **Internal Monitoring.** PAFOs, in collaboration with DAFOs and resettlement committees, are responsible for internal monitoring of RP implementation. PAFOs, with DAFO assistance, will supervise the resettlement activities and provide quarterly reports to the NPC for inclusion in the Quarterly Progress Report, which is circulated to ADB and members of the Project Steering Committee. The NPC will ensure that the grant implementation consultants include in their

progress reports the status of the RPs, and information on location and numbers of people relocated, compensation amounts paid by item, and assistance provided to APs. All reports will be submitted in English. ADB will also monitor these activities in its regular supervision missions during the period of project implementation.

79. Internal monitoring indicators will include:

- (i) Compensation and entitlements are computed at rates and procedures as provided in the approved RP.
- (ii) Payment of compensation to APs in accordance with the RF and as agreed with project authorities.
- (iii) Coordination and completion of land acquisition, compensation, assistance and relocation as required prior to the commencement of civil works
- (iv) Adherence to public information dissemination and consultation procedures.
- (v) Adherence to grievance redress procedures.
- (vi) The transition between resettlement and civil works is smooth.
- (vii) Others.

80. **External Monitoring.** An external organization has been engaged by the NPMO to undertake independent monitoring. This organization has carried out post-resettlement impact evaluation to assess whether impacts of the proposed Project have been mitigated adequately and the pre-project standard of living of APs have been restored as a result of resettlement and project activities. The same organization will be invited to continue to provide these services for the subprojects to be funded additional financing, and review of voluntary land donation procedures will be added to their Terms of Reference.

### Attachment 1: A Sample Minute of Voluntary Land Donation

The following agreement has been made on.....day of ..... between Mr./Ms. ...., aged....., resident of ..... zone, district ..... (the owner) and ..... (the recipient/subproject proponent).

1. That the land with certificate no.....is a part of ....., is surrounded from eastern side by....., western side by....., northern side by ....., and southern side by..... .

2. That the owner holds the transferable rights of land .....(area in sqm), with plot No..... at the above location (include a copy of the certified map, if available) .

3. That the Owner testifies that the land/structure is free of squatters or encroachers and not subject to any other claims.

3.1 That the Owner hereby grants to the..... (name of the recipient) this asset for the construction and development of the .....for the benefit of the community.

3.2 That the Owner will not claim any compensation against the grant of this asset nor obstruct the construction process on the land in case of which he/she would be subject to sanctions according to law and regulations.

3.3 That the .....(name of the of the recipient) agrees to accept this grant of asset for the purposes mentioned.

4. That the recipient shall construct and develop the .....and take all possible precautions to avoid damage to adjacent land/structure/other assets.

5. That the provisions of this agreement will come into force from the date of signing of this deed.

.....  
Name and Signature of the Owner

.....  
Signature of subproject proponent/representative

.....

Third party: (Signature, name and address)

**LAO PDR: Northern Rural Infrastructure Development Sector Project (NRI)**  
**COMPENSATION AND ENTITLEMENT FORM**

Subproject: \_\_\_\_\_

Province: \_\_\_\_\_

District: \_\_\_\_\_

Village: \_\_\_\_\_

I/We: Mr. \_\_\_\_\_

and/or Mrs./Ms.: \_\_\_\_\_

Resident in: \_\_\_\_\_

Confirm:

1. To be head or spouse of the household.
2. Having been fully informed in a free and transparent manner by NRI authorities in public meeting/s, during household survey/s and/or detailed measurement survey of my/our rights to entitlement to compensation for any loss of property (land, trees, crops, structures) by the subproject in relation to the NRISDP land acquisition, resettlement and compensation policy.
3. Having been introduced into complaints/grievance procedures in case of disagreement with the assessment of loss of asset/s.
4. That Mr. or Mrs./Ms. \_\_\_\_\_ is the owner of the affected asset/s listed below and holds the transferable rights.
5. That the asset is free of squatters/encroachers and not subject to any other claim/dispute on ownership or any other encumbrances.
6. The loss of assets is related to the provision to the local authority for the subproject for the benefit of the community as confirmed by NRI.
7. Losing the listed assets located in the subproject area to be provided to local authority to register asset loss for compensation.
8. That affected asset/s and compensation cost/s as shown in the table is/are correct, and I/We agree and accept these.

Type of Affected Asset (land (plot no. if available), structures, trees, crop, etc)	Quantity (area of land/structure, number of trees, etc.)	Units [m <sup>2</sup> , trees, house, etc.]	Affectedness [%] of total land, trees, etc.	Unit Rates [KIP/Unit]	Sub-Total/s [KIP]
TOTAL					

9. LAND: To accept losing: \_\_\_\_\_ m<sup>2</sup> land in the village: \_\_\_\_\_, and agree by  in:

<input type="checkbox"/>	Agree voluntarily to "donation of land" as contribution to the subproject, and do not claim any compensation of the loss of land, nor obstruct the construction process on the land in case s/he would be subject to sanctions accordingly to law and regulations.
<input type="checkbox"/>	Claim compensation in kind through "land-for-land" through alternative land of similar quality / production. Land transactions are supported by transfer of titles if applicable.
<input type="checkbox"/>	Claim compensation in cash-for-kind" through payment in cash.

10. TREE: To accept losing: \_\_\_\_\_ no. of trees in the village: \_\_\_\_\_, and agree by  in:

<input type="checkbox"/>	Agree voluntarily to "donation of trees" as contribution to the subproject, and do not claim any compensation of the loss of trees.
<input type="checkbox"/>	Agree voluntarily to "use the lost trees" by ourselves on our own expenses, and do not request any compensation of loss of trees.
<input type="checkbox"/>	Claim compensation in cash-for-kind" through payment in cash.

11. STRUCTURE: To accept losing: \_\_\_\_\_ structure in the village: \_\_\_\_\_, and agree by  in:

<input type="checkbox"/>	Claim compensation in kind through "structure-for-structure" through relocating or replacing affected structure.
<input type="checkbox"/>	Claim compensation in cash-for-kind" through payment in cash.

12. COMPENSATION: In-cash compensation shall be based on negotiated/agreed prices and payment of compensation confirmed by NRI to take place before mobilization, rehabilitation or construction work will affect the private assets. As long as compensation has not been paid to the owner, the recipient (NRI) has no claim and no user rights over the asset/s.

13. VOLUNTARY DONATION: Subproject related criteria concerning affected household AH /affected person AP (to indicate by ):

AP/s as Beneficiary	Indicate <input checked="" type="checkbox"/>	APs' Expected Impacts	Indicate by <input checked="" type="checkbox"/>	Displacement of AH	Indicate <input checked="" type="checkbox"/>
Direct beneficiary	<input type="checkbox"/>	Minor impact/s for AH	<input type="checkbox"/>	No physical relocation of AH	<input type="checkbox"/>
Indirect beneficiary	<input type="checkbox"/>	Serious impact/s for AH	<input type="checkbox"/>	Physical relocation of AH	<input type="checkbox"/>

14. PPO confirms to take all possible precautions to avoid damage to any assets adjacent to the affected land, structures and other assets.

15. The provisions of this agreement will come into force from the date of signing of this deed. This date will serve also as cut-off-date. This document is final and executable and cannot be changed unless all signatories will conduct a consultation meeting in order to find an agreement.

Village: \_\_\_\_\_

District: \_\_\_\_\_

Date: \_\_\_\_\_

Survey-Number: \_\_\_\_\_

Affected Household: \_\_\_\_\_

Mr. \_\_\_\_\_

Mrs./Ms.: \_\_\_\_\_

Chief of Village: \_\_\_\_\_

Head of Provincial Project Office (PPO): \_\_\_\_\_

Head of Resettlement Committee: \_\_\_\_\_

## Attachment 2: Sample Screening Checklist

Houay Makmue Irrigation Subproject – Long District – Luang Namtha Province			
PHOTOS 1	PHOTOS 2	PHOTOS 3	
PHOTOS 4	PHOTOS 5	PHOTOS 6	
TECHNICAL DESCRIPTION			
MAIN COMPONENTS	YES	NO	DESCRIPTION
Upgrading or rehabilitation			
Construction of new physical facilities			
Residential area			
Productive area			
Access			
Weir			
Main canal			
Other canal/s			
Related structures			
Drains			
Road			
POTENTIAL LAND ACQUISITION, RESETTLEMENT AND COMPENSATION (LARC) RELATED IMPACTS			
SELECTED KEY ITEMS	YES	NO	DESCRIPTION
Permanent land acquisition			
Temporary land acquisition			
Loss of houses/compounds			
Loss of productive land			
Displacement of people			
Change of land ownership and usage			
Loss of crops/trees			
Loss of incomes and livelihoods			
Loss of businesses/enterprises			
Loss of access to facilities/services			
Loss of community assets/ties			
Loss of cultural/historical properties			
Affected non-titled or vulnerable groups			
Affected socio-economic activities			
LIST OF TECHNICAL ASPECTS AND SCREENING IN ACCORDANCE WITH CHECKLISTS AS DEFINED BY LAO PDR GUIDELINES AND ADB REGULATIONS			
► <b>FINDING:</b>			

### **Attachment 3: Outline of a Resettlement Plan**

1. This outline is part of the Safeguard Requirements 2. A resettlement plan is required for all projects with involuntary resettlement impacts. Its level of detail and comprehensiveness is commensurate with the significance of potential involuntary resettlement impacts and risks. The substantive aspects of the outline will guide the preparation of the resettlement plans, although not necessarily in the order shown.

#### **A. Executive Summary**

2. This section provides a concise statement of project scope, key survey findings, entitlements and recommended actions.

#### **B. Project Description**

3. This section provides a general description of the project, discusses project components that result in land acquisition, involuntary resettlement, or both and identify the project area. It also describes the alternatives considered to avoid or minimize resettlement. Include a table with quantified data and provide a rationale for the final decision.

#### **C. Scope of Land Acquisition and Resettlement**

4. This section:

- (i) discusses the project's potential impacts, and includes maps of the areas or zone of impact of project components or activities;
- (ii) describes the scope of land acquisition (provide maps) and explains why it is necessary for the main investment project;
- (iii) summarizes the key effects in terms of assets acquired and displaced persons; and
- (iv) provides details of any common property resources that will be acquired.

#### **D. Socioeconomic Information and Profile**

5. This section outlines the results of the social impact assessment, the census survey, and other studies, with information and/or data disaggregated by gender, vulnerability, and other social groupings, including:

- (i) define, identify, and enumerate the people and communities to be affected;
- (ii) describe the likely impacts of land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account;
- (iii) discuss the project's impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups; and
- (iv) identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.

#### **E. Information Disclosure, Consultation, and Participation**

6. This section:



- (i) identifies project stakeholders, especially primary stakeholders;
- (ii) describes the consultation and participation mechanisms to be used during the different stages of the project cycle;
- (iii) describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders;
- (iv) summarizes the results of consultations with affected persons (including host communities), and discusses how concerns raised and recommendations made were addressed in the resettlement plan;
- (v) confirms disclosure of the draft resettlement plan to affected persons and includes arrangements to disclose any subsequent plans; and
- (vi) describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) and the process for consultation with affected persons during project implementation.

#### **F. Grievance Redress Mechanisms**

7. This section describes mechanisms to receive and facilitate the resolution of affected persons' concerns and grievances. It explains how the procedures are accessible to affected persons and gender sensitive.

#### **G. Legal Framework**

8. This section:

- (i) describes national and local laws and regulations that apply to the project and identify gaps between local laws and ADB's policy requirements; and discuss how any gaps will be addressed.
- (ii) describes the legal and policy commitments from the executing agency for all types of displaced persons;
- (iii) outlines the principles and methodologies used for determining valuations and compensation rates at replacement cost for assets, incomes, and livelihoods; and set out the compensation and assistance eligibility criteria and how and when compensation and assistance will be provided.
- (iv) describes the land acquisition process and prepare a schedule for meeting key procedural requirements.

#### **H. Entitlements, Assistance and Benefits**

9. This section:

- (i) defines displaced persons' entitlements and eligibility, and describes all resettlement assistance measures (includes an entitlement matrix);
- (ii) specifies all assistance to vulnerable groups, including women, and other special groups; and.
- (iii) outlines opportunities for affected persons to derive appropriate development benefits from the project.

#### **I. Relocation of Housing and Settlements**

10. This section:

- (i) describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and/or self-selection

- (ii) (ensure that gender concerns and support to vulnerable groups are identified); describes alternative relocation sites considered; community consultations conducted; and justification for selected sites, including details about location, environmental assessment of sites, and development needs;
- (iii) provides timetables for site preparation and transfer;
- (iv) describes the legal arrangements to regularize tenure and transfer titles to resettled persons;
- (v) outlines measures to assist displaced person with their transfer and establishment at new sites;
- (vi) describes plans to provide civic infrastructure; and
- (vii) explains how integration with host populations will be carried out.

#### **J. Income Restoration and Rehabilitation**

11. This section:

- (i) identifies livelihood risks and prepare disaggregated tables based on demographic data and livelihood sources;
- (ii) describes income restoration programs, including multiple options for restoring all types of livelihoods (examples include project benefit sharing, revenue sharing arrangements, joint stock for equity contributions such as land, discuss sustainability and safety nets);
- (iii) outlines measures to provide social safety net through social insurance and/or project special funds;
- (iv) describes special measures to support vulnerable groups;
- (v) explains gender considerations; and
- (vi) describes training programs.

#### **K. Resettlement Budget and Financing Plan**

12. This section:

- (i) provides an itemized budget for all resettlement activities, including for the resettlement unit, staff training, monitoring and evaluation, and preparation of resettlement plans during loan implementation.
- (ii) describes the flow of funds (the annual resettlement budget should show the budget-scheduled expenditure for key items).
- (iii) includes a justification for all assumptions made in calculating compensation rates and other cost estimates (taking into account both physical and cost contingencies), plus replacement costs.
- (iv) includes information about the source of funding for the resettlement plan budget.

#### **L. Institutional Arrangements**

13. This section:

- (i) describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the resettlement plan;
- (ii) includes institutional capacity building program, including technical assistance, if required;
- (iii) describes role of NGOs, if involved, and organizations of affected persons in resettlement planning and management; and

- (iv) describes how women's groups will be involved in resettlement planning and management.

#### **M. Implementation Schedule**

14. This section includes a detailed, time bound, implementation schedule for all key resettlement and rehabilitation activities. The implementation schedule should cover all aspects of resettlement activities synchronized with the project schedule of civil works construction, and provide land acquisition process and timeline.

#### **N. Monitoring and Reporting**

15. This section describes the mechanisms and benchmarks appropriate to the project for monitoring and evaluating the implementation of the resettlement plan. It specifies arrangements for participation of affected persons in the monitoring process. This section will also describe reporting procedures.

**Attachment 4: Involuntary Resettlement Impact Screening Checklist**

<b>Probable Involuntary Resettlement Effects</b>	<b>Yes</b>	<b>No</b>	<b>Not Known</b>	<b>Remark</b>
<b>Involuntary Acquisition of Land</b>				
1. Will there be land acquisition?				
2. Is the site for land acquisition known?				
3. Is the ownership status and current usage of land to be acquired known?				
4. Will easement be utilized within an existing Right of Way (ROW)?				
5. Will there be loss of shelter and residential land due to land acquisition?				
6. Will there be loss of agricultural and other productive assets due to land acquisition?				
7. Will there be losses of crops, trees, and fixed assets due to land acquisition?				
8. Will there be loss of businesses or enterprises due to land acquisition?				
9. Will there be loss of income sources and means of livelihoods due to land acquisition?				
<b>Involuntary restrictions on land use or on access to legally designated parks and protected areas</b>				
10. Will people lose access to natural resources, communal facilities and services?				
11. If land use is changed, will it have an adverse impact on social and economic activities?				
12. Will access to land and resources owned communally or by the state be restricted?				
<b>Information on Displaced Persons:</b>				

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remark
<p><b>Any estimate of the likely number of persons that will be displaced by the Project?</b>  <input type="checkbox"/> No    <input type="checkbox"/> Yes</p> <p>If yes, approximately how many? _____</p>				
<p><b>Are any of them poor, female-heads of households, or vulnerable to poverty risks?</b>  <input type="checkbox"/> No    <input type="checkbox"/> Yes</p>				
<p><b>Are any displaced persons from indigenous or ethnic minority groups?</b>  <input type="checkbox"/> No    <input type="checkbox"/> Yes</p>				
<p><b>Potentially affected lands by Project's interventions/components</b></p>				

**Attachment 5: Master Samples for Survey Sheets/Questionnaires**

- 1) The participants (survey team members, members of affected household, others) have carried out this survey and agreed on the data and information recorded in this survey form.
- 2) The asset/s related information will be used for official estimation of compensation entitlement for loss of asset/s the subproject will cause to an affected household.
- 3) Based on the findings of the PMS/DMS, the owner will be informed about preliminary/final compensation costs during feasibility study/detailed design following next, formal land acquisition, resettlement and compensation procedures.
- 4) In case the owner of an affected asset has not been aware about the subproject's cut-off-date, by signing this survey statement s/he acknowledges her/his understanding and acceptance of such a date in the presence of PPO and/or DCO staff.
- 5) The socio-economic information can be used for providing baseline information about the household before and comparison to the impact situation after the subproject implementation.

MAIN PARTICIPANTS OF SURVEY				
SER. NO.	NAME	ROLE/POSITION	TELEPHONE NUMBER	SIGNATURE
1				
2				
...				
N				

NAME OF SUBPROJECT: \_\_\_\_\_

PROVINCE / DISTRICT / VILLAGE: \_\_\_\_\_

NAME OF HOUSEHOLD (HH): \_\_\_\_\_ UNIT No: \_\_\_\_\_ HH No. \_\_\_\_\_

Day: \_\_\_\_ Month: \_\_\_\_ Year: \_\_\_\_\_ Survey Ser. No \_\_\_\_ Survey Enumerator \_\_\_\_\_

TYPE OF AFFECTED ASSET/S AND RELATED LOSS/ES					
PRODUCTIVE LAND	YES	NO	RESIDENTIAL LAND	YES	NO
	[sqm or no.]	<input checked="" type="checkbox"/>		[sqm or no.]	<input checked="" type="checkbox"/>
Rice Land			Housing Area		
Vegetable Land			Shop/Service Area		
Orchard Land			Commercial Area		
Forest Land			Primary Structures (house, shop, etc)		
Aquaculture Land			Secondary Structures		
Tree Plantation			House-Garden		
Fallow Land			Trees		
Trees			Others		
Others			Others		
SIGNATURE OR THUMP PRINT					

HUSBAND AND/OR AFFECTED HOUSEHOLD	WIFE	VILLAGE CHIEF
HEAD OF PROVINCIAL PROJECT OFFICE		HEAD OF DISTRICT

1 SOME <b>SOCIO-ECONOMIC</b> INFORMATION ABOUT AFFECTED HOUSEHOLD							
1.1 AFFECTED HOUSEHOLD							
No.	Name of AH member	Age [year]	Sex [F or M]	HH Relationship	School grade reached	Illiteracy (yes or no)	Occupation
1							
2							
3							
4							
5							
6							
7							
8							
<b>Note:</b>		Under serial no. 1 the head of the AH should be listed					
Ask: Head of AH:		Widowed: <input type="checkbox"/> Yes <input type="checkbox"/> No    Divorced: <input type="checkbox"/> Yes <input type="checkbox"/> No    Handicapped: <input type="checkbox"/> Yes <input type="checkbox"/> No					
Ethnicity of AH:							
Language used by AH:							
Number of family members of household:							
1.2 HOUSEHOLD'S SOURCE OF INCOME							
<input checked="" type="checkbox"/>	Activity	[KIP/year]		Performing HH Member/s			
	Agriculture						
	Livestock						
	Fishery						
	Forestry (NTF)						
	Manual Labor						
	Business / Trade						
	Salary / Wage						

	Pension		
	Handicraft		
	Services		
Estimated Annual Income:		KIP / year / affected household	
Estimated Monthly Income:		KIP / month / affected household	
You think your family is? ( <input checked="" type="checkbox"/> )	Very poor	Poor	Normal
		Well Off	Rich

2		TOTAL LAND OF AFFECTED HOUSEHOLD	
2.1	WHEN DID YOUR FAMILY START LIVING IN THIS VILLAGE?	Year:	Remark/s
2.2	HOW MANY FAMILIES ARE USING YOUR LAND?	Yes <input checked="" type="checkbox"/> No	
	One family		
	Two families		
	Three families		
2.3	TYPE / TOTAL OF LAND OF HH		
	RESIDENTIAL LAND	Yes <input checked="" type="checkbox"/> No	Total [ha or sqm]
	Housing compound (Prim. & Sec. Structures)		
	Other compound:		
	Other compound:		
	Total Residential Land:		
	PRODUCTIVE LAND	Yes <input checked="" type="checkbox"/> No	Total [ha or sqm]
	Rice Land		
	Vegetable Land		
	Orchard (land with fruit trees)		
	Tree Plantation (land with other trees)		
	Forest Land		
	Aquaculture Land (fishponds, etc.)		



	Fallow Land			
	Total Productive land:			
2.4	HOW MANY PARCELS YOU OWN?			Remark/s
	Residential Compounds			
	Productive Plots			
2.5	HOW MANY TREES DO YOU HAVE IN TOTAL?			

3	<b>AFFECTED PRODUCTIVE LAND / TREES / CROPS OF AFFECTED HOUSEHOLD</b> <input type="checkbox"/> If YES, continue <input type="checkbox"/> If NO go to item 4: Residential Land / Structures			
3.1	<b>AFFECTED PRODUCTIVE LAND</b>			
	Since when is your family using the productive land:			
	Who is the owner of the productive land:			
	Do you have a land title or certificate:			<input type="checkbox"/> Yes <input type="checkbox"/> No
	<b>LOCATION OF AFFECTED PRODUCTIVE PLOTS</b>			
	In irrigation scheme <input type="checkbox"/> No <input type="checkbox"/> Yes			
	In rainfed area <input type="checkbox"/> No <input type="checkbox"/> Yes			
No.	WHICH TYPE OF LAND IS AFFECTED	Total area [sqm] <input type="text"/>	Affected area [sqm] <input type="text"/>	Remark Are you using all this land <input type="checkbox"/> Yes <input type="checkbox"/> No  Other Remark/s:
	Rice Land			
	Vegetable Land			
	Orchard (land with fruit trees)			
	Tree Plantation (land with other trees)			
	Forest Land			
	Aquaculture Land (fishponds, etc.)			

	Fallow Land						
	Totals:						
	<input type="text"/> Portion of affected / not-affected productive land in %:						
	<input type="text"/> More or less than 10% of productive land:					<input type="checkbox"/> Yes <input type="checkbox"/> No	
Remark/s:							
<b>3</b>	<b>AFFECTED PRODUCTIVE LAND / TREES / CROPS OF AFFECTED HOUSEHOLD</b>						
<b>3.2</b>	<b>AFFECTED TREES</b>		<input type="checkbox"/> If YES, continue		<input type="checkbox"/> If NO go to item 3.3		
Since when does your family have the trees:							
Who is the owner of the trees:							
	<b>Ser. No.</b>	<b>Name of Affected Tree</b>	<b>Quantity [no]</b>	<b>Age [years]</b>	<b>Productivity [kg/tree]</b>	<b>Unit cost [KIP/Unit]</b>	<b>Total cost [KIP]</b>
	1					To be provided by PPO for the month/year	To be calculated in updated Resettlement Plan
	2						
	3						
	4						
	5						
	Total affected trees						
	<input type="text"/> Total trees						
	<input type="text"/> Portion of affected / not-affected productive land in %:						
	<input type="text"/> More or less than 10% of productive land:						
<b>3.3</b>	<b>AFFECTED CROPS (CROPS FROM FIELDS)</b> <input type="checkbox"/> If YES, continue <input type="checkbox"/> If NO see CONTROL QUESTION below						
Who is cultivating the land:							
Who is the owner of the crop:							
	<b>Ser. No.</b>	<b>Name of Crop</b>	<b>Productivity [t/ha – based on no. of bags or kg/sqm]</b>		<b>Unit cost [KIP/Unit]</b>	<b>Total cost [KIP]</b>	
	1						

	2				
	3				
	4				
	5				
	6				
	7				
	Total				

<b>3</b>	<b>AFFECTED PRODUCTIVE LAND / TREES / CROPS OF AFFECTED HOUSEHOLD</b>			
<b>3.4</b>	<b>BENEFITS</b>			
	<b>BENEFICIARY</b>		Yes <input checked="" type="checkbox"/>	No
	Are you a direct beneficiary			
	<b>IF YES:</b> YOU ARE A DIRECT BENEFICIARY OF AFFECTED PRODUCTIVE LAND, THEN BECAUSE YOU ARE			
	Owning and cultivating			
	Owning and renting			
	Owning but not using			
	Working as labor on this land			
<b>3.5</b>	<b>IMPACTS</b>			
	<b>IMPACTS FOR YOUR HOUSEHOLD THROUGH LOSS OF PROD LAND / TREES YOU REGARD AS</b>		Yes <input checked="" type="checkbox"/>	No
	MINOR			
	The portion of assets lost is negligible/very little and not harmful for the AH's income			
	Other:			
	SERIOUS			
	The portion of assets lost is too high and would lead to severe income reduction of AH			
	Other:			
<b>3.6</b>	<b>IN CASE YOU OFFER DONATION</b>			
	If YES <input type="checkbox"/> , continue with 3.6 (3.7 not necessary)		If NO <input type="checkbox"/> , go to 3.7 (as 3.6 is not necessary)	
	<b>MOTIVATIONS FOR YOUR VOLUNTARY DONATION OF AFFECTED ASSETS TO NRI</b>		Indicate by <input checked="" type="checkbox"/>	
			Yes	
		High	Low	
	Importance of subproject for village			
	More secure water supply for irrigated agriculture			
	Increased yields and therefore higher income for AH			
	Personal interest in supporting the subproject			
	Private donation regarded as community contribution to the subproject			
	Others:			
<b>3.7</b>	<b>IN CASE YOU ASK FOR COMPENSATION</b>			
	<b>TYPE OF COMPENSATION YOU WOULD REQUIRE</b>		Yes <input checked="" type="checkbox"/>	No

	In-kind (land-for-land or tree-for-tree)		
	In-cash (cash for land or trees)		
<b>Potential Reasons for Compensation</b>	Indicate by <input checked="" type="checkbox"/>		
	Yes		No
	High	Low	
	Amount of offered compensation is high (attractive)		
	Need the compensation for other purposes		
	Others:		

➤ <b>CONTROL QUESTION</b>	<b>IF THERE IS ONLY PRODUCTIVE LAND AFFECTED AND NO RESIDENTIAL LAND / STRUCTURE (ITEM 4) THEN THE USED SHEETS ARE SUFFICIENT AND THE SURVEY IS COMPLETED HERE</b>
---------------------------	--

<b>4</b>	<b>AFFECTED RESIDENTIAL LAND / STRUCTURES OF AFFECTED HOUSEHOLD</b>		
<b>4.1</b>	<b>Affected Residential Land</b>		
	Since when are you using the residential land:		
	Who is the owner of the residential land:		
	Who is the owner of the structures:		
	Do you have a land title or certificate:		<input type="checkbox"/> Yes <input type="checkbox"/> No
	<b>Location of Affected Plots</b>		
	Inside built-up area of village	<input type="checkbox"/> No <input type="checkbox"/> Yes	
	Outside built-up area of village	<input type="checkbox"/> No <input type="checkbox"/> Yes	If yes, where:
No.	Land Type	Total area [sqm]	Affected area [sqm]
1	Residential area		Remark 1 Are you using all this land <input type="checkbox"/> Yes <input type="checkbox"/> No Other Remarks:
2	Shop/Service area		
3	Commercial area		
4			
Total area of compound/s			
5		Portion of affected / not-affected residential land in %:	
		More or less than 10% of residential land:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Remark/s:			
<b>4.2</b>	<b>Compensation</b>		
	<b>TYPE OF COMPENSATION YOU WOULD REQUIRE</b>		Yes <input checked="" type="checkbox"/> No
	In-kind (land-for-land or structure-for-structure)		
	In-cash (cash for land and structures)		
	Combination of in-cash and in-kind compensation		
<b>Potential Reasons for Compensation</b>	Indicate by <input checked="" type="checkbox"/>		
	Yes		No
	High	Low	
	Amount of offered compensation is high (attractive) for me		
	Need the compensation for other purposes		
	Prefer land to be provided		
	Prefer structure/s to be provided		
	Others:		
	Others:		
	Others:		

4 <b>AFFECTED RESIDENTIAL LAND/STRUCTURES</b> OF AFFECTED HOUSEHOLD											
4.3 <b>Affected Primary Structures</b> <input type="checkbox"/> If YES, continue <input type="checkbox"/> If NO, go to item 4.4											
Affected Primary Structures	Yes	<input checked="" type="checkbox"/> No	Quantity	Floor Code	Construction Material Code	Structure Area [sqm]	Affected Structure Area [sqm]	Unit Cost [KIP/Unit]	Total Cost [KIP]		
House								To be provided by PPO for the month/year of this DMS	To be calculated In updated Resettlement Plan		
Separate Kitchen											
Separate Bathroom											
Separate Toilet											
Food Barn											
Animal Shelter											
Vehicle Porch											
Shop											
Restaurant											
Workshop											
Office											
Total Area of Structures [sqm]											
Total Affected Area of Structures [sqm]											
Portion of Affected Area of Structures [%]											
Material Costs [KIP]											
Labor Costs [KIP]											
Total Costs [KIP]											
Floor Code	1= Ground floor ; 2= First floor ; 3= Second floor ; 4= Third floor ; 5= Others										
Material Code	1= Thatch/leaf ; 2= Zinc ; 3= Round wood ; 4= Bamboo ; 5=Sawn wood ; 6=Tile ; 7= Floor Tile ; 8= Concrete Slab ; 9= Reinforced Concrete ; 10=Clay Wall ; 11=Plank ; 12= Metal ; 13= 10CM Bricks ; 14= 20CM Bricks ; 15= Concrete Bricks ; 16= Others.....										

<b>4</b>	<b>AFFECTED RESIDENTIAL LAND / STRUCTURES OF AFFECTED HOUSEHOLD</b>						
<b>4.4</b>	<b>Affected Secondary Structures</b> <input type="checkbox"/> If YES, continue <input type="checkbox"/> If NO, go to item 4.5						
	Ser. No.	Type of property	Size	Quantity [no]	Unit cost [KIP/Unit]	Total cost [KIP]	
	1	Open well			To be provided by PPO for the month/year of this DMS	To be calculated in updated Resettlement Plan	
	2	Pump well					
	3	Wooden fence, concrete post, wire					
	4	Concrete fence (brick/rock)					
	5	Grave/Stupa					
	6	Concrete slab					
	7						
	8						
	9						
	10						
	Total Costs [KIP]:						
<b>4.5</b>	<b>Allowances</b> <input type="checkbox"/> If YES, continue <input type="checkbox"/> If NO, go to items 4.6 and 4.7						
	<b>Cases for Living Allowances</b>					Yes	No
	Smaller house with light raw materials to relocate within or close to location						
	Smaller house with light raw materials to relocate far from current location						
	Bigger house with heavy raw materials to relocate within or close to location						
	Bigger house with heavy raw materials to relocate far from current location						
	<b>Cases for Transport Allowances</b>					Yes	No
	Relocate the small shop within or close to location						
	Relocate the house within or close to location						
	Relocate the house within same village						
	Relocate the house to a different village or commune						

**Attachment 6: Line Items in a Resettlement Budget**

<b>1. Compensation Value of Affected Assets (all AH's)</b>
Affected land
Affected structures
Affected Trees
Affected Crops
<b>2. Staff Salaries</b>
<b>3. Out of Pocket Expenses</b>
Survey / fieldwork services
Air transport
Land transport (where not included in survey/fieldwork services price)
Per diem cost for field supervisory team
Printing Costs

**Attachment 7: Specific Names of Responsible Individuals in the GRM:****Nam Beng Subproject : Six (6) beneficiary villages in Beng district**

	Responsible Authorities/Offices	Individuals Name (Head or in charge)	Tel No.	Level
1	Ban Namaed			Village
	- Village Authorities (Head)	Mr. Phomma	0305497593	
	- Village Mediation Committee (LNFC)(*)	Mr. Maitip	56062150	
2	Ban Yor			Village
	- Village Authorities (Head)	Mr. Maichanhaoun	59951042	
	- Village Mediation Committee (LNFC)(*)	Mr. Mai inkao	96822885	
3	Ban Xiengle			Village
	- Village Authorities (Head)	Mr. Maichanh aoun	54951334	
	- Village Mediation Committee (LNFC)(*)	Mr. Synoun	59690775	
4	Ban Houaylor			Village
	- Village Authorities (Head)	Mr. Somsay	0309799110	
	- Village Mediation Committee (LNFC)(*)	Mr. Nanelao	55731941	
5	Ban Pangdeua			Village
	- Village Authorities (Head)	Mr. Khamphat	55446968	
	- Village Mediation Committee (LNFC)(*)	Mr. Khanh	Not available	
6	Ban Nalai			Village
	- Village Authorities (Head)	Mr. Maipheng	59577133	
	- Village Mediation Committee (LNFC)(*)	Mr. Maifong	55204934	
7.	Beng District Office (Mediation Committee)	Mr. Nongly (DCO staff in charge of Safeguards for coordination)	0309298562	District
8.	Oudomxay Provincial Office (Mediation Committee)	Mr. Mounthong SENGLA (PPO staff in charge of Safeguards for coordination)	22379334	Province

Note: (\*) LNFC = Lao National Front for Construction



**Nam OunSubproject : Four (4) beneficiary villages in Houn district**

	Responsible Authorities/Offices	Individuals Name (Head or in charge)	Tel No.	Level
1	Ban Chantai (*)			Village
	- Village Authorities (Head)	Mr. Tithhak	22377655	
	- Village Mediation Committee (LNFC)(**)	Mr. Oneta	29817391	
2	Ban Nathong			Village
	- Village Authorities (Head)	Mr. Chanhthavong	0309220353	
	- Village Mediation Committee (LNFC)(**)	Mr. Tew	0304603802	
3	Ban Nam Oun			Village
	- Village Authorities (Head)	Mr. Yearsong	22835994	
	- Village Mediation Committee (LNFC)(**)	Mr. Houmpheng	98185192	
4	Ban Faen			Village
	- Village Authorities (Head)	Mr. Siengphone	0302810206	
	- Village Mediation Committee (LNFC)(**)	Mr. Tithchanh	58982224	
5.	Houn District Office (Mediation Committee)	Mr. Phongsy SONSITHYDETH (DCO staff in charge of Safeguards for coordination)	28738831	District
6.	Oudomxay Provincial Office (Mediation Committee)	Mr. Mounthong SENGLA (PPO staff in charge of Safeguards for coordination)	22379334	Province

Note: (\*) Ban Nongdin was merged with Ban Chantai, (\*\*) LNFC = Lao National Front for Construction