

**LAO PDR SOUTHEAST ASIA DISASTER RISK  
MANAGEMENT - ADDITIONAL FINANCE  
(LDRM-AF)**

Project ID No: P170945

**ENVIRONMENTAL AND SOCIAL MANAGEMENT  
FRAMEWORK (ESMF)**

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## LIST OF ACRONYMS

ADB	Asian Development Bank
AF	Additional Financing
ARAP	Abbreviated Resettlement Action Plan
BKX	Borikhamxay Province
CBO	Community Based Organizations
CEDAW	Committee on the Elimination of Discrimination against Women
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
CoC	Code of Conduct on GBA and VAC
CSC	Construction Supervision Consultant
CSO	Civil Society Organizations
DBST	Double Bituminous Sealed Treatment
DDMC	District Disaster Management Committee
DESIA	Department of Environment and Social Impact Assessment
DFRM	Department of Forest Resources and Management
DoNRE	Department of Natural Resources and Environment
DNEP	Department of Natural Resources and Environment Policy
DOF	Department of Forest
DOP	Department of Planning
DOW	Department of Waterways
DPC	Department of Planning and Cooperation
DPWT	Department of Public Works and Transport
DRFI	Disaster Risk Financing and Insurance
DRM	Disaster Risk Management
DRO	District Resettlement Office
DRR	Disaster Risk Reduction
DUPH	Department of Urban Planning and Housing
EA	Environmental Assessment
EIA	Environmental Impacts Assessment
ECC	Environmental Compliance Certificate
ECoP	Environment Code of Practice
EDPD	Environmental Research and Disaster Prevention Division (of PTRI)
EG	Ethnic Group
EGEF	Ethnic Group Engagement Framework
EMC	Environmental Management Consultant
EPL	Environmental Protection Law
ESHS	Environmental and Social Health and Safety
ESIA	Environmental and Social Impact Assessment

ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESOM	Environmental and Social Operation Manual
FPIC	Free, Prior and Informed Consent
GAP	Gender Action Plan
GBV	Gender-Based Violence
GoL	Government of Lao PDR
GRM	Grievance Redress Mechanism
GRID	Gender Resource Information and Development Center
HVCA	Hazard Vulnerability and Capacity Assessment
ICCPR	International Convention on Civil and Political Rights
ICESCR	International Convention on Economic, Social and Cultural Rights
ICOMOS	International Council on Monuments and Sites
ICT	Information and Communications Technologies
IDA	International Development Association
IEE	Initial Environmental Examination
JICA	Japan International Cooperation Agency
Lao PDR	Lao People's Democratic Republic
LDRM-AF	Lao Disaster Risk Management Additional Financing
LFND	Lao Front for National Development
LPB	Luang Prabang province
MOF	Ministry of Finance
MoHA	Ministry of Home Affairs
MoICT	Ministry of Information, Culture and Tourism
MoNRE	Ministry of Natural Resources and Environment
MPI	Ministry of Planning and Investment
MPWT	Ministry of Public Works and Transport
MRC	Mekong River Commission
NEIO	Natural Resources and Environment Inspection Office
NPA	National Protected Areas
NSEDP	National Socio-economic Development Plan
O&M	Operation and Maintenance
OP	Operational Policies
OP/BP	World Bank Operational Policies
PA	Protected Areas
PAH	Project Affected Households
PAP	Project Affected People
PDNA	Post Disaster Needs Assessment
PDR	People's Democratic Public
PFA	Protected Forest Area

PIU	Project Implementation Unit
PMU	Project Management Unit
PRO	Project Resettlement Office
RoI	Region of Influence
RoW	Right of Way
RPF	Resettlement Policy Framework
RSS	Regional Safeguards Secretariat
SC	Sub-component
SDS	Social Development Specialist
SIA	Social Impact Assessment
SMART	Specific, Measurable, Achievable, Relevant and Time-Bound
SMMP	Social Management and Monitoring Plan
TA	Technical Assistance
ToR	Terms of Reference
USAID	United States Agency for International Development
UXO	Unexploded Ordinance
VAC	Violence against children
WB	World Bank
WBG	World Bank Group

## **PREFACE**

This Environmental and Social Management Framework (ESMF) will be applied to all investments to be financed by the World Bank for technical and/or financial support for the Lao PDR Southeast Asia Disaster Risk Management Additional Finance (LDRM-AF or AF). It was prepared by updating the ESMF of the parent project taken into account scope and approach of the proposed additional activities to be implemented under Component 1 (*Integrated Urban Flood Risk Management*). The ESMF is closely connected to the Resettlement Policy Framework (RPF) and the Ethnic Group Engagement Framework (EGEF).

The national Project Management Unit (PMU) of the Department of Water Ways (DOW), under the Ministry of Public Works and Transport (MPWT) in close cooperation with the Environment Research and Disaster Prevention Division (EDPD) of the Public Works and Transport Research Institute (PTRI) of MPWT, is responsible for the overall management, coordination, supervision, and monitoring of the ESMF implementation including other safeguard instruments. The Department of Public Works and Transport (DPWT) of the project provinces are the Project Implementing Units (PIUs) and are responsible for implementation of the mitigation measures of the subproject and/or activities and ensuring compliance with the ESMF and other safeguard requirements including keeping proper documentations in the project file for possible review by the World Bank.

This document is considered a living document and could be modified and changed in line with the changing situation, design of subprojects or scope of the activities. Close consultation with the World Bank and clearance of the revised ESMF will be necessary.

## 1.0 INTRODUCTION

### 1.1 BACKGROUND

1. The South East Asia Disaster Risk Management Project for Lao PDR (LDRM, the Project, or the parent project) is being implemented with financing from the World Bank (WB) with an aim to reduce the risk of flooding and enhance disaster risk financing capacity of Lao PDR. The Project was approved on July 6, 2017 and became effective on 11 October, 2017, with a commitment amount of US\$30 million. The Project Development Objective (PDO) is to reduce the impacts of flooding in Muang Xay of Oudomxay (ODX) Province and enhance capacity of the Government of Lao PDR (GoL) to provide hydro-meteorological services and disaster response.

2. The Project consists of 5 components.

- **Component 1 – Integrated Urban Flood Risk Management (US\$13.5 million).** Under this component, the project is helping to pilot the concept of integrated urban flood risk management in Muang Xay and strengthen the institutional capacity of the implementing agencies for resilient planning. Component 1 is implemented by the Department of Waterways (DOW) of Ministry of Public Works and Transport (MPWT).
- **Component 2 – Hydromet Modernization and Early Warning Systems (US\$10 million).** To support preparedness and help avoid unnecessary damage and losses, the project supports the modernization of hydromet and early warning systems on national level, with physical installations including in the Nam Ou River Basin, where Muang Xay is located. Both types of investments will serve as examples for other cities and river basins in the country. Component 2 is implemented by the Department of Meteorology and Hydrology (DMH) of the Ministry of Natural Resources and Environment (MONRE),
- **Component 3 – Financing Planning for Disaster Resilience (US\$5 million).** To strengthen financial protection, the project helps to devise a comprehensive approach to the disaster risk financing and insurance (DRFI), to develop a national DRFI strategy and enable access to sovereign disaster risk insurance under Component 3, implemented by the State Reserve Department (SRD) in the Ministry of Finance (MOF).
- **Component 4 – Knowledge and Coordination (US\$1.5 million).** Implemented by the Department of Planning (DOP) of MPI, Component 4 supports overall project coordination and management, studies for mainstreaming DRM in planning and investment, and supporting day-to-day implementation.
- **Component 5 – Contingent Emergency Response Component (US\$0).** Component 5 allows for a reallocation of credit proceeds from other components to provide emergency recovery and reconstruction support following an eligible crisis. This component will be developed in cooperation with MOF and line ministries to ensure effective horizontal

coordination at the national level for disaster preparedness and response. There is no cost to this component.

3. In 2018, Lao PDR experienced widespread floods, which significantly impacted its people and economy. To help reduce the financing gap and augment the response efforts, additional financing (AF) of about \$25 million is being proposed for Component 1 to implement similar activities in 2 additional provinces i.e. Luang Prabang (LPB) and Borikhamxay (BKX). Description of Component 1 of the AF (or LDRM-AF) is provided in Section 1.2 below.

## 1.2 DESCRIPTION OF THE COMPONENT 1 OF THE AF

4. Component 1 will absorb the AF US\$25 million to strengthen flood protection and resilient urban planning, expanding parent project activities in Oudomxay Province, and adding flood protection investments two additional provinces, Luang Prabang and Borikhamxay. Changes are to **Component 1 – Integrated Urban Flood Risk Management** are as follows:

(a) *Component 1.1 Structural Investments:* This component will be revised to finance further support for the construction of river bank protection, climate resilient rehabilitation of flood protection infrastructure and embankments including those damaged by the 2018 floods in the following provinces:

- (i) In **Luang Prabang Province**, The AF will finance the construction of river bank protection along the lower part of Nam Khan (right and left bank) for a total of three kilometers and installation of four water gates and associated pumps.
- (ii) In **Oudomxay Province**, the flood risk management infrastructure is planned to be upgraded to 1 in 20 years return period design standards. Building on flood risk management analytics conducted Parent Project preparation, which considered a range of high benefits solutions, the AF will supplement planned structural investments including riverbank protection, dredging, and urban livability such as river-walkways and tree planting.
- (iii) In **Borikhamxay**, limited and urgent non-regret investments will be covered, comprising of approximately 0.8km of river bank protection in the Mekong River in Pakxan City. In addition, a detailed flood risk assessment will be conducted to lay the foundation for larger flood risk management investments in the future, outside the scope of this project.

(a) *Component 1.2: Non-structural investments:* Technical studies and surveys related to flood risk management and disaster resilience will be conducted identifying potential structural (engineered) and non-structural (non-engineered) solutions in an integrated manner. **Studies on Vientiane and Borikhamxay:** Technical studies and surveys related to flood risk management and disaster resilience will be conducted identifying potential



structural (engineered) and non-structural (non-engineered) solutions in an integrated manner. **Nature-based and green infrastructure solutions** will be integrated into the design of infrastructure improvements for all investments under the AF, with a feasibility study on renovation of wetlands in urban areas in Luang Prabang. **Infrastructure system and data collection:** Support will be provided to DOW to upgrade the current basic asset inventory to an asset management system with automatic functionalities and condition information. **Urban planning:** Technical studies to review current urban planning policies and frameworks, and inform planning in provinces of Oudomxay and Borikhamxay, including preparation of a GIS base map with all available layers of previous maps, spatial assessment, a zoning map with codes; and infrastructure plans. **Flood monitoring and warning mechanisms** and equipment, and contingency planning: Per needs identified, technical equipment can be financed, along with institutional capacity-building to better prepare, manage, and recover from disasters. A consultancy will be engaged under the parent project Subcomponent 1.2. which will identify specific gaps and needs.

Under this subcomponent, the AF will also support the pilot activities that can be carried out by local authorities with active engagement of local communities on the use of nature-based/green infrastructure solutions which can be designed and implemented under Subcomponent 1.1 and/or under this subcomponent depending on the nature and cost of the proposed activities. This sub-component (1.2) will support the activities that can promote participatory planning processes (workshops, local surveys/data collection, study visits, etc.) to identify priority needs and development of an action plan as well as implementation of small investments that can be carried out by local community for demonstration. Strong support from the private sector and active participation/leadership of key mass organizations such as Lao Women's Union (LWU), youth groups will be encouraged. In Muang Xay, 2-3 local communities along the left bank of Mao-Khor Rivers will be engaged to establish an action plan to prohibit discharge of wastes (solid and liquid) directly into the rivers as well as to implement the river bank protection using nature-based and green infrastructure. In Luang Prabang, it is anticipated that 2-3 pilot areas will be selected to demonstrate the use of nature-based/soft-green infrastructure solutions for river bank protection. Efforts will also be made to reduce waste generation and discharge of waste (liquid and solid waste) directly into the river.

### 1.3 NEED FOR UPDATING THE ESMF

5. Since specific activities and locations of the proposed investment of the parent project will be identified during implementation of the project, an Environmental and Social Management Framework (ESMF) which applies only for Components 1 and 2 was prepared and approved by the WB. Similarly, the activities and locations of the proposed investment for the AF could not be identified before appraisal, the ESMF of the on-going project is being updated to include the information on AF activities and locations and to ensure that adequate safeguard actions will be implemented during implementation of the AF. The ESMF updated

the legislation and institutional setting, assessed potential risks and impacts of the new activities, and proposed measures to mitigate potential negative impacts including guidance on measures to mitigate potential impacts of the proposed subproject, especially those to be implemented in Luang Prabang and Borikhamxay. Details are provided in this document.

## **2.0 REGULATORY AND INSTITUTIONAL FRAMEWORK**

### **2.1 LAO PDR LAW; REGULATION AND DECREE RELATED TO SAFEGUARDS**

6. Lao PDR has many laws and regulations that govern environmental and social impacts and risks assessment and management applicable for all development projects financed by both public and private sectors, the utilization and management of natural resources management (land, forest, water, aquatic and wildlife, etc.) established in late 1990's and many have been updated and/or revised. The Environmental Protection Law (EPL) established in 1999 and revised in 2012, describes the principles, regulations and measures for managing, monitoring, restoring, and protecting the environment including the pollution control and the impact assessment processes. In late 2013, two regulations on the Environment and Social Impact Assessment (ESIA) and an Initial Environmental Examination (IEE) were established. However, they have been upgraded to a decree level and the decree was approved by the Prime Minister on 31 January 2019 (Decree 21/PM). Similarly, the compensation and resettlement decree established in 2005 (Decree 192/PM) was also revised and approved in early 2016 (Decree 84/PM) and it is being reviewed in light of the WB's comments and the promulgation of several related laws during 2017-2019. A number of decrees, regulations, and guidelines established and applied during 2000's are also being reviewed and revised. These include Land Law and Forestry Law endorsed by the National Assembly (NA) in June 26, 2019. In late 2016, GoL also issued an order requiring all investment projects to take actions to reduce safety risk due to unexploded ordnance (UXO) before commencing the project activities. The Ministry of Natural Resources and Environment (MoNRE) is the lead ministry responsible for compliance monitoring of the EPL and its regulations and/or guidelines. MoNRE is also responsible for management of water, land, and environmental management while the Ministry of Agriculture and Forest (MAF) is responsible for management of protected area (PA) and protection forest area (PFA)<sup>1</sup>. In late 2017, as part of MoNRE internal re-organization, the Department of Environment and Social Impact Assessment (DESIA) has been separated into the Department of Natural Resources and Environment (DNEP) responsible for ESIA review and the Natural Resources and Environmental Inspection Office (NEIO) responsible for technical inspection of compliance. The Department of Forest Resources Management (DFRM) which was part of MoNRE during 2012-2016 has also been integrated into the Department of Forestry (DOF) of MAF. At local level, the Provincial Office of Natural Resources and

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<sup>1</sup> In mid-2016 the department of Forest Resources Management (DFRM) was moved to from MoNRE to MAF.

Environment (PONRE) and the District Office of Natural Resources and Environment (DONRE) are responsible for review and issuance of an Environmental Compliance Certificate (ECC). DNEP is responsible for review an ESIA and issuance of an ECC for Group 2 while PONRE is responsible for review and issuance of an ECC for those classified as Group 1 (which requires an IEE).

7. Currently, key government regulations related to environmental assessment is the Environmental Impact Assessment (EIA) (Decree 21/PM). The purpose of this decree is to ensure protection and efficient use of the natural resources, and mitigate any adverse environmental impact. This is also to guarantee the rights of people, especially those who will be affected by investment projects to ensure that their livelihoods will not be worst off as a result of project implementation. This Decree applies to persons, entities and organizations, in both the public and private sectors, domestic and foreign that operates investment projects and activities in the Lao PDR. The List of Investment Projects and Activities classified as Group 1 (require an IEE) and Group 2 (require an ESIA) is being revised. However, according to the existing list, construction of river bank erosion and/or embankment of more than 1 km will require an ESIA while those shorter will require an IEE or other measures as determined by PONRE.

8. As the proposed sub-project in the AF is anticipated to have a linear length greater than 1 km and is comprised of several works. It is likely that the AF may be subject to the preparation of an ESIA by GOL regulation and discussion will be made when specific sites and activities have been identified.

9. In addition to the EIA decree, a number of environmental and social safeguard policies, regulations and conventions are applicable to the project. These include:

- *Decree on Compensation and Resettlement of People Affected by Development Projects* (No. 84/GoL, 5 April 2016). This revised Compensation and Resettlement (C&R) decree describes the principles, regulations and standards to mitigate adverse social impacts and to compensate for damages that result from involuntary land acquisition or repossession of land and fixed or movable assets; including changes in land use, restriction of access to community or natural resources affecting community livelihood and income sources. The decree aims to ensure that project affected people (PAP) are compensated and assisted to improve or, at least, maintain their pre-project incomes and living standards, and are not made worse off than they would have been without the project. The decree describes the stringent compensation principles, particularly for those PAP who do not have legal land title, land use certificate or other acceptable documentation indicating their land use right. Unlike the previous decree (No. 192, 2005) which gave the right to this group of PAP to claim compensation not only for their lost assets but also for their lost rights and/or privileges to use of the land, the Decree 84/PM only provides the right to claim for their lost assets such as house/structures, trees and/or crops built and planted on such land. Other provisions of the Decree 84/PM is largely consistent with the main principles of the Bank's *Involuntary Resettlement Policy* (OP/BP 4.12) which are discussed in the Resettlement Policy Framework (RPF) document. Any discrepancies that

may be found as compared to the WB OP/BP 4.12, the mitigation measures will be governed by the WB policy;

- *Ethnic groups* are recognized in the 1991 Constitution Article 8 which states “*all ethnic groups have the right to preserve their own traditions and culture, and those of the Nation. Discrimination between ethnic groups is forbidden*”;
- *A national guideline on consultation with ethnic groups* was launched by the Lao Front for National Development (LFND formerly known as LFNC), in 2013, in line with the National Guideline on Public Involvement, 2012. It aims to ensure that all ethnic groups who benefit from or are adversely affected by a development project, without regard to the source of funding, are fully engaged in a meaningful consultation process at all stages from preparation into implementation. The guideline also aims to ensure that the potentially affected ethnic groups are fully informed of project objectives, as well as their potential positive and adverse impacts on their livelihood and their environment, and provided with opportunities to articulate their concerns. The guidelines provide principles and processes to carry out meaningful consultations with, and obtain free, prior and informed consent (FPIC) of all ethnic groups affected by developments projects in a culturally sensitive manner. The guideline consist of: a) objectives and scope, b) consultation process with ethnic groups at respective stages of development projects, c) consultation approaches and methods for different ethnic groups in a cultural sensitive manner, d) expected outcomes of consultation at each stage, and e) implementation arrangement and responsibility.
- *The Ministry of Home Affaires (MoHA)* is in the process of drafting the Law of Ethnic Group, which is expected to be approved by the National Assembly before the end of 2019. The law will govern and reinforce all the above-mentioned legislation on ethnic groups in Lao PDR. Key principles and procedures for consultation with ethnic groups in this guideline will be adopted into the safeguard instruments of the project, including the ESMF, RPF and Ethnic Group Engagement Framework (EGEF);
- *Gender mainstreaming* has been included by the Lao government’s National Assembly during as indicated in its National 8<sup>th</sup> Five year National Socio-Economic Development Plan 2016-2020 (NSED) Ensure gender equality and empower women in politics, economics, sociocultural affairs and family decision-making; reduce considerably discrimination and violence against women. These includes recommendations of the Committee on the Elimination of Discrimination against Women (CEDAW) and Implementation of the national action plan for prevention and elimination of violence against women and children by 2020.
- The 8<sup>th</sup> NSED aims to achieve ‘reduced effects from natural shocks’ as one of its three main priorities. A Climate Change and Disaster Management Law is currently being developed and is expected to be

approved in 2017 together with a new five-year National Strategic Plan on PDR (2016-2020). Since 2010, Lao PDR has promulgated and applied a National Strategy on Climate Change;

- *The Law on Water and Water Resources (No.23/NA) dates May 11, 2017.* This Law on Water and Water Resources defines principles, regulations, and measures relating to the protection, administration, exploitation, use and development of water and water resources, protection damage to water or water resources, rehabilitation of the effect areas to assure the quality, quantity of water and sustainable water resources, to respond for the people's living requirements, to promote agriculture and industry, to ensure that natural environment, social environment are protection, to develop the nation sustainable and to the socio-economic development.; and
- *The Lao PDR Labor Law (2013)* stipulates that employment should be promoted for the poor, disadvantaged, disabled, unemployed and for those members of society with social problems to ensure they receive skills development. The law also states that working conditions must be safe, that salaries or wages must be paid in full and social insurance benefits must be implemented and that forced labor of any form is not permitted. The law further states the number of hours that can be worked in a week and the provision of breaks as well as compensation for overtime.
- *Decree on the Preservation of Cultural, Historical and Natural Heritage (1997).* The decree outlines the regulations and measures for the management, conservation and use of the national heritage, including for upgrading of movable and immovable assets with historical or cultural or natural value into national heritage with the view of raising the spirit of patriotism, people's democracy, awareness and ownership of the fine national and ethnic cultures. This decree requires that in order to prevent exploitation of relics and antiquities, any person who discovers archaeological relics or a cultural site must inform the provincial and district offices within three days.
- The protection of the monuments and religious buildings of Luang Prabang is ensured by Decree No. 1375: 1978 of the Ministry of National Education and Sports, under the responsibility of the national and provincial administrations of the Lao Buddhist Federation. Decree No. 139, 1990, of the Ministry of Information and Culture assigns responsibility for heritage protection to this Ministry (at national level), to the Information and Culture Service (regional level) and to the district (local level). The inclusion of Luang Prabang into the AF would also need to comply with the rules and regulation of United Nations Educational, Scientific and Cultural Organization (UNESCO) as Luang Prabang was inscribed into the World Heritage. The management, preservation and development of the Heritage Area is under the World Heritage Office



- *The Constitution of Lao PDR* has been amended to incorporate human rights principles outlined in the international treaties and conventions of which Lao PDR is a signatory party. Chapter four, articles 34 to 51 explain the basic rights of Lao citizens. In addition, basic rights as delineated in international instruments are included in many other national laws, such as the law on the protection of the rights and the interests of children, 2006 (see Table 2). The GoL set up the National Human Rights Research Centre in Vientiane, whose main objective is to support, encourage, and implement human rights within the country. Its mandate also considers the carrying out of research on ethnic groups. The Centre was approved by decree, No. 95, dated 11/07/06 and by Prime Minister's decree, No. 137, dated 24/07/2006.

## 2.2 REGIONAL AND INTERNATIONAL REGULATORY FRAMEWORK

10. In addition to the Lao PDR statutes and regulations discussed above, the GoL is also a signatory to the following international conventions that may have a bearing on infrastructure development projects, including:

- *ASEAN Agreement on the Conservation of Nature and Natural Resources* (1985). As a signatory to this agreement, the GoL commits to development planning, the sustainable use of species, conservation of genetic diversity, endangered species, forest resources, soil, water, air and addressing environmental degradation and pollution;
- *Convention Concerning the Protection of the World Cultural and Natural Heritage* (1972). The GoL agrees to take the appropriate legal, scientific, technical, administrative and financial measures necessary for identification, protection, conservation, presentation and rehabilitation of designated heritage sites in Lao PDR;
- *UN Convention on Biological Diversity* (1996). As a signatory to this Convention, the GoL is committed to:
  - Develop a national biodiversity conservation and sustainable use strategy;
  - Develop legislation for protecting species and populations that are threatened;
  - Integrate conservation and sustainable use of biological resources into national decision-making;
  - Conduct environmental assessments (EA) of proposed development projects with a view to minimizing negative impacts; and
  - Take measures for an equitable sharing of the results of research and development in genetic resources.

- *Convention on International Trade in the Endangered Species of Fauna and Flora* (2004) provides an international guideline for management and control of trade in endangered fauna and flora; and
- *Ramsar Convention* (1982). The GoL officially joined the Convention in 2010. The Convention defines basic principles and measures on sustainable management, preservation, development, and utilization of wetland. In particular, two wetlands in Lao PDR which have international importance are the Xe Champhone Wetlands in Savannakhet Province and the Beung Kiat Ngong Wetlands in Champasak Province.

11. The nation is also a signatory to a number of international labour conventions that complement the Lao PDR Labor Law (2013) and these conventions include:

- *C029 – Forced Labour Convention, 1930 (No. 29)*. As a signatory, Lao PDR commits to suppress the use of forced or compulsory labour for the benefit of private individuals, companies or associations. The Conventions does, however, include distinct conditions for when forced or compulsory labour may be exacted as a tax or for carrying out public works;
- *C100 – Equal Remuneration Convention, 1951 (No. 100)*. This Convention stipulates that men and women shall receive equal remuneration for work of equal value;
- *C111 – Discrimination (Employment and Occupation) Convention, 1958 (No. 111)*. The Convention defines the conditions that result in discrimination in a place of employment or at an occupation. As a signatory, Lao PDR has committed to pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination;
- *C137 – Minimum Age Convention, 1973 (No. 138)*. The country has committed to a national policy designed to ensure the effective abolition of child labour and to progressively raise the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons. The Convention stipulates that the minimum age shall not be less than 18 years; and
- *C182 – Worst Forms of Child Labour Convention, 1999 (No. 182)*. Under this Convention, Lao PDR committed to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour which includes, but is not limited to, all forms of slavery such as debt bondage, forced or compulsory labour, and trafficking, prostitution, and the production or trafficking of drugs.

12. The nation is also a signatory to a number of international instruments that protect the rights of ethnic groups. This includes the International Convention on Economic, Social and Cultural Rights (ICESCR), International Convention on Civil and Political Rights (ICCPR), and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD).

## 2.3 APPLICABLE BANK SAFEGUARD POLICIES TRIGGERED BY THE PROJECT

13. The World Bank classifies project and sub-projects into three categories, depending on the type, location, sensitivity, scope and scale of the project and the nature and magnitude of potential environmental and social impacts. Appendices A2 and A3 provide screening forms for assessing the AF Components 1 and 2 in terms of the safeguards instruments that could be applied. The said categories are:

- **Category A:** applied to proposed sub-projects where development is likely to have significant adverse environmental and social impacts that are sensitive, diverse or unprecedented.
- **Category B:** applied to proposed sub-projects which have the potential for adverse environmental impacts on human populations or environmentally important areas (i.e., wetlands, forests, grasslands, and other natural habitats) but are less adverse than those of Category “A” projects. These impacts are site-specific; few if any of them are irreversible; and, in most cases, mitigation measures can be designed. Category “B” sub-projects are guided by applicable World Bank safeguard instruments similar to Category “A” but with narrower scope.
- **Category C:** applied to proposed sub-projects which have minimal or no adverse environmental and social impacts. In this case, World Bank safeguard instruments do not apply and only periodic site environmental screening would be conducted.

14. The proposed AF may have potential negative environmental impacts which are mostly site-specific and reversible and these impacts are considered less adverse than those of Category “A” projects. Impacts are expected to be limited to dust, noise, household business disturbance (in populated communities), sourcing of materials, and waste construction which can be managed by applying good construction practices. These issues are temporary, minor and site specific. The highest envisaged category is “B”. The project’s safeguards approach is thus designed to ensure compliance and sustainability of Category “B” (and “C”) sub-projects. The AF is classified as a Category “B” investment project. The safeguard considerations relate to Components 1 and 2 while Components 3 and 4 do not trigger any safeguards. Separate safeguard instruments will be developed during project implementation for Component 5.

15. Accordingly, the WBG *Environmental Assessment* (OP/BP 4.01) safeguards instrument is triggered under the AF. The AF will also provide Technical Assistance (TA) supports to strengthen the MPWT environment and social management capacity including training and capacity building on UXO risks and Environmental and Social Health and Safety (ESHS) aspects during construction. Proposed sub-projects may also impact the environment and communities and different populations (i.e., ethnic peoples and vulnerable groups – women and female/male youth and children, men, the elderly and disabled, landless, and poor, etc.). Similar to the parent project, three additional environmental and legal safeguards policies could be



triggered including *Natural Habitats* (OP/BP 4.04), *Physical Cultural Resources* (OP/BP 4.11), and *Projects on International Waterways* (OP/BP 7.50) and two social safeguard policies could be triggered, including: *Indigenous Peoples* (OP/BP 4.10) and *Involuntary Resettlement* (OP/BP 4.12). The updated ESMF will also incorporate the gender action plan prepared under the parent project by promoting active participation of women at subproject level so that actions could be made to mitigate the issues. [Table 2.1](#) provides more clarification on these operational policies and their implication for the proposed urban flood risk management sub-projects.

## 2.4 GAP ANALYSIS BETWEEN GOL AND WORLD BANK POLICIES

16. Gap analysis between GoL's regulations and WB safeguard policies was made during the preparation of the ESMF of the parent project. Upgrading of the 2013 ESIA and IEE regulations to the EIA decree in 2019 (Decree 21) has increased legal status of the EIA/IEE process in Lao PDR. However, follow-up regulations and technical guidelines are being reviewed and revised and most of them are expected to be completed by end of 2019. Nonetheless, the analysis conducted for the parent project is updated as shown in [Table 2.2](#). For the AF, to address the gaps, Bank policies and requirements will be followed. Special attention will be given to ensure compliance with the following policies:

- *Natural habitats*: With respect to natural habitat, while the Environmental Protection Law (2012) describes the principles, regulations and measures for managing, monitoring, restoring and protecting the environment including the protection of natural habitat should they occur in the project area, gaps will be complemented by applying the Bank OP/BP 4.04 ([Table 2.3](#)).
- *Ethnic groups*. While the 1991 Constitution states that ethnic groups have the right to preserve their own traditions and culture and , the Bank OP/BP 4.10 will be applied on the sub-projects where gaps exist and ethnic groups are present.
- *PCR*: Lao PDR has regulations for the protection of cultural resources including the Decree on the Preservation of Cultural, Historical and Natural Heritage (1997) and the rules and regulations required by the UNESCO for construction in Luang Prabang both of which provides guidance for chance finds during construction, however the Bank OP/BP 4.11 will complement national regulations where gaps exist ([Table 2.4](#)).
- *Water resources*: The Water and Water Resources Law (2017) states that development on waterways must be in compliance with international laws or agreements among countries, the Bank OP/BP 7.50 will be applied particularly with respect to notification to complement the national regulation.
- *Resettlement*: A gap analysis between GoL existing laws and regulation to the Bank OP/BP 4.12 is provided in the RPF.

**Table 2.1 Summary of operational policies and their implication for sub-projects.**

OP/BP No.	Summary of Safeguard and Other Operational Policies	Triggered (Y/N) and How	Implication
4.01	<p><b>Environmental Assessment:</b> the Environmental Assessment (EA) covers impacts on the natural environment (air, water and land); human health and safety; physical cultural resources; and transboundary and global environmental concerns.</p> <p>Social aspects (involuntary resettlement, indigenous peoples) are covered by separate policies with their own requirements and procedures.</p> <p>Initial assessment of UXO risk in the proposed or target areas</p>	<p style="text-align: center;"><b>Y</b></p> <p>For the preparation of feasibility and design studies for repair and rehabilitation of infrastructure under Component 1, the planned works on the proposed sub-projects may have significant environmental and social direct, indirect or cumulative impacts locally and at the regional level. This OP/BP will thus be triggered.</p>	<ul style="list-style-type: none"> <li>(i) The LDRM-AF qualifies as a Category “B” type for preparation of feasibility and design studies under Component 1.</li> <li>(ii) An Environmental and Social Management Plan (ESMP) will be required for Component 1 as part of the feasibility studies and include required management plans (EGEP, ARAP/RAP, and Environmental and Social Management Plan [ESMP]).</li> <li>(iii) ESMP document will be publicly available to the PAPs and CSOs (NPA and CBO).</li> <li>(iv) Required UXO clearance from National Regulatory Agency (NRA) on UXO by hiring qualified and licensed company to conduct survey and assessment of possible UXO risk in the target or proposed areas.</li> </ul>
4.04	<p><b>Natural Habitat:</b> the World Bank supports the protection, maintenance, and rehabilitation of natural habitats and their functions. The conservation of natural habitats is essential for long term sustainable development. Natural habitats comprise land and water areas where (i) the ecosystems' biological communities are formed largely by native plant and animal species, and (ii) human activity has not essentially modified the area's primary ecological functions.</p>	<p style="text-align: center;"><b>Y</b></p> <p>For the preparation of feasibility and design studies under component 1, the works in the proposed sub-projects may have significant impacts on nearby critical habitats on wildlife corridors, wetlands and river basins.</p>	<p>Preparation of an ESMP will be conducted for all the sub-projects to be carried out under Component 1 i.e., riverbank protection, dike, drainage canal repair, flood gates, and riverside parks. This will be made during the preparation of feasibility and design studies to be conducted by a consulting firm. The ESMP will include recommendations on suitable mitigation measures to avoid or prevent, minimize, mitigate, or compensate for such adverse impacts and improve environmental performance.</p>

4.10	<p><b>Indigenous Peoples:</b> in Lao PDR, indigenous peoples are referred to as Ethnic Groups. These are defined to be a distinct, vulnerable, social and cultural group possessing a number of characteristics including collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories.</p>	<p style="text-align: center;"><b>Y</b></p> <p>Oudomxay and Luang Prabang Provinces are home to multiethnic groups defined as IPs under the OP 4.10. The presence of Ethnic Groups may occur in the project area.</p>	<p>An EGEF will be developed and applied.</p>
4.11	<p><b>Physical Cultural Properties:</b> this policy addresses physical cultural resources, which are defined as movable or immovable objects, sites, structures, groups of structures, and natural features and landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic or other cultural significance.</p>	<p style="text-align: center;"><b>Y</b></p> <p>No physical cultural sites are located in the proposed subproject areas in Oudomxay and Borikhamxay. However, the proposed sites in Luang Prabang are located within and/or nearby in the World Heritage Area of UNESCO where there is a possibility that physical cultural resources could be found during construction while potential impacts on structure during to transportation and operations of heavy equipment and workers actions.</p>	<p>A chance find procedures and mitigation measures to avoid, reduce, and mitigate potential negative impacts are included in the ECoP (see Appendix 8). A Cultural Heritage Impact Assessment (CHIA) will be required for the sub-projects to be implemented in Luang Prabang City. The CHIA will be reviewed by WB and approved by the GoL as required.</p>
4.12	<p><b>Involuntary Resettlement:</b> this policy aims to address and mitigate risks of physical relocation, loss of land and other assets, sources of incomes and means of livelihood by local people due to proposed sub-projects. The policy also applies to the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.</p>	<p style="text-align: center;"><b>Y</b></p> <p>Although not estimated to be significant, there may be minor land acquisition and complementary relocation and resettlement of PAPs and their project affected households (PAHs) due to construction activities including dyke and drainage works. An RPF has been prepared to guide the proposed</p>	<ul style="list-style-type: none"> <li>(i) Each sub-project for Component 1 will prepare either an ARAP/RAP (still to be determined) to address all issues related to [potential] relocation and compensation of communities affected by the sub-project.</li> <li>(ii) Grievance Redress Mechanism will be defined as part of the ARAP/RAP for each site, taking into consideration the local context.</li> <li>(iii) The ARAP/RAP document for each project will be disclosed locally, at the national</li> </ul>

		sub-projects.	level and the World Bank's website.
7.50	<b>Projects on International Waterways:</b> this policy applies to the following types of international waterways: (a) any river, canal, lake or similar body of water that forms a boundary between, or any river or body of surface water that flows through, two or more states, whether Bank members or not; and (b) any tributary or other body of surface water that is a component of any waterway described in (a) above.	Y The Lao PDR DRM proposed sub-projects are developed on tributaries of the Mekong River.	In compliance with this WB safeguards policy, the technical studies will include an analysis of any potential transboundary impacts from the projects, and the identification of potential mitigation measures. Notifications letters have been sent to Myanmar, Cambodia, Thailand, Vietnam, China and the Mekong River Commission.

**Table 2.2 Gap analysis between Lao legal/regulatory framework and the World Bank OP4.01.**

Subjects	OP/BP 4.01	Lao Legal Framework	Gap/Project Measures
<b>1.EA Process</b>			
1.1 An EA considers natural and social aspects in an integrated manner that considers national and international obligations, treaties and agreements	Assess the adequacy of the applicable legal and institutional framework, including applicable international environmental agreements, and confirm that they provide that the cooperating government does not finance project activities that would contravene such international obligations.	<p>Law on Environmental Protection 2013:</p> <ul style="list-style-type: none"> <li>Article 9 – The State promotes overseas, regional, and international cooperation regarding environmental protection and rehabilitation through sharing of lessons learnt, information, science, technology, technical assistance, participation and implementation of international treaties and agreements, which Lao PDR is the state member of.</li> </ul> <p>The 2019 EIA Decree (Article 22) requires the Project Owner for large project to conduct cumulative impact assessment, transboundary impact assessment, health impacts assessment, impact of climate change, environmental risk and disaster, gender impacts, ethnic group impacts, environmental flow plan, rehabilitation of mining project, and at least 3 alternatives. This is in addition to the normal Environmental and Social Impact Assessment to be carried out. For hydropower projects located along the Mekong mainstream has to comply with the 1995 MRC agreement.</p> <p>Article 23 requires the preparation of emergency, of environment and social mitigation plan, accident and response plan, rehabilitation plan, etc. This article also identify the need for 2 stages of the ESMP preparation. First is conducted during the</p>	<p>OP/BP 4.01 Policy Procedures will be applied to ensure the sub-projects do not contravene any obligations, treaties or agreements whether or not an EA is a requirement under national regulations.</p> <p>Efforts will also be made to enhance in-house capacity of key agencies to improve their capacity to implement, enforcement, and M&amp;E of the implementation of the EIA decree (2019).</p>

		preparation of ESIA or IEE while the second phase with focus on the mitigation plan (ESMP) during construction, operations, and project closure.	
1.2. Assessment of project alternatives.	<i>Provide for assessment of feasible investment, technical, and siting alternatives, including the "no action" alternative, potential impacts, feasibility of mitigating these impacts, their capital and recurrent costs, their suitability under local conditions, and their institutional, training and monitoring requirements associated with them.</i>	<p>The 2019 EIA Decree requires an analysis of at least 3 alternatives both for IEE and EIA processes.</p> <p>This requires is new and marks the beginning of meeting international practices however it may take some time for the agencies to build their capacity to effectively implement this requirement.</p>	<p>OP/BP 4.01 Policy Procedures will be implemented to ensure that the assessment of the potential project impacts review possible alternatives including the option of "no action".</p> <p>Efforts will also be made to enhance in-house capacity of key agencies to improve their capacity to implement, enforcement, and M&amp;E of the implementation of the EIA decree (2019).</p>
1.3 Retention of project advisors.	<i>The borrower should normally engage an advisory panel of independent, internationally recognized environmental specialists to advise on all aspects of the project relevant to the EA.</i>	<ul style="list-style-type: none"> <li>▪ Article 33 of the 2019 EIA Decree requires the establishment of an EIA review expert comprising qualified staff from concerned agencies. MONRE will register these experts. Operations budget can come from management fee or investment project budget.</li> <li>▪ For complex project, DNEP may request the PO to hire project advisor to ensure compliance of safeguard measures.</li> </ul>	<p>OP/BP 4.01 Policy Procedures and Ministerial Instruction No. 8030/MONRE will be implemented to provide guidance should the borrower be advised that independent, internationally recognized environmental specialists be engaged to provide advice on the project review.</p>
<b>2. Public Consultation and Disclosure</b>			
2.1. The EA process must include public consultation and disclosure.	<p><i>The Bank may, if appropriate, require public consultation and disclosure.</i></p> <p><i>The borrower consults project</i></p>	<p>Law on Environmental Protection 2013:</p> <ul style="list-style-type: none"> <li>▪ Article 6 – Active participation and consultation of individuals and organizations into protection of social and natural environment.</li> </ul>	<p>OP 4.01 Policy Procedures will be implemented to provide guidance on public consultation and disclosure such that project affected groups and local NGOs</p>

<i>affected groups and local nongovernmental organizations (NGOs).</i>	Article 36 of the 2019 EIA decree requires public involvement and consultation of affected peoples.	are informed.
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### **3. Monitoring & Evaluation**

<i>3.1 Internal and external independent monitoring are required</i>	<i>During project implementation, the borrower reports on (a) compliance with measures agreed with the Bank on the basis of the findings and results of the EA, including implementation of any ESMP.</i>	<p>Law on Environmental Protection 2013: Article 84 – Environmental Inspecting Agency shall consist such agencies as the National Assembly, State Inspection and Anti-Corruption Authority, and State Audit.</p> <p>Article 52 of the 2019 EIA decree assigns sector agencies at central and local level to conduct technical monitoring and inspection (TMI) while Article 53 assigns MONRE and PONRE to be the third part for TMI. Article 54 requires the project owner to submit TMI report to key agencies. This provision is much clearer than before however, limited human and financial resources remain the major challenges.</p>	<p>OP 4.01 Policy Procedures will be implemented. The PMU will conduct internal monitoring on resettlement implementation and reporting requirements for the ESMMP implementation. The monitoring will include progress reports, status of the RP implementation, information on location and numbers of people affected, compensation amounts paid by item, and assistance provided to PAHs. The report of monitoring results will be prepared and submitted on a quarterly basis.</p>
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**Table 2.3 Gap analysis between Lao legal/regulatory framework and the World Bank OP/BP4.04.**

<b>Subjects</b>	<b>OP/BP 4.04</b>	<b>Lao Legal Framework</b>	<b>Gap/Project Measures</b>
<b>1. Promote Environmentally Sustainable Development</b>			
<i>1.1 Use a precautionary approach to ensure environmentally sustainable development.</i>	<i>The Bank supports, and expects borrowers to apply, a precautionary approach to natural resource management to ensure opportunities for environmentally sustainable development.</i>	<p>Environmental Protection Law 2013:</p> <ul style="list-style-type: none"> <li>▪ Article 1 – The purposes of this law are to defines principles, regulations and measures related to environmental management, monitoring of protection, control, preservation and rehabilitation, with quality, of mitigating impacts and pollution created by anthropogenic loads or by nature, aiming to provide balance between social and natural environment, to sustain and to protect natural resources and public health; and contribution into the national socio-economic development and reduction of global warming.</li> <li>▪ Article 4 - “Sustainable Development” means socio-economic development in parallel with environmental protection without any impacts on future generations.</li> <li>▪ Article 6 – Socio-economic development aligned with sustainable protection of social and natural environment;</li> <li>▪ Article 52 – Using natural resources with economical, rational, effective and sustainable manners.</li> </ul>	OP/BP 4.04 Policy Procedures will be implemented to apply a precautionary approach that complements the national regulation that ensures the rational and sustainable conservation, development, management, and use of the natural resources.
<i>1.2 Avoid significant conversion or degradation of critical natural</i>	<i>The Bank does not support projects that, in the Bank’s opinion, involve the significant conversion or degradation of natural</i>	<p>Environmental Protection Law 2013:</p> <ul style="list-style-type: none"> <li>▪ Article 7 - Persons, households, legal entities and organizations have commitments of protecting, improving, rehabilitating, controlling, monitoring and inspecting the</li> </ul>	Though critical habitats are not proposed to be within the sub-project footprints, OP 4.04 Policy Procedures will be implemented to provide guidance on avoiding the



<i>habitats.</i>	<i>habitats.</i>	environment based on regulations to avoid creating impacts on the environment, causing degradation and polluting that exceeds the Pollution Control Standard and the National Environmental Quality Standard, aiming to ensure good quality of the environment and sustainable development.	conversion or degradation of critical natural habitats which could be directly or indirectly affected by the sub-projects.
<i>1.3 Using lands already converted from natural habitats to minimize impacts.</i>	<i>Wherever feasible, Bank-financed projects are sited on lands already converted.</i>	Not included.	OP/BP 4.04 Policy Procedures will be implemented to ensure that the sub-projects are designed to be sited on converted lands.
<i>1.4 Provide for the use of appropriate expertise for the design and implementation of mitigation and monitoring plans.</i>	<i>If there are potential institutional capacity problems, the project includes components that develop the capacity of national and local institutions for effective environmental planning and management. The mitigation measures specified for the project may be used to enhance the practical field capacity of national and local institutions.</i>	Not included in policy or regulations. However, through development partner investments significant investment has been made to engage local and international expertises to enhance effective protection and management of natural resources and environmental quality. Nonetheless, given rapid development in the country, it is necessary to strengthen capacity to address pollution in urban area and waste management especially on encouraging local authorities and community to manage solid waste.	OP/BP 4.04 Policy Procedures will be implemented to provide guidance should the borrower be advised that independent, internationally recognized environmental specialists be engaged to provide advice on the Project review.

## **2. Public Consultation and Disclosure**

<i>2.1 Consult key stakeholders and NGOs as well as disclose draft mitigation plan in a timely manner, before appraisal</i>	<i>The Bank expects the borrower to take into account the views, roles, and rights of groups, including local nongovernmental organizations and local communities, affected by</i>	Environmental Protection Law 2013: <ul style="list-style-type: none"> <li>Article 5 - The State promotes protection and rehabilitation of social and natural environment through dissemination of regulations and environmental information, building of awareness and knowledge, training and conducting campaigns for</li> </ul>	OP/BP 4.04 Policy Procedures and Ministerial Instruction No. 8030 will be implemented to provide guidance on public consultation and disclosure such that project affected groups and local NGOs are informed.
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<p><i>formally begins, in an accessible place and in a form and language understandable to key stakeholders.</i></p>	<p><i>Bank-financed projects involving natural habitats, and to involve such people in planning, designing, implementing, monitoring, and evaluating such projects.</i></p>	<p>individuals and organizations, both domestic and international, to recognize importance of social and natural environment in daily livelihoods and in strictly implement the environmental protection regulations, methods and measures.</p> <ul style="list-style-type: none"> <li>▪ Article 6 – Active participation and consultation of individuals and organizations into protection of social and natural environment;</li> <li>▪ Article 82 – Disseminate, train, build awareness, guide, support and encourage public to take leaderships in managing, protecting, problem solving and rehabilitating the village environment and natural resources;</li> <li>▪ The 2019 EIA Decree also requires extensive consultation with local communities as part of the IEE and EIA processes. Article 36, 37, 38 requires consultation with local authorities and communities while Articles 63 and 64 require information disclosure. Efforts are being made to strengthen capacity of agencies to ensure effective implementation of these requirements.</li> </ul>
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**Table 2.4 Gap analysis between Lao legal/regulatory framework and the World Bank OP4.11.**

Subjects	OP/BP 4.11	Lao Legal Framework	Gap/Project Measures
<b>1. Preservation of Physical Cultural Resources</b>			
<p>1.1 As part of the EA, as appropriate, conduct field based surveys, using qualified specialists to consult concerned government authorities, relevant non-governmental organizations, relevant experts and local people in documenting the presence and significance of PCR.</p>	<p>To develop the TORs for the EA, the borrower, in consultation with the Bank, relevant experts, and relevant project-affected groups, identifies the likely physical cultural resources issues, if any, to be taken into account by the EA.</p>	<p>Lao Constitution 2015</p> <ul style="list-style-type: none"> <li>▪ Charter 2, Article 23 - The State promotes cultural activities, fine arts and invention, manages and protects the cultural, historical and natural heritage and maintains antiques and historical places.</li> </ul> <p>Environmental Protection Law 2013:</p> <ul style="list-style-type: none"> <li>▪ Article 57 – Persons, legal entities, and organizations operating production enterprises, services or any operations causing damages shall be responsible for solving and rehabilitating of the damaged areas, natural sites, cultural heritages, historical and archaeological sites under the monitoring by the local authorities and line sectors.</li> </ul> <p>Decree on the Preservation of Cultural, Historical and Natural Heritage 1997:</p> <ul style="list-style-type: none"> <li>▪ Article 15 – Persons or entities are forbidden to damage artifacts, artistic construction sites, whether</li> </ul>	<p>OP/BP 4.11 Policy Procedures and Decree on the Preservation of Cultural, Historical and Natural Heritage 1997 will be implemented to ensure that qualified specialists are engaged in the site assessments to identify likely PCR issues.</p>

immovable, movable or natural, constituting the national heritage, whether by committing a willful offence or out of negligence. No construction, restaurant or entertainment premise may be established within archeological or natural sites of national heritage value, except when authorized by the Ministry of Information and Culture and World Heritage Office in Luang Prabang province

1.2 For materials that may be discovered during project implementation, provide for the use of "chance find" procedures in the context of the PCR management plan or PCR component of the environmental management plan.

*The borrower develops a physical cultural resources management plan that includes measures for avoiding or mitigating any adverse impacts on physical cultural resources, provisions for managing chance find, any necessary measures for strengthening institutional capacity, and a monitoring system to track the progress of these activities.*

- Article 18 - Persons or entities discovering artifacts, archeological sites, ancient historical sites of high historical, artistic and cultural, and archeological value shall notify the relevant administrative authorities, District Information and Culture Office, or Province, Municipality and Special Zone Information and Culture Services, or the Ministry of Information and Culture Services, or the Ministry of Information and Culture within three days from such discovery.

OP/BP 4.11 Policy Procedures and Decree on the Preservation of Cultural, Historical and Natural Heritage 1997 will be implemented to guide the preparation of a PCR management plan should cultural resources be discovered during sub-project construction activities.

## 2. Public Consultation and Disclosure

<p><i>2.1 Disclose draft mitigation plans as part of the EA or equivalent process, in a timely manner, before appraisal formally begins, in an accessible place and in a form and language that are understandable to key stakeholders.</i></p>	<p><i>As part of the public consultations required in the EA process, the consultative process for the physical cultural resources component normally includes relevant project-affected groups, concerned government authorities, and relevant nongovernmental organizations in documenting the presence and significance of physical cultural resources, assessing potential impacts, and exploring avoidance and mitigation options.</i></p> <p><i>The findings of the physical cultural resources component of the EA are disclosed as part of, and in the same manner as, the EA report.</i></p>	<p>The 2019 EIA Decree also requires extensive consultation with local communities as part of the IEE and EIA processes. Article 36, 37, 38 requires consultation with local authorities and communities while Articles 63 and 64 require information disclosure. Efforts are being made to strengthen capacity of agencies to ensure effective implementation of these requirements.</p>	<p>OP/BP 4.11 will be implemented to provide guidance on public consultation and disclosure such that project affected groups and local NGOs are informed.</p>
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## 3.0 POTENTIAL ENVIRONMENTAL AND SOCIAL IMPACTS

### 3.1 SITE-SPECIFIC POTENTIAL ENVIRONMENTAL AND SOCIAL IMPACTS, RISKS, AND ISSUES

17. The Additional Financing (LDRM-AF) will be subject to the framework, instruments and grievance redress mechanism of the parent project. The additional activities result in no changes to the safeguards category, which remains as B, with no new policies being triggered, and no new risks anticipated. The AF will involve similar works as the parent project. The addition of Borikhamxay and Luang Prabang province to the project areas and the construction of embankments, floodgates or any other works under the AF is not expected to raise new environmental and social risks nor trigger new policies as compared to the original scope of works under the parent project.

18. Similar to the parent project, the potential environmental and social impacts likely to arise as a result of the AF investments with the addition of Borikhamxay and Luang Prabang were identified during several site visits of the proposed activities by comparing project components with the surrounding environmental and social context ([Appendix A6](#) for Proposed Subproject Sites in the Provinces of Luang Prabang and Borikhamxay). However, the environmental and social effects and impacts will differ markedly depending upon the type and scope of the particular sub-project and its location. For construction of new infrastructure for the sub-project, it is likely that for most people, the potential negative impacts will be moderate and localized, although cumulative effects cannot be discounted. For people living in the areas targeted for the construction of two riverside parks, major impacts due to resettlement and/or the loss of riverine land may result. Table provides a typology of potential site-specific environmental and social impacts that could be considered in relation to the sub-projects. Known environment and social safeguards risks for the Component 1 are listed and discussed in Sections 3.2 and 3.3 below.

**Table 3.1 Potential environmental and social impacts of the proposed sub-projects.**

No	Sub-projects Associated Activities	Potential Environmental and Social Impact Issues	Expected Significance
1	Dikes, flood gates, slope protection	Air and noise pollution	Minor
		Water pollution	Moderate
		Soil erosion	Moderate
		Alteration of hydrological regime	Minor
		Destruction of flora and fauna habitat	Moderate
		Involuntary resettlement	Moderate
		Land take	Moderate
		Spread of diseases	Minor
		Potential dike/weir failure	Moderate
		Waste management	Minor
2	Access roads	Dust and noise pollution	Moderate
		Water pollution	Moderate

		Solid waste disposal	Moderate
		Waste oil/fuel disposal	Moderate
		Public health and safety	Major
		Land take	Moderate
		Waste management	Moderate
3	Riverside parks	Water pollution	Moderate
		Soil erosion	Minor
		Flooding	Minor
		Alteration of hydrological regime	Major
		Involuntary resettlement (specific to riverside park one)	Major
		Land take (specific to riverside park one)	Major
4	Agriculture development	Water pollution	Moderate
		Flooding	Moderate
		Alteration of hydrological regime	Moderate
		Destruction of flora and fauna habitat	Minor
		Involuntary resettlement	Moderate
		Soil and land degradation (salinization)	Moderate
5	Specific social issues	Livelihood disruption	Moderate
		Community disruption	Moderate
		Cultural heritage site destruction	Moderate
		Increased marginalization of landless people	Moderate
		Loss of access to biodiversity resources (for food, economic activities or medicine)	Moderate
		Increased HIV/AIDS infection rate due to increased and itinerant working population	Moderate
		Violence against women and children	Moderate
6	Specific gender issues	Increased work burdens of women and children	Moderate
		Low access to natural resources including land and NTFPs for women	Major
		Exclusion from decision-making for planning and implementation	Moderate
		Gender Based Violence	Moderate

19. For Component 2 of the parent project, it should be noted that the footprint for hydromet enhancement, including hydrometeorological stations (e.g., rain gauges, river/streamflow gauges, satellite, etc.) is expected to be minimal. If existing hydrometeorological stations are upgraded and modernized, a WBG safeguards policy classification Category “C” can likely be applied. However, if new hydrometeorological stations are being considered then, depending upon location (i.e., public or private land), a Category “B” safeguards policy may apply. [Appendix A3.2](#) provides an example of a site-specific environmental and social screening form for determination of WBG safeguards policy classification pertaining to any proposed hydrometeorological station(s).



## 3.2 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

20. Similar to the parent project, the environmental effects and impacts of the AF will differ markedly depending upon the type and scope of the particular sub-project and its location. For flood control measures such as riverbank protection, dikes, drainage canals and flood gates, weir and riverside parks related infrastructure works in a largely urban setting, potential adverse impacts will be moderate, localized and vary from temporary to permanent.

21. Environmental measures to mitigate the impacts of the proposed sub-projects related to urban flood risk management include: (i) scoping land and environmental issues; (ii) screening of potential positive and negative (adverse) impacts; (iii) clear integration of measures into project design and feasibility study; (iv) precise and detailed impacts' report; (v) formulation of social and environmental management and monitoring plan; and (vi) knowledge transfer capacity refresher workshop(s) and/or best practice study tour.

### (a) Environment and social safeguard risks

22. *Safeguards Screening and Risks*: environmental risks will be mitigated by identifying and ensuring Lao PDR environmental and social legal frameworks, and World Bank safeguards policies, are applied at the earliest stages of project preparation and planning and adhered to throughout all phases of project implementation. The safeguard screening also determines any possible presence of unexploded ordnance (UXO) in the target areas. Key impacts during construction will be as follows:

- *Impacts of Civil Works Activities*: it is expected for an urban disaster risk management project that environmental and social impacts will be moderate to major if land contribution is required for some of the proposed sub-projects are considered, in which case, mitigation and/or compensation measures need to be outlined in the ESMF safeguards plans and procedures. Some examples of effects from civil works include:
  - Noise and Air Quality: (e.g., dust) impacts will occur as a result of construction activities. These impacts can be mitigated using well established mitigation measures when construction is undertaken in proximity to residential urban areas and other socially sensitive areas. Some examples of mitigation measures include: (i) watering of active construction work areas to minimize dust emissions during construction. Regular and effective maintenance of equipment will mitigate emissions. Re-vegetation of disturbed areas immediately following construction also assists in reducing dust emissions; and (ii) during construction, the use of noise barriers in sensitive areas and controlling hours of work are effective noise mitigation measures. It is important to note that noise and air quality emissions are temporary and short-term issues that can be effectively mitigated.
  - Runoff from construction areas: during rain events, can contain high concentrations of sediment and possibly other pollutants (e.g.,



hydrocarbons, heavy metals, etc.). Standard operating practices outlined in the Environmental Code of Practice (ECoP) should be implemented to contain and treat runoff from the construction site. The use of silt control measures (e.g., silt fences, catch basins, temporary or permanent settling ponds, vegetated swales, etc.), when properly operated, can be very effective in protecting water quality in nearby streams during construction and during the operational phase of the flood protection civil works (i.e., dikes, drainage canal and flood gates, weirs and riverside parks) and other urban flood risk management initiatives.

- Construction wastes, garbage and refuse: generated during construction including waste oil and chemicals should be contained on site and ultimately disposed of off-site in an environmentally acceptable manner. Procedures for on-site management and off-site disposal need to be addressed in the ECoP. A source of fill (borrow) materials will need to be established in the area where the civil works will be implemented. If available, an established borrow pit should be employed. If a new borrow pit is needed, safeguards procedures will need to be established in the ECoP.
- Labor Working Conditions: The project contractors must follow the required national Labor Law (amended in 2018) with regards to treating their workers. The employment of project workers, such as women will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination such as recruitment and hiring, compensation (including wages and benefits), working conditions. A child over the minimum age and under the age of 18 will not be employed or engaged in connection with the project in a manner that is likely to be hazardous or interfere with the child's education or be harmful to the child's health or physical, mental, spiritual, moral or social development.
- Code of Conduct (COC) on Sexual Exploitation and Abuse (SEA)-Gender-based Violence (GBV) or Violence Against Women and Girls (VAWG). This will be required for all civil works contracts. During pre-qualification, contractors should be required to declare whether any contracts have been suspended, or cancelled, or bid bonds called, for incidents related to SEA/GBV. Worker Codes of Conduct are now mandatory, and should include specific prohibitions against SEA, including a prohibition of sexual activities with children, defined as anyone who is under the age of 18. This standard must hold even when national standards, laws and policies have a different age of consent. All contracts should set explicit expectations for monitoring contractor performance of its SEA obligations, with a protocol in place for immediate, timely mandatory and confidential reporting to the Government and to the

World Bank in cases of egregious (for example, sexual assault) allegations.

- Environmental and Social Health and Safety (ESHS): In line with WB safeguard policy, the Contractor is required to comply with the ESHS as required by GoL and/or those being applied to the project investment with financial support from the WB group (WBG). The ESHS provides general guidance on the pollution prevention and abatement measures and workplace and community health and safety. Specific minimum requirements for the AF have been incorporated into the ECoP (Appendix 8).
- *Physical Cultural Properties and Sensitive Areas*: for the most part, local hospitals, schools, temples and markets are to be found outside the conservation area boundary so, the civil works would not cause major impacts to these sensitive areas, particularly for the provinces of Oudamxay and Borikhamxay. A detailed and site-specific Environmental and Social Management Plan (ESMP) including chance findings and good civil engineering practices (e.g., ECoP) will be applied to mitigate potential adverse impacts induced by the proposed sub-project. However, as mentioned in the previous section, Luang Prabang province inclusion into the World Heritage of UNESCO that any construction shall be reviewed and cleared by the World Heritage office in Luang Prabang with the technical guidance from experts from UNESCO. A Cultural Heritage Impact Assessment (CHIA) (or physical cultural resources assessment) on the heritage is required for the subprojects located within and/or nearby the heritage site and its surrounding areas of Luang Prabang. The CHIA requirements depends on the type of the project. For the project that is located in the heritage site, it is expected that the project will have an impact on landscape; while the projects that may have indirect impact to heritage are expected to conduct CHIA. At the same time, information should be shared with the International Council on Monuments and Sites (ICOMOS) and necessary procedure for heritage consideration has to be discussed.

### ***(b) Indirect Impacts during operations phase***

23. Cumulative impacts or indirect impacts are those that result from the incremental impact of the sub-project when added to other past, present and reasonably foreseeable future actions. Effects should be assessed in terms of the capacity of the water resource, ecosystem and/or affected communities to accommodate such impacts. The proposed subproject in Luang Prabang is likely to be affected by the frequent changes of water flows and water levels due to operations of hydropower projects located upstream of the Nam Khan River and both upstream and downstream in the Mekong Mainstream. During the preparation of an ESIA or IEE for these sites, due attention will be given to identify the natural and potential impacts and propose mitigation measures. Experience from other countries (in Thailand and Vietnam) suggested that application of soft-engineering and local design and actions are likely to be a good solution for mitigating the negative impacts.

### **3.3 SOCIAL IMPACTS**

24. There are likely to be a number of adverse social impacts and risks associated with the civil works for communities, different populations, and contractors' employees for the proposed sub-projects. The most important ones are land acquisition, resettlement, and ethnic groups. However, to mitigate these impacts specific measures have been prepared and they (RPF and EGEF) will be implemented during the implementation of the AF. Key social issues can be highlighted below.

#### **3.3.1 Labour Influx**

25. Because this project involves civil works it is likely that it will require a portion of the labour force to be brought in from outside the area. The likely overall size of the labour force to be deployed during project implementation is anticipated to be less than 50 people. The number of workers from outside of the community will depend upon the location of the contractor's main office. It is anticipated that the outside workforce will be recruited nationally, as such will have a similar socio-economic and cultural background to that of the local community. The potential impact of this outside workforce will be mitigated by the fact that most of the work is taking place in an urban area, which will facilitate local recruitment of workers (including skilled workers), and provide sufficient accommodation and recreational facilities. Because of the urban location, separate worker's camps are not anticipated. Nonetheless, this framework includes recommendations relating to the conditions of employment and conduct of the labour force in relation to the local community

#### **3.3.2 Core Labour Standards**

26. Where different populations are inducted into the workforce by civil works contractors, sub-contractors and other providers of goods and services, consideration must be given to compliance with local and national labor laws and relevant core labor standards. With respect to labor and working conditions of women, there must be compliance with core labor standards which includes prohibition of any form of discrimination against women during hiring and providing equal work for equal pay for women and men. Other workforce considerations as a result of the proposed sub-projects development which may have impact on human resources policies (i.e., working relationship, working conditions and terms of employment, workers' organizations, non-discrimination and equal opportunity, retrenchment and grievance mechanism), protecting the workforce (i.e., child labor and forced labor), occupational health and safety, workers engaged by third parties, and supply chain are applicable in varying degrees due to differences in local context. Furthermore, codes of conduct for the, individual workers, will be in place governing the relationship between the community and the labor force working for the civil works contractors, sub-contractors and other providers of goods and services. This is especially important in relation to risks related to gender-based violence, child labor or child abuse, increased prevalence of HIV/AIDS, and/or a potential disruption to the social norms of the community.

### 3.3.3 Land Acquisition and Resettlement

27. Some PAP or PAH are likely to be required to vacate lands that they presently occupy and relocate elsewhere, either on a temporary or permanent basis. Other impacts may occur including relocation of temporary buildings and houses, and damage to crops and commercial-value trees.

28. Since acquisition of land and resettlement is likely to be required, a Resettlement Policy Framework (RPF) related to OP/BP 4.12 has been developed to accompany this ESMF. Ethnic groups may also be directly or indirectly affected (positively or adversely) so, an EGEF in line with OP/BP 4.10 has been developed in conjunction with this ESMF.

29. The MPWT DOW Project Management Unit (PMU) in the provinces of Oudamxay, Borikhamxay and Luang Prabang with the technical assistance and support from Environmental Research and Disaster protection of the Public Works and Transport Research Institute (EDPD/PTRI) and in association with relevant ministries such as MONRE will provide general direction for the planning of the relocation and acquisition process, ensure coordination between various stakeholders concerned with the project including those directly connected with relocation and monitoring implementation. At commencement of the sub-projects, stakeholders will be consulted to establish planning principles and work arrangements aimed at identifying and mitigating adverse social impacts induced by the sub-projects.

30. The DPWT Waterways Sector project implementation unit (PIU) with the support from EDPD/PTRI will be responsible for developing an ARAP/RAP that identifies the scale of impacts and number of PAP and PAH. The ARAP/RAP will be informed through baseline surveys, valuation of properties, and a determination regarding compensation, whether in the context of temporary or permanent relocation and compensation or in the context of mitigating other sub-project related social impacts. Adequate public consultation and participation are mandatory requirements of the ARAP/RAP process.

31. The EDPD/PTRI will work alongside the PMU team in each provinces. Among other duties, the role of the EDPD/PTRI is assist in preparing, monitoring and reporting on implementation of both the RPF and site-specific (i.e., region of influence [ROI]) ARAP/RAP so as to ensure that appropriate actions are addressed by the provincial Department of PWT PIU in relation to potential acquisition of land, relocation and/or resettlement issues. Upon approval of the RPF and ARAP/RAP, potential social impacts for each sub-project initiative and/or activity that requires land acquisition (including land donation), relocation or resettlement will be addressed. Required support for PAH resettlement and compensation for land and assets lost shall be completed prior to the commencement of civil works or by the timeframe to be agreed and specified in the ARAP/RAP. It is important to use a participatory approach to engage stakeholders, civil society organizations (CSO) and PAP and PAH to ensure broad acceptance of the proposed sub-projects.

32. A screening and review process should be used for land acquisition, relocation and resettlement, and a compensation planning process, if applicable. The

main purpose of utilizing a screening and review process is to identify land acquisition, relocation or resettlement, and/or compensation issues associated with proposed sub-projects in their ROI (Appendix A4). For optimum planning, screening should take place during the initial stages of the RFP process so that the EDPD/PTRI is well-informed to develop the region of influence ARAP/RAP. The ARAP/RAP requires site-specific, or ROI, comprehensive information to identify: (i) PAP and PAH who will be affected (positively or adversely) by the sub-projects; (ii) PAP and PAH eligible for compensation and/or assistance; and (iii) type of compensation and assistance and/or assistance required. Following completion of the ARAP/RAP, it will be submitted to the DOW-MPWT for approval following which, it will be forwarded to the World Bank.

### **3.3.4 Ethnic Groups**

33. The WBG policy OP/BP 4.10 applies based on initial observations and data provided. In compliance with the OP/BP 4.10, an EGEF will be prepared. It aims to provide the national, provincial and district government implementing agencies, consultants, village authorities, private, public sector agencies, and beneficiary community members with adequate guidance to ensure that ethnic groups are adequately consulted with and participate in sub-project planning and implementation, and that any negative impacts would be avoided, minimized or mitigated. The World Bank's policy on Ethnic Groups requires a process of free, prior and informed consent (FPIC) leading to broad community support from ethnic groups benefiting from, or affected by, World Bank-financed sub-projects. The principle of FPIC recognizes ethnic groups' inherent and prior rights to their lands, territories and resources and respects their legitimate authority and requires processes that allow and support meaningful choices by ethnic groups about their development path. The borrower needs to use consultative methods that are appropriate to the social and cultural values of the affected ethnic groups' communities and their local conditions and, in designing these methods, gives special attention to the concerns of ethnic group women, youth, and children and their access to development opportunities and benefits.

34. As discussed in the EGEF, the screening process can also be used to identify other vulnerable groups and individuals that could be affected by sub-projects, including by potential exclusion from involvement in sub-project activities. Such different populations and vulnerable groups could include religious minorities, refugees and displaced communities. Vulnerable individuals could include widows, single mothers, orphans, disabled persons, youth and women more generally.

35. If, the screening determines that ethnic groups are present in, and have collective attachment to the subproject area, an Ethnic Group Engagement Plan (EGEP) will be prepared and applied under the sub-project. EGEP provides procedures, process, implementation and monitoring arrangements and budget to ensure that mitigation measures to address and minimize negative impacts on ethnic groups. EGEP also ensures that they receive necessary support to engage in and benefit from the project investments in an inclusive and culturally appropriate manner. Content of EGEP is outlined in Section 5.4.2.



### **3.3.5 Minor Temporary Impacts**

36. There may be minor temporary impacts associated with the proposed sub-projects' civil engineering and construction activities including dust, noise and increased vehicle traffic, and lighting during nighttime hours.

37. For export of waste, there could be positive economic benefits and/or adverse impacts on small business and individuals working in the waste sector. Some action may be required to avoid adverse impacts, or to restore livelihoods under the applicable resettlement instrument. There are health, safety and well-being benefits to reducing waste disposal (i.e., reduced exposure to waste and leachate, reduced demand on land for waste disposal, reduced pests and disease vectors). In addition, there may be social impacts and economic benefit with the reuse, recycling and disposal of wastes such as noise, odor, leachate and visual impacts.

## **3.4 GENDER CONSIDERATIONS**

38. Under the parent project, Gender Action Plan (GAP) was developed with an aim to promote gender integration into the planning, implementation, and M&E. At subproject level, effort is being made in Mouny Xay, Oudomxay province to encourage active participation of women in the planning and implementation of environment and social safeguard measures on the ground. In the first safeguard training in mid-2018, the representative of Lao Women's Union (LWU) in Mouny Xay played an active role in the workshop and expressed their willingness to take leading role during the implementation of subproject activities, especially on engagement with local communities. Under the AF, this effort in ODX will be strengthened to plan and implement pilot activities that can be carried out by local authorities with active engagement of local communities on the use of nature-based/green infrastructure solutions and waste (solid and liquid) management to reduce pollution along the waterways. These efforts will also be applied to the proposed subprojects in Luang Prabang and Borikhamxay provinces. Appendix 7 provides background on legal and institutional framework, gender profile summary, and the entry point for gender mainstreaming in the project cycles. The Gender Action Plan (GAP) developed under the parent project will be implemented under the AF. A gender specialist will be mobilized while training and capacity building will be conducted (see ESMF budget).

## **4.0 ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK**

39. Similar to the parent project, the LDRM-AF "will finance key flood risk management investments that contribute to natural disaster risk and poverty reduction and strengthen the capacity for longer-term disaster risk management in the provinces of Oudomxay; Borikhamxay and Luang Prabang. During the AF implementation, all proposed sub-project initiatives will undergo further review and consideration, particularly in relation to potential environmental and social impacts and mitigation measures in line with this ESMF and the RPF and EGEF as needed. The purpose of the ESMF is to manage potential adverse impacts by establishing a guidance document which will inform the GoL MPWT DOW designated implementing authority

with the technical assistance and support from EDPD/PTRI and related ministries/departments to administer mutually agreed sets of environmental and social safeguards procedures and measures. The ESMF will facilitate necessary environmental and social management (including risk management of environmental and social impacts) procedures and measures of proposed sub-project(s) which may be financed by the project, and whose infrastructure design and location is unknown and may change during project implementation. The ESMF comprises the guidance document required for the environmental and social management plan (ESMP) and other planning measures (i.e., EGEP, ARAP/RAP, EMP) to be applied at project appraisal and formulation when detailed feasibility studies and technical design details become available.

40. As mentioned in Section 2.1, it is likely that the AF Project will require an ESIA to be conducted as per the List of Project Type and Size to (construction of embankment with the length of more than 1 km),. The ESIA will also utilize the ESMF as a guidance and decision-support tool to ensure integration of issues and concerns which apply to the DOW, other stakeholders and different populations. However, final discussion on the TOR for the study must be approved by DNEP/MoNRE. For Luang Prabang, other than the ESIA to be prepared, a Cultural Heritage Impact Assessment (CHIA) will also be required to comply with the rules and regulations set by the UNESCO World Heritage. In order to assess impacts effectively to the “Outstanding Universal Value” (OUV) that the world heritage has and to indicate the methods of CHIA to satisfy conditions of the world heritage, ICOMOS published CHIA implementation guideline (Guidance on Heritage Impact Assessments for Cultural World Heritage Properties) in January 2011 (Please see Appendix A10 for implementation procedure in preparing CHIA.

41. As an overarching guideline document, the ESMF should provide assurances that:

- Sub-projects and technical assistance (TA) consider potential environmental and social issues, especially for different populations who would be directly impacted (positively or adversely) by the sub-project;
- Sub-projects and TA consider socio-cultural sensitivities and environmental values prevailing in areas where the proposed sub-project(s) would be implemented;
- During project formulation and design, adverse environmental and social impacts may arise during construction and operational phases and appropriate mitigation/enhancement measures need to be designed with a monitoring plan developed to track implementation of site-specific safeguards instruments;
- Environmental and social management safeguard instruments such as ESMP, EGEP, ARAP/RAP, EMP and the ECoP/CoC and ESHS are suitably prepared and followed; and

- ESMF provides assurance that safeguard instruments are compliant with Bank environmental assessment (EA) operational policies and procedures and national laws and regulations.

#### **4.1 DESCRIPTION OF PROPOSED SUB-PROJECTS**

42. The proposed sub-project initiatives will strengthen urban flood risk management infrastructure in the provinces of Oudomxay, Borikhamxay and Luang Prabang would include riverbank protection, dikes, drainage canal and flood gates, weir and riverside parks. The investments would protect the urban core from regularly occurring flash floods which cause major flood damage to infrastructure, private property and personal well-being. The infrastructure investments would be complemented with non-structural measures, including strengthening land zoning regulations and application. The proposed flood control measures would explore water flow approaches in low-density areas of the river while protecting high-density areas from flooding.

43. The feasibility study and detailed design of the proposed sub-projects will be completed by a TA team during the project preparatory phase with DOW.

44. Guidelines for land acquisition will focus on procedures for voluntary and involuntary contribution of land to the project and the determination of compensation, if applicable. The Environmental and Social Management Plan (ESMP) will include scoping and screening of environmental and social impacts ([Appendix A3](#)). The ESMP will provide a brief statement justifying the environmental study. The environmental and social study lists the nature and severity of potential impacts, the development of other safeguards measures (ARAP/RAP, EGEP, EMP, ECoP, CoC, and ESHS considerations, (among others) which includes a monitoring plan and provisions for integrating required actions into the contractor's contract.

45. These guidelines will comply with WBG policies that are attached to the project agreement between the World Bank and the DOW. Safeguards that ensure the interests of ethnic groups are incorporated in the planning process for the Investment Plan.

46. Monitoring of the implementation of the safeguards guidelines will be supported by WB financing. The guidelines will clearly discuss the screening and approval of the Project design.



## 4.2 SCREENING AND APPROVAL

47. Environmental and social screening is designed to identify and document potential impacts arising from proposed sub-projects. The environmental and social screening informs decision-makers about the need to implement measures or actions (if any) which avoid, minimize, mitigate or compensate for adverse impacts. Sub-projects are classified according to the screening procedure. The procedure classifies projects into one of three WBG environmental and social safeguards assessment categories (A, B, and C) depending on the type, location, sensitivity and scale of the project and the nature and magnitude of its potential environmental and social impact. An ESMF is required for sub-projects which are not well formulated and where the environmental and social impacts are largely unknown.

48. Once the location and type of investment is identified then, a site-specific ESMP can be prepared and other safeguards measures (i.e., ARAP/RAP, EGEP, EMP, ECoP, CoC, and ESHS). Similar to the parent project, the LDRM-AF project has been classified as a Category “B” project. The DOW-MPWT Project Management Unit (PMU) with the technical assistance and support from EDPD/PTRI are responsible for proposed sub-project identification and screening (Appendices A2 and A3 for example screening forms) and ensuring that adequate environmental and social safeguards performance measures are implemented. The PMU and EDPD/PTRI will prepare proposed sub-project(s) descriptions (see Section 3.0), conduct environmental and social screening of proposed sub-project(s), and assess requirements for necessary environmental and social management measures and plans (i.e., ESMP, EGEP, ARAP/RAP, ECoP, CoC, and ESHS)<sup>2</sup>. Any sub-project classified as Category “A” according to WB policy will be ineligible for funding from the AF.

49. The DOW PMU together with EDPD/PTRI will conduct environmental and social due diligence (screening) for each proposed sub-projects, including: (i) sub-project description; (ii) identification of sub-project footprint and region of influence; (iii) establish an environmental and social baseline as the benchmark for identifying and comparing potential impacts from the proposed sub-projects; (iv) assessment of environmental and social impacts and risks of a proposed sub-project during both construction and operation phases; (v) engaging stakeholders and different populations during public consultations, as necessary, and disclosure; and (vi) application of ECoP and/or identification of avoidance, minimizing, mitigation measures or compensation, and preparation of environmental and social management plans (i.e., ESMP, EGEP, and ARAP/RAP) as necessary, including implementation arrangements, monitoring requirements, budgeting and grievance redress mechanism(s).

## 4.3 SCOPING ENVIRONMENTAL AND SOCIAL ISSUES

50. Under the LDRM-AF, sub-projects may include riverbank protection, dike, drainage canal and flood gate, weir and riverside parks. In addition, financing would be provided for hydrometeorology stations to advance early warning systems.

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<sup>2</sup> The Bank TOR state that “an independent consultant is to be retained to assist in the preparation of safeguards instruments (ESMP, EGEP, ARAP/RAP and ECoP, etc.) targeted at specific sub-projects during Project implementation.

51. The urban flood risk management works would entail support for infrastructure improvements for flood control measures such as river embankment; drainage canals and floodgates. Consequently, the DPWT responsible for waterway sector (PIUs) will be responsible for analyzing the level and extent of environmental and social issues relevant to the proposed sub-projects. The analysis will determine whether:

- The proposed sub-project has the potential to cause any social or environmental impact, whether directly or indirectly;
- Any World Bank safeguards policies would be triggered by the nature of the proposed sub-project and its associated activities; and
- Could there be any activities under a proposed sub-project that could cause significant impacts, beyond what is acceptable under the World Bank Category “B” safeguards policy classification.

52. The screening process will identify the nature of potential impacts, either positive or negative (adverse), that the potential sub-project could generate within its region of influence. This will inform the selection of safeguards instruments that would be required to assess the potential impacts in further detail. The choice of safeguards instruments or measures primarily depends on the degree of significance of anticipated environmental and social impacts and the associated environmental and social risks. [Table 4.1](#) provides a typology for scoping environmental and social issues which have varying levels of significance.

53. Scoping confirms the key environmental and social issues, risks and potential impacts identified during the screening process. The scoping stage can highlight potential issues at an early phase of sub-project development to allow planners and decision-makers to design changes which will mitigate potential environmental and social impacts and, possibly, the project location(s) to be modified.

54. The significance rating of potential impacts scoped will determine the level of the environmental and social safeguards instruments needed in order to undertake further assessment and to propose adequate mitigation measures to comply with its Category “B” safeguards policy classification. Environmental and social safeguards instruments may include ESMP, ARAP/RAP, EGEP, ECoP, and CoC.

**Table 4.1 Potential environmental and social impacts of proposed sub-projects.**

Ref.	Impact/Issue	Comment/Description of Impact	Extent	Duration	Magnitude/ Intensity	Probability	Significance
<b>Bio-Physical and Chemical</b>							
BPC/1	Changes in surface water quality	In case of effluent (waste water) from substation spills into streams and water body untreated					
BPC/2	Changes in groundwater quality	Due to the soil type, there is low permeability for pollution of ground water.					
BPC/3	Changes to drainage patterns	Operation of the sub-project do not significantly affect existing drainage system					
BPC/4	Changes to air quality	Due to the wind speed and wind direction, the air quality in the project area and its surroundings may change.					
BPC/5	Changes to ambient noise levels	Noise from construction equipment/vehicles and generators may affect noise levels					
BPC/6	Changes to aquatic biota	In case of leakage of petroleum, oil, lubricants (POL), and chemicals, changes in aquatic biota may happen.					
BPC/7	Changes to terrestrial	No terrestrial biota is expected after construction phase.					
BPC/8	Changes to disease	Some health risk to people at					

	vector populations	project area due to inhaling the air from plant					
BPC/9	Changes to land cover	No definite impact after construction of infrastructure in the project area.					
BPC/10	Changes to areas of natural habitat	No further impact in project area.					
<b>Socio-economic and Cultural</b>							
SEC/1	Changes involving loss of private and/or communal assets	No potential impact during the operations phase.					
SEC/2	Changes involving loss of private and/or communal land	Possibility of private and/or communal land loss due to the project					
SEC/3	Changes involving loss of livelihoods	Possibility of loss of livelihoods during construction and operation phase (e.g., fishing, farming in certain areas)					
SEC/4	Changes involving loss of physical cultural heritage	No impact in the operations phase.					
SEC/5	Changes involving physical and/or economic displacement of people	No potential social impact.					
SEC/6	Changes to local traffic patterns	For the future development of country, there may be changes in local traffic patterns.					

SEC/7	Changes to fisheries	Water, air, and noise pollution may interfere with fish migration.					
SEC/8	Changes in local wage labour incomes/livelihood opportunities	Possibility of increased income and livelihood opportunities due to the project.					
SEC/9	Changes in local trade/commercial incomes/opportunities	Possibility of increased income and livelihood opportunities due to the project.					
SEC/10	Changes in visual amenity	The natural landscape is affected by the presence of infrastructure.					
SEC/11	Changes to public infrastructure/community resources						

## **4.4 APPLICATION OF SAFEGUARDS AND INSTRUMENTS**

55. The proposed urban flood risk management sub-projects will require a set of safeguards measures to be prepared and applied at project appraisal and implementation. Some safeguards measures will range from abbreviated, checklist type of ESMPs for rudimentary repair works while others will require more comprehensive IEE, ESMPs, EGEPs, and ARAP/RAP within clearly delineated sub-project footprints (i.e., dike and drainage canal boundaries, riverside parks). All sub-projects involving some form or another of urban flood risk management construction and infrastructure civil engineering works will require environmental and social management safeguards instruments and measures.

### **4.4.1 Environmental and Social Management Plan**

56. Both the parent and proposed LDRM-AF sub-projects will require an ESMP. The ESMP would become part of the civil works contract (see [Appendix A4: Generic Environmental and Social Management Plan \(ESMP\)](#)), establish the environmental and social standard and compliance mechanisms, and serve as the contractual basis for supervision and enforcement of good environmental and social practice during subsequent sub-project civil engineering flood control measures. For Lao PDR, as the urban flood risk management infrastructure is being rehabilitated or constructed within the dike construction zone or drainage canal alignment and right of ways (RoW), a checklist type of ESMP could provide the appropriate due diligence instrument as illustrated in [Table 4.2](#) below.



**Table 4.2 Site-specific screening process for sub-projects.**

<b>Screening Check List</b>	<b>Yes/No</b>	<b>Actions to be Undertaken</b>
Involves land acquisition, relocation, indirect loss of access and assets, and has adverse impacts on different populations	Yes	If the impacts are significant (i.e., impacting more than 10 percent of the project affected households [PAH] total assets), EDPD of PTRI will provide technical assistance and support to the Planning/Project engineers of DOW-MPWT through its PMU. EDPD/DOW will seek World Bank clearance before selection of the sub-project(s). Extensive consultations with project affected people (PAP) are expected during planning and implementation development of the ARAP/RAP.
Scale of civil works is larger than those identified for maintenance or involves new construction	Yes	If the impacts are significant, EDPD/PTRI and PMU of the DOW-MPWT will seek MOF clearance before selection of the sub-project(s).
The sub-project site is located near villages, residential, markets or other sensitive areas (i.e., schools and hospitals) and dust and road safety issues will significantly affect human health and well-being	Yes	The PMU of DOW_MPWT together with EDPD/PTRI will establish criteria and technology that are appropriate for dust suppression in sensitive areas. An action plan to address access road safety during construction, including cost and consultation with local agencies and communities, will be prepared. Periodic monitoring of air quality, dust, noise levels, and obtaining feedback from local authorities/communities may be necessary. Identified issues and actions will be included in the ESMP and recorded in the progress report and/or semi-annual report(s).
The project site is located in or less than 50 meters away from protected areas, areas of cultural heritage, or involves the use of large amounts of toxic chemicals or herbicides.	Yes	EDPD of PTRI in close cooperation with the Planning/Project engineers (DOW) through PMU will ensure that the mitigation measures or actions are adequate to address the issues. Use of borrow pits and quarry sites in sensitive areas must be prohibited. Specific requirements provided in the ESMP may be applied to minimize potential impacts.
Large amount of material will be needed and stored properly	Yes	EDPD of PTRI in close cooperation with the Planning/Project engineers (DOW) through PMU will consult MPWT and District authorities with respect to locations and practices of material excavation.
Fully comply with the assumptions specified above and a contractor will be hired to carry out the civil engineering and roadworks.	Yes	EDPD of PTRI in close cooperation with the Planning/Project engineers (DOW) through PMU will apply the proposed ESMP of the project and prepare a specification plan for the sub-project, including those measures and actions required to mitigate the impacts on access road safety during construction, community consultation, and the public disclosure plan. A technical guideline on the environmental measures is provided along with training to the PMU and project staff.

Ethnic groups are present or have collective attachment to the affected areas.	Yes	EDPD of PTRI in close cooperation with the Planning/Project engineers (DOW) through PMU will consult EGEF, prepare a dedicated social assessment, conduct a process of free-prior-informed-consent, and develop appropriate measures in the Ethnic Group Engagement Plan.
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57. Once the footprints for Project have been identified, the ESMP will be prepared to identify potential impacts during pre-construction, construction, and operations. The environmental analysis, design and preparation of an ESMF for sub-project initiative and/or activity must be conducted in close connection with the feasibility and engineering design of the individual sub-project initiative or activity. As the proposed sub-projects will involve urban flood risk management infrastructure, the analysis should concentrate on environmental and social issues associated with direct impacts (i.e., within the sub-project affected dike construction zone, drainage canal alignment and RoW, and riverside parks) and the management of construction impacts.

58. Each sub-project includes, but is not limited to, analysis of available information concerning the general population distribution, concentrations of ethnic groups, concentrations of low-income communities, areas of significant RoW encroachment, sensitive and/or critical natural habitats, major rivers and waterways, recorded cultural heritage sites, and any other potentially sensitive areas, based on recent census, official data and information garnered from CSOs as well as detailed site visits. The environmental and social site-specific scoping sheets can be prepared once a detailed survey of the final sub-project's footprint(s) has been completed.

59. The environmental and social site-specific scoping sheets will include: (i) identification of all physical, environmental and social issues within the footprint; (ii) identification of mitigation measures identified by meters or kilometers, as appropriate, along the footprint alignment; (iii) safeguards instrument in which the mitigation measures will be included (i.e., design, resettlement plan, construction specifications, bidding documents, community relations plans, etc.); (iv) agency responsible for implementation; (v) timing for implementation of the mitigation measure (before construction, during construction, during planning, etc.); and (vi) sources of funding for implementing the mitigation measure. The scoping sheet will include maps at appropriate scales and schematic summary tables with specific issues to be addressed (e.g., slope stability, natural hazards, erosion, drainage or stream crossings, hot spots, access road safety and borrow pits). Finally, for each environmental and social concern identified and evaluated the scoping sheet, mitigation measures must be identified and safeguards procedures discussed in the ECoP (discussed below) and community relations plan.

60. The proposed sub-project initiatives and activities in the provincial capital and proximity may disrupt communities in the vicinity of the footprint as there will be an influx of workers, increased traffic of heavy machinery, potential damages to private

property, and conflicts with the local population. The ESMP should identify community participation mechanisms (i.e., a committee with participation from village Nai Bans and/or other community members) to address social issues raised during the construction period.

#### **4.4.2 Ethnic Group Engagement Plan**

61. If ethnic groups are impacted by the proposed Project, an ethnic groups safeguards planning instrument should be developed based on the WB OP/BP 4.10. This safeguard policy requires that special measures be established to protect the interests of ethnic groups<sup>3</sup> and ethnic peoples who can be distinguished by:

- Self-identification as members of a distinct ethnic cultural group and recognition of this identity by others;
- Collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;
- Customary cultural, economic, social or political institutions that are separate from those of the dominant society and culture; and
- Ethnic language, often different from the official language of the country or region.

62. There is a potential that a proposed sub-project will have moderate to significant impacts on ethnic groups if they are subject to involuntary resettlement. Ethnic peoples' livelihoods and well-being are also under pressure in some areas because of in-migration by others, forestry concession programs, and discouragement of shifting swidden cultivation practices.

63. If ethnic groups are identified in any of the proposed sub-project areas, World Bank OP/BP 4.10 general principles will apply to ensure that:

- Ethnic minority groups are afforded meaningful opportunities to participate in planning that affects them;
- Opportunities to provide such groups with culturally appropriate benefits are considered; and
- Any sub-project impacts that adversely affect them are avoided or otherwise minimized and mitigated.

64. The purpose of the EGEP is to ensure culturally appropriate consultation with ethnic groups and participation in sub-project development. If based on free, prior and informed consent where affected ethnic groups conclude that the proposed sub-project will be beneficial to them then, measures and assistance will be developed in consultation with tribal elders, community based organizations (CBO) and

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<sup>3</sup> Social groups with a social and cultural identity distinct from the dominant society that makes them vulnerable to being disadvantaged in the development process.

independent civil society organizations/non-profit associations (CSO/NPA). The free, prior and informed consent and planned activities will be documented in the EGEP. Assistance should include institutional strengthening and capacity building of tribal elders and CBOs working on specific activities (e.g., resettlement, if any) within the sub-project.

65. If ethnic groups are adversely affected by a sub-project, either by land acquisition or because of other induced negative impacts, the EGEP would have to address the impacts with various measures, activities and actions to mitigate adverse impacts. Acquisition of land and other assets would be governed by the RPF.

66. Implementation of the EGEP would be carried out by the community, assisted by appropriate staff from DPWT Waterway Sector PIU with the technical support and assistance from EDPD/PTRI, District authorities and Commune Council, facilitated by a civil society organization (NPA or CBO), where available and appropriate.

#### **4.4.3 Abbreviated Resettlement Action Plan/Resettlement Action Plan**

67. If less than forty households (or 200 people) are affected by the sub-project, the appropriate safeguards measure is an Abbreviated Resettlement Action Plan (ARAP) described more fully in the RPF. However, if more than 40 households are affected as a result of a proposed sub-project development, Project authorities are required to prepare an Resettlement Action Plan (RAP) for submission to the World Bank. The RAP would include: (i) brief description of the sub-project, location and its impacts; (ii) principles and objectives governing resettlement preparation and implementation; (iii) legal framework; (iv) baseline information of PAP and PAH; (v) category of PAP and PAH by degree and type of impacts; (vi) entitlement to compensation, allowances and rehabilitation assistance by category of impacts in a compensation matrix; (vii) information on relocation site together with socio-economic conditions on the PAP and PAH, and host communities; (viii) institutional arrangement for planning and implementation; (ix) participatory procedures during planning and implementation; (x) grievance redress procedures; (xi) estimated cost of resettlement and yearly budget; (xii) time-bound action plan for implementation; and (xiii) internal and external monitoring and reporting procedures, including TOR for external monitoring and evaluation.

68. Impacts are considered “minor” if PAP and PAH are not physically displaced and less than 10 percent of their productive assets are lost.

#### **4.4.4 Chance Find Procedures**

69. The proposed sub-projects flood protection measures are not expected to yield archaeological, paleontological or cultural findings of any significance. However, there remains a possibility for (as yet undiscovered) sites of local cultural significance (i.e., sacred sites, cemeteries) and archaeological sites to exist within sub-project areas.

70. The purpose of the Chance Finds Procedure is to assist in the detection, reporting of, and prevention of disturbance and damage to objects and sites of physical cultural resources, specifically those physical cultural resources unknown

prior to the commencement of construction activities. As there remains a possibility for (as yet undiscovered) sites of local cultural significance (i.e., sacred sites, cemeteries) and archaeological sites to exist within the sub-project areas, the DOW will ensure that the bidding and contract documentation will include a clause on chance find procedures and includes the following measures:

- i. stop construction activities in the area of the chance find;
- ii. delineate the discovered site or area; secure the site to prevent any damage or loss of removable objects;
- iii. notify the supervisory Engineer who, in turn, will notify the responsible local authorities;
- iv. responsible local authorities would conduct a preliminary evaluation of the findings to be performed by archaeologists who will assess the significance and importance of the findings according to various criteria, including aesthetic, historic, scientific or research, social and economic values;
- v. decisions on how to handle the finding shall be taken by the responsible authorities which could result in changes in layout, conservation, preservation, restoration and salvage;
- vi. implementation for the management of the finding communicated in writing; and
- vii. construction work could resume only after permission is given from the responsible local authority concerning safeguard of the heritage.

71. The Chance Finds Procedure is required to be developed by the construction contractor in conjunction with the Ministry of Information, Culture and Tourism (MOICT) and must be consistent with regulatory requirements of Lao PDR. The DOW will monitor the process of design, implementation, and post project implementation with respect to chance finds.

72. The construction contractor will be responsible for ensuring that the construction workforce is watchful in the detection and reporting of, and the prevention of disturbance and damage to, objects and sites of physical cultural resources. This should include stopping work and securing the areas adjacent to the physical cultural resources to prevent damage and notifying the MPWT DOW of the find.

73. All physical cultural resources items found in the construction areas shall be placed under DOW-MPWT responsibility and authority in coordination with the Ministry of Information, Culture and Tourism (MOICT). Ownership of any physical cultural resources discovered will be determined by the Ministry of Information, Culture and Tourism Survey and risk assessment for UXO in the construction area will need to be carried out as part of the project preparation before any construction. If the report identifies that there is a risk of encountering UXOs, the construction contractor should prepare an UXO Survey and Clearance Plan and implement this plan for relevant sub-project construction sites. The plan should include: (i) detailed procedures for identifying, securing and disposing of UXOs; and (ii) clear instruction to all staff on how to behave if an UXO is found.



#### 4.4.5 Environmental Codes of Practice

74. The purpose of the ECoP for the flood control measures being proposed is to provide a guideline for preventing or mitigating environmental risk due to various activities associated with construction of the proposed infrastructure (i.e., riverside protection, dike, drainage canal and flood gates, weir and riverside parks). The objectives of the ECoP are to: (i) establish specific environmental and social criteria for flood control measures such as the proposed infrastructure works; (ii) provide technical assistance; (iii) ensure general understanding of environmental and social impacts and define environmental and social criteria to prevent or minimize such impacts<sup>4</sup>; (iv) ensure that engineers and technicians can find solutions for any problems arising during construction or maintenance activities; and (v) facilitate the preparation of environmental and social assessment for sub-projects.

75. ECoP users will comprise: project planners, designers, managers, civil engineers and technicians from DOW, environmental assessment Consultants, private consulting firms and contractors, academic and research institutions, government ministries and institutions, and stakeholders.

### 5.0 INSTITUTIONAL ARRANGEMENTS FOR PROJECT IMPLEMENTATION

76. The MPI will oversee the whole investment and provide a coordination role among project agencies. Three main implementing ministries – including MPWT, MONRE and MOF – will assign a team of staff responsible for management, procurement, financial management, and safeguards of project activities. The Project will be implemented following the Government systems. MPWT will be the implementing agency for both the parent project and LDRM-AF Component 1 with DOW responsible for planning and implementation of waterway-related activities. For Component 2, MONRE will be the PMU with the Department of Meteorology and Hydrology (DMH) responsible for planning and implementation of Sub-component (SC) 2.1 – weather forecasting and early warning systems, and the Department of Disaster Management and Climate Change (DDMCC) responsible for SC 2.2 – DRM systems.

77. The MPWT is the implementing agency for Component 1 of the LDRM-AF Project. The DOW will establish a Project Management Unit (PMU) to be responsible for environmental and social safeguards performance of the urban flood risk management sub-project initiatives implemented with the support of the Department of Planning and Cooperation (DPC). The EDPD/PTRI will provide technical assistance and support with regards to environmental and social compliance of the Project under MPWT DOW. Depending upon training and professional experience in environmental and social safeguards implementation and monitoring, it is likely that the staff of provincial DPWT staff in the new province of Borikhamxay and Luang Phabang may require safeguard training and support. They will be supported by the

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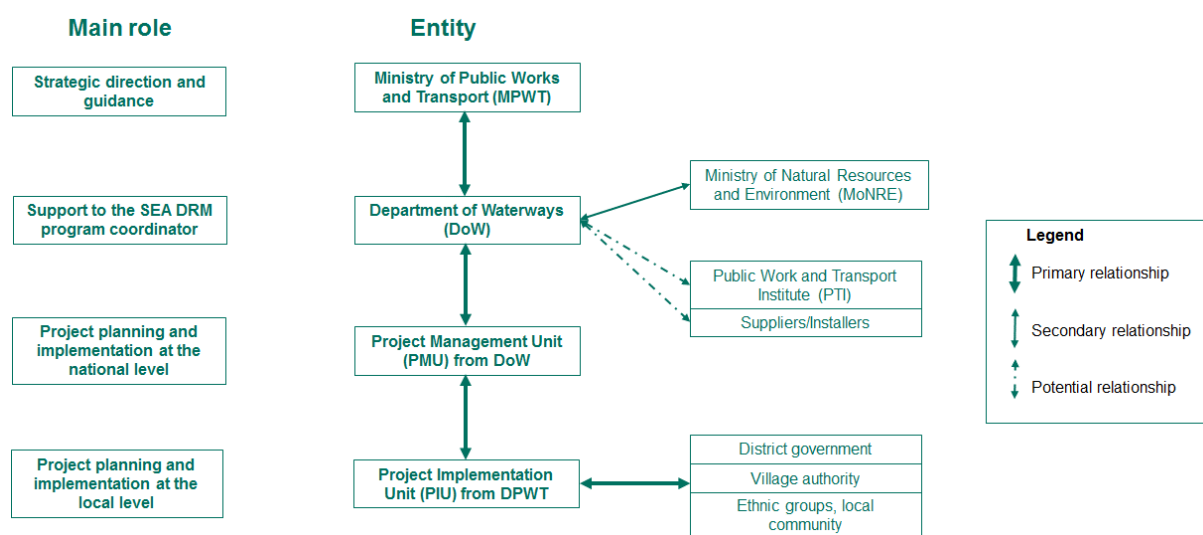
<sup>4</sup> As the sub-project is expected to be implemented in urban or agricultural areas and not in a protected area or forest area, potential impacts can be addressed through the ECoP or, possibly, the EMP.



EDPD/PTRI and its safeguard consultants and in the implementation of the ESMF requirements and monitoring while building staff capacity to address environmental and social safeguards issues. These institutional arrangements are illustrated in the flow chart in Figure below.

78. As sub-project initiatives are identified, the DOW PMU will clarify tasks and responsibilities regarding implementation of specific sub-projects. The DOW PMU will review screening reports prepared by Provincial DPWT Waterways Sectors of the provinces of Oudomxay, Borikhamxay and Luang Prabang. The Provincial DPWT Waterway Sector in the provinces will establish an Environmental and Social Unit (ESU) within the Project Implementation Unit (PIU) which will be responsible for preparing the draft terms of reference for an ESMP and develop requirements to prepare an ARAP/RAP, and EGEP in close consultation with DOW. The ESMP and accompanying ARAP/RAP and EGEP are normally prepared by the local PIU with support from consultants as necessary. The ESMP and planning documents (i.e., ARAP/RAP and EGEP) will be shared with stakeholders and different populations during consultations. Issues and observations noted in the consultations will be incorporated. Documentation will be released for public disclosure and submitted to the World Bank for review.

**Figure 5.1 Institutional arrangements for ESMF implementation of Component 1.**



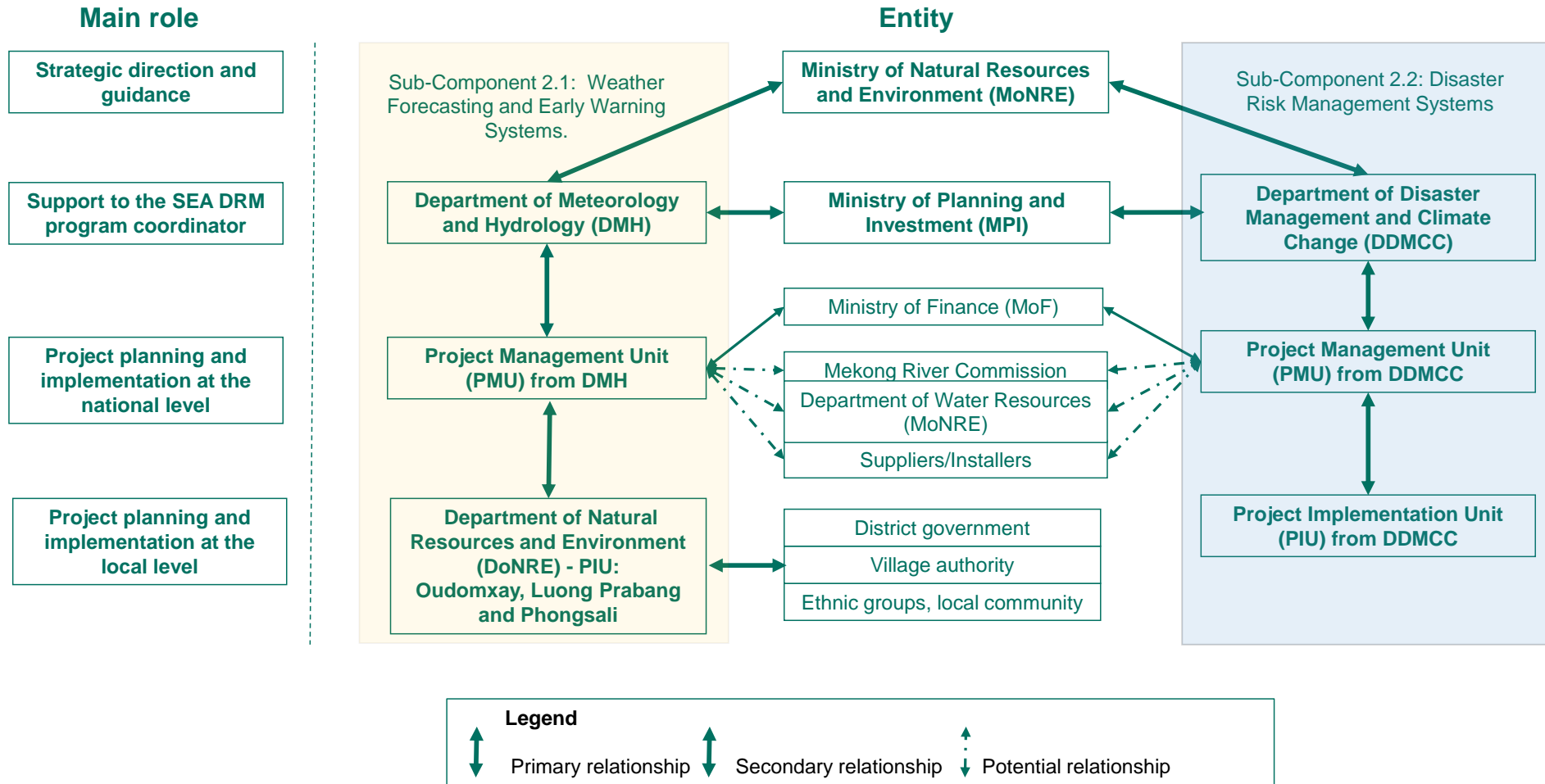
79. As stated elsewhere in this ESMF document, the DOW PMU is responsible for tracking results and compliance of environmental and social safeguards implementation during project appraisal with the technical assistance and support from EDPD/PTRI. These monitoring reports are submitted to the World Bank. Detailed procedures are provided in Section **Error! Reference source not found.** of the current document. Additionally, MPWT, MPI and MONRE will be informed and engaged throughout the implementation process of the ESMF as part of the general reporting function of the project implementation. Table 5.3 illustrates different levels of national and sub-national government, district and village authorities, civil society and different populations which would be involved in the project.

80. MONRE thru the Department of Natural Resources and Environment (DNEP) and the Natural Resources and Environmental Inspection Office (NEIO). DNEP is responsible for ensuring effective management of EIA process including review of EIA/SIA reports and making recommendation (to MoNRE minister) to issue an ECC while NEIO is responsible for monitoring and inspection of ECC compliance

81. As mentioned above, MONRE will also have an implementing role in the project through support to Component 2. These institutional arrangements are illustrated in the flow chart in Figure 4.2 below. Under the parent project, the MOF and Department of Meteorology and Hydrology (DMH) have established their PIUs and actions are being conducted to reduce safety risk due to UXO. Safeguard requirements for other components is not expected.

82. Thus the existing implementation arrangement with support from consultant team on board is considered to be adequate for both the parent project and AF activities.

**Figure 4.2 Institutional Arrangements for ESMF Implementation for Component 2.**



**Table 5.3 Ministry of Public Works and Transport Institutional Arrangement.**

Institution/Government Agencies	Role/Influence /Mandate	Level
<u>Ministry of Natural Resources and Environment (MONRE)</u>	<ul style="list-style-type: none"> <li>Principal agency responsible for enforcing regulations and actions related to land management, water resources, and environment; it has the duty to safeguard and enhance the environment.</li> <li>Key agency in the preparation of the ESMP and ARAP/RAP studies and in monitoring and auditing of mitigation measures. Responsible of issuance of approval certificate for the ESMP and ARAP/RAP documents which are essential for further implementation of investment projects.</li> </ul>	National
Department of Natural Resources and Environmental Policy (DNEP) and the Natural Resources and Environment Inspection Office (NRIO) of MONRE	<ul style="list-style-type: none"> <li>DNEP and NEIO and PONREs are the key agencies responsible for oversee the implementation of the ESIA and IEE processes. DNEP is responsible for the issuance of approval certificate for the ESMP and ARAP/RAP documents which are essential for further implementation of the investment project(s) when ESIA is required (group 2 project). For smaller projects (Group 1) that requires an IEE, the responsibility for review the IEE, issuance of an ECC, and monitoring rest with PONREs. NEIO is responsible for inspection of ECC compliance.</li> </ul>	National
<u>Ministry of Public Works and Transport (MPWT)</u>	<ul style="list-style-type: none"> <li>Approve and signoff on the project (Lead Agency for feasibility studies related to public works and transportation development projects and leads the project approval process).</li> </ul>	National
Public Works and Transport Research Institute (PTRI) of MPWT	<ul style="list-style-type: none"> <li>Two divisions of PTIR “Division of Research Technic for Housing and Urban Planning DRHU) and Environmental Research and Disaster Protection Division (EDPD)” will play an active role during the implementation of the LDRM-AF project</li> <li>EDPD/PTRI will assist DOW during the implementation of ESMF including undertaking research and provide training on environment and social safeguards to project staff of DOW and DPWT. Specifically, EDPD/PTRI will (a) Support DOW/PMU and DPWT/PIU incorporating safeguard actions (safeguard screening, ESMP, EGEP, and/or RAP, etc.) as required under the ESMF into Project annual work plan and (b) Conduct biannual and annual Environmental and Social safeguard (ESS) compliance monitoring and reporting. The biannual and annual monitoring reports and key findings from the research activities will be shared with DPWT/PIU, DOW/PMU, and WB.</li> <li>EDPD&amp;DRHU/PTRI will provide technical support for capacity building on integrated urban flood risk management, including (a) enhancing resilient planning, (b) developing eco-</li> </ul>	National

	friendly urban design solutions, and (c) strengthening the operation and maintenance (O&M) of flood protection systems	
Department of Waterways (DOW) of MPWT	<ul style="list-style-type: none"> <li>• Establish the Lao PDR, DRM PMU.</li> <li>• Prepares strategy on the Lao PDR DRM Project; Additional Financing.</li> <li>• Develops the environmental and social management plan (ESMP) and coordinates with Provincial DPWT Oudomxay PIU on development and implementation of the RAP/ARAP document.</li> <li>• Responsible for project planning and implementation at the national level, including procurement, ensuring that relevant safeguard requirements are included in the planning, design and bidding/contract documents</li> <li>• Ensure that the subproject to be approved in the annual work plan for Project support has incorporated safeguard actions (safeguard screening, ESMP, EGEP, and/or RAP, etc.) as required under the ESMF</li> <li>• DOW is the main authority for issuance of work permits essential for further implementation of the sub- project initiatives.</li> <li>• Liaising with international, national, Oudomxay Province and local authorities.</li> <li>• Monitoring and evaluation.</li> </ul>	National
Department of Urban Planning and Housing (DHUP) of MPWT	<ul style="list-style-type: none"> <li>• DHUP in cooperation with PTRI Responsible for urban development planning and develops policies, regulations and plans for water supply and drainage, solid waste and sewerage in urban areas.</li> </ul>	National
Departments of Public Works and Transport (DPWT) of Oudomxay Province	<ul style="list-style-type: none"> <li>• Establish PIU.</li> <li>• Implements regional policies.</li> <li>• Implement sectoral laws (national or local level laws).</li> <li>• Approval of all development activities.</li> <li>• Project planning and implementation at the local level.</li> <li>• DPWT in cooperation with OPWT conduct day to day supervision of contractor performance and prepare monthly progress report</li> <li>• Conduct quarterly Environmental and Social safeguard (ESS) compliance monitoring and reporting. The quarterly monitoring reports and key will be shared with EDPD/PTRI and DOW/PMU</li> </ul>	Local
Office of Public Works and Transport (OPWT) at district level	<ul style="list-style-type: none"> <li>• Implement local orders on public works and transport activities.</li> <li>• Implement national/regional policies and laws.</li> </ul>	Local

	<ul style="list-style-type: none"> <li>• Approval of project at the district level.</li> <li>• Mobilize local communities.</li> <li>• Submit requests for development activities to Provincial DPWT.</li> <li>• OPWT responsible for day to day supervision of contractor performance</li> </ul>	
Village level – Nai Ban:	<ul style="list-style-type: none"> <li>• Mobilize local communities.</li> <li>• Liaison activities and report information between OPWT at district – village level.</li> <li>• Deliberate on the PAP and PAH grievance redress mechanism.</li> </ul>	Local
Local stakeholders:	<ul style="list-style-type: none"> <li>• Community-based organizations (CBOs), municipal, district and village-level.</li> <li>• Committees, unions, and other local groups: Lao women union, first aids, young volunteer, old person group, police village.</li> </ul>	Local
Ethnic group communities:	<ul style="list-style-type: none"> <li>• If projects are planned in areas inhabited by ethnic groups a process of free, prior and informed consent will be undertaken in the project area of influence.</li> </ul>	Local
Civil Society Organizations:	<ul style="list-style-type: none"> <li>• National, regional and local civil society and non-profit association organizations, including environmental and ethnic group organizations.</li> </ul>	National / local

Note:

- The Department of Natural Resources and Environmental Policy (DNEP). “DNEP is restructured from DESIA/MONRE”
- The Natural Resources and Environmental Inspection Office (NEIO). “NEIO is restructured from DESIA/MONRE”
- EDPD of PTRI is restructured from ESD/PTRI



## **6.0 CONSULTATION AND INFORMATION DISCLOSURE**

83. The project supports a participatory and consultative approach involving meaningful engagement with different populations (ethnic peoples and vulnerable groups – women and female/male youth and children, men, the elderly and disabled, landless, and poor, etc.), CSOs (NPAs, CBOs) and other relevant stakeholders. The approach was intended to enhance ownership and general understanding of different populations through free, prior and informed consent and public access to information for the ESMF and safeguard management instruments (i.e., ESMP, EGEP, and ARAP), roles and responsibilities, and perceptions as a basis for improving coordination and achievement of the project objectives. The participatory and consultative approach should ensure effective communication and coordination with all stakeholders and different populations at national and local levels.

84. A Consultation meetings and Disclosure of the Project and the Safeguard documents were conducted both in Luang Prabang Province on 15-16 August 2019 and Borikhamxay Province on 20-21 August 2019 with the Project Team composed of the Department of Water-Ministry of Public Work and Transport and the support from the EDPD/PTRI. (Please see attached Minutes of Consultation Meeting for the provinces of Luang Prabang Province and Borikhamxay).

85. The comments received during the consultation meeting in the provinces of Luang Prabang and Borikhamxay did not result in a revision of the safeguard instruments but rather sought clarification on project aspects, clarification on the procedure and eligibility for compensation. In addition, some of the participants suggested and raised the importance of the training for on environmental and social safeguards, which is a provision in this ESMF, together with the necessary monitoring during sub-project implementation.

86. The draft ESMF, RPF and EGEF were disclosed (in English) in the MPWT website and the World Bank Website on 12 August 2019. Nevertheless, a brief and reader friendly information leaflet on the above policy frameworks was prepared in Lao language and distributed to PAHs/PAPs and other concerned local stakeholders in hard copy two weeks before the consultation in the two project target provinces. The information leaflet provides information on the project, potential impacts, mitigation measures, safeguard policy frameworks, implementation arrangements and GRM. The final ESMF, RPF and EGEF was re-disclosed in the country (in both local language and in English) on September 16, 2019 and on the World Bank Website on September 18, 2019 before appraisal.

## **7.0 GRIEVANCE REDRESS MECHANISM**

87. Article 25 of decree 84/PM (on compensation and resettlement of people affected by development project, 2016) requires the project to establish an effective mechanism for grievance resolution. The decree requires that the sub-project proponent (i.e., PIUs of the Provincial DWPT Waterway Sector in the provinces of Oudomxay, Borikhamxay and Luang Prabang) is responsible for coordinating and working with Oudomxay Provincial DoNRE to set up a grievance redress mechanism

(GRM) and to take actions to solve/resolve issues. Grievances related to any aspect of a proposed sub-project will be dealt with through negotiations with the aim to reach a consensus. All complaints will be received in writing, or if given verbally then written at the same time and place, from PAP and PAH, and duly recorded by each level of the grievance redress committee. Grievance procedures should include reasonable performance standards (e.g., time required to respond to complaints, and should be provided without charge to displaced persons).

88. Grievances related to environmental and social issues from ethnic groups that result from Project activities will be resolved by a Grievance Redress Committee through the Project grievance redress mechanism. However, the complainant also retains the right to bypass this procedure and can address a grievance directly to the PIUs in the Provincial DPWT Waterways Sector office or the national assembly, as provided for by law in Lao PDR. At each grievance level, details, discussions, and outcomes will be recorded in a grievance logbook. The status of grievances submitted and grievance redress will be reported to PIUs of the DPWT Waterways Sector management through the monthly report. In order to effectively and quickly resolve grievances people may follow the process described below:

- **Stage 1:** If PAP and PAH are not satisfied with the resettlement plan or its implementation, PAP and PAH can issue a verbal or written complaint to the village committee or the district resettlement office (DRO). If it is a verbal complaint, the village should deal with this complaint and document the grievance immediately at the time. The village committee or DRO should resolve the complaint or grievance within two weeks;
- **Stage 2:** If the PAP and PAH are not satisfied with the result of Step 1, PAP and PAH can file an appeal with the project resettlement office (PRO) after PAP and PAH receives the decision made in Step 1. The PRO should make a decision within two weeks;
- **Stage 3:** If the PAP and PAH are not satisfied with the result of step 2, PAP and PAH can file an appeal with the provincial resettlement committee for administrative arbitration after receiving the decision made by the PRO. The administrative arbitration organization (AAO) should make the arbitrated decision within 10 days; and
- **Stage 4:** If the PAP and PAH are still unsatisfied with the arbitrated decision made by the AAO, after receiving the arbitrated decision, PAP and PAH can file a lawsuit in a civil court according to the relevant laws and regulations of Lao PDR.

88. DOW during the planning and implementation of safeguard measures, including providing training and capacity building to DOW and DPWT. Mobilization of two national safeguard consultants (one on environment and one on social) will be completed in Q3 2019 and they will also be responsible for training and capacity building (on-the-job) of EDPD/PTRI, PMU/DOW, and PIU/DPWT on the planning, supervision and monitoring, and engagement/consultation with key agencies and stakeholders including social integration. Under the AF, these capacity building will be more active starting Q4 of 2019. However, expansion of activities in Luang Prabang and Borikhamxay will increase the workload of the 2 consultants and this

will require follow-up discussion on priority of the activities between PIU/DOW, EDPD/PTRI, and WB specialists to ensure timely preparation and implementation of safeguard measures. Early and effective coordination with MONRE and PONREs in the project provinces are considered necessary.

**7.1 89. ALTHOUGH MPWT WILL BE THE MAIN IMPLEMENTING MINISTRY, BOTH MONRE AND MOF WILL ALSO BE INVOLVED. THE PMU IS RESPONSIBLE FOR MANAGEMENT, PROCUREMENT, CONTRACTING AND FINANCIAL MANAGEMENT OF SUB-PROJECT ACTIVITIES. THE PMU WILL MONITOR PROGRESS AGAINST THE AGREED PERFORMANCE INDICATORS AND PRODUCE PERIOD PROGRESS REPORTS. IT WILL PROVIDE OVERSIGHT OF DAILY PROJECT IMPLEMENTATION FOR PROJECT STAKEHOLDERS. IN THE CASE OF MPWT DOW, THE PMU AND EDPD/PTRI WOULD WORK CLOSELY WITH EACH OF THE DEPARTMENT OF PROVINCIAL DPWT WATERWAY SECTOR PROJECT IMPLEMENTATION UNIT (PIU) IN THE PROVINCES. THE PMU TOGETHER WITH EDPD/PTRI WILL ADVISE THE PIU ON ALL REQUIREMENTS DURING PROJECT PREPARATION AND IMPLEMENTATION, AND COORDINATION WITH THE WORLD BANK. THE PROVINCIAL DEPARTMENT OF PUBLIC WORKS AND TRANSPORT (DPWT) WATERWAYS SECTOR PIU FOR EACH OF THE PROVINCES WILL BE RESPONSIBLE FOR DAY TO DAY CONTRACT MANAGEMENT AND SUPERVISION ON SITES AND THE REPORTING FUNCTION TO THE PMUS. IT WILL ALSO LIAISE WITH THE CONCERNED LOCAL AGENCIES AND AUTHORITIES TO ENSURE COORDINATION AND IDENTIFY ISSUES ARISING FROM SITES AND PROPOSE SOLUTIONS TO THE DOW PMU AND/OR HIGHER LEVEL MANAGEMENT. BUDGET TO IMPLEMENT ESMF**

90. The ESMF implementation costs for both activities identified under the parent project and the AF will be implemented. A budget of about \$0.52 million has been allocated for the ESMF implementation under the parent project while an additional of \$0.30 million will be required to ensure safeguard compliance of additional subprojects as well as to provide additional training and supervision to Luang Prabang and Borikhamxay DPWTs. A total budget is for ESMF implementation is about **USD816,000** (Table ). The source of financing for the implementation of the ESMF and preparing the safeguard plans will be from Component 4, Project Management.

91. The ESMF implementation has been designed to focus on monitoring environmental and social safeguards compliance activities aimed at ensuring that the sub-project initiatives align with this document's recommended procedures, and for

EDPD/PTRI to support a training and capacity building program for PMU-DOW/MPWT; PIUs in the 3 target provinces and key stakeholders. The estimated cost including hiring of an international consultant and 2 national consultants to assist EDPD/PTRI and PIU of DOW and DPWTs of the 3 target provinces.

Table 9.1 illustrates roles and responsibilities at various stages in the project cycle.

## **7.2 BUDGET TO IMPLEMENT ESMF**

90. The ESMF implementation costs for both activities identified under the parent project and the AF will be implemented. A budget of about \$0.52 million has been allocated for the ESMF implementation under the parent project while an additional of \$0.30 million will be required to ensure safeguard compliance of additional subprojects as well as to provide additional training and supervision to Luang Prabang and Borikhamxay DPWTs. A total budget is for ESMF implementation is about **USD816,000** (Table ). The source of financing for the implementation of the ESMF and preparing the safeguard plans will be from Component 4, Project Management.

91. The ESMF implementation has been designed to focus on monitoring environmental and social safeguards compliance activities aimed at ensuring that the sub-project initiatives align with this document's recommended procedures, and for EDPD/PTRI to support a training and capacity building program for PMU-DOW/MPWT; PIUs in the 3 target provinces and key stakeholders. The estimated cost including hiring of an international consultant and 2 national consultants to assist EDPD/PTRI and PIU of DOW and DPWTs of the 3 target provinces.

Table 9.1 Key responsibilities for ESMF implementation.

Subproject cycle	EDPD of PTRI	DOW-PMU	DPWT (as subproject owner)-PIU
Screening	<p>Advise applicants and other stakeholders about environmental and social safeguard procedures. Review the concept note/idea and screen for potential safeguard issues, and advise applicants regarding the nature and content of the safeguard documents and measures to be prepared.</p>	<p>Actively participate in the process with EDPD</p>	<ul style="list-style-type: none"> <li>• Assess potential safeguard issues early in the preparation process, including screening for the presence of indigenous peoples.</li> <li>• Describe potential safeguard issues in the safeguard screening form to be attached to the sub-project proposal</li> </ul>
Preparation	<p>Advise applicants on safeguard issues, as needed. Recruit environmental and social safeguard consultants to support the preparation, implementation and monitoring of safeguard documents (such as ESMP, EGEP, ARAP).</p>	<p>Actively participate in the process with EDPD</p>	<ul style="list-style-type: none"> <li>• Undertake safeguard preparation actions as required, such as consultations with local communities and/or collection of data.</li> <li>• Design safeguard measures and prepare documents, such as an ESMP/EMP, EGEP, etc. as agreed with EDPD/DOW. If applicable, disclose draft safeguard documents with the sub-project proposal to affected communities prior to final review of proposal by the EDPD/DOW.</li> </ul>
	<ul style="list-style-type: none"> <li>• Review sub-project proposals for safeguard impacts and social risks.</li> <li>• Assess the adequacy and feasibility of safeguard assessment and consultation process. If needed, request further steps</li> <li>• Assess the adequacy and feasibility of safeguard measures and documents. If needed, request appropriate changes to these and reassess prior to final approval. If the Ethnic Group equivalent to WB OP</li> </ul>	<p>Actively participate in the process with EDPD</p>	<ul style="list-style-type: none"> <li>• Submit sub-project proposal with safeguard measures and documents as agreed. If requested by the EDPD/DOW takes additional steps to meet ESMF and safeguard policy provisions. Re-submit proposal with revised safeguard measures and documents, as needed. All national and local legislation and regulations will be complied with.</li> </ul>

	<p>4.10) are affected, ascertain that they have provided their free, prior and informed consent to sub- project activities affecting them.</p> <ul style="list-style-type: none"> <li>• If applicable, publicly disclose safeguard related information on the website after sub-project approval</li> </ul>		
Implementation	<ul style="list-style-type: none"> <li>• Supervise and review safeguard documents and issues during sub-project implementation. If needed, request changes to safeguard measures.</li> <li>• Review and approve Plan of Actions that are required to be prepared during implementation of sub-projects.</li> </ul>	Actively participate in the process with EDPD	Disclose final safeguard documents, if any, to affected communities.
Evaluation	Ensure inclusion and review of environmental and social safeguard issues and outcomes in mid-term and final sub-project evaluation and reporting, including concerning any lessons learned on the sustainability of each sub-project	Actively participate in the process with EDPD	<p>Monitor and document the implementation of safeguard measures. When the ethnic groups (equivalent to WB OP/BP4.10) are affected, include them in participatory implementation exercises.</p> <p>Evaluate the implementation and outcomes of safeguard measures. When the ethnic groups (equivalent to WB OP/BP4.11) are affected, include them in participatory evaluation exercises.</p>



**Table 9.2 ESMF implementation budget**

No.	Activities	ESMF Budget			Budget Line
		Original Budget (USD)	Budget for AF (USD)	Total (USD)	
<b>A</b>	<b>Supervision, monitoring, training on ESMF</b>	<b>99,000</b>			
1	EDPD of PTRI to provide training on supervision and monitoring including preparation of annual safeguards monitoring report for LPB and BLKX Waterways Sector for 3 years and to conduct more training on social safeguards and monitoring, filing, and reporting (MFR) (\$10,000/year)	39,000	30,000	65,000	1.3.5/2 1.3.5/3
2	EDPD of PTRI to conduct supervision and preparation of 6-month safeguards monitoring reports for LPB and BLKX for 3 years (\$5,000/year)	20,000	15,000	35,000	1.3.5/3
3	DPWT of LPB, BLKX PONREs, and local communities conduct supervision of contractor performance monthly and quarterly, and submit quarterly report for 3 years (\$5,000 for each)	25,000	30,000	55,000	1.3.5/6
4	Monitoring and reporting by PONREs and local authorities during construction including activities for local communities to address road safety issues (\$5,000 each)		10,000	10,000	1.3.5/6
5	Consultation with ethnic groups for the preparation of the ESMP and EGEP	15,000			1.3.5/4
<b>B</b>	<b>Development of safeguards measures, plans, procedures and other tools</b>	<b>320,000</b>			
1	EDPD of PTRI (assisted by consultant) to conduct case studies and research activities including workshops to develop specific guidelines on the following key areas: (i) land zoning; and (ii) strengthen regulatory environment around DRM (including consultation workshop and securing the ECC (\$30,000 for each)	45,000	60,000	105,000	1.3.5/5
2	EDPD of PTRI, DPWT assisted by two national consultants (Environmental and Social, Part time) to preparation of safeguards document as needed as well as to conducted safeguards capacity, consultation and workshop, safeguards supervision, monitoring, filing, and reporting (contract extension to cover LPB and BLKX)	125,000	50,000	175,000	1.1.3.5 and 1.1.3.7

3	Recruitment of international consultant (by EDPD of PTRI) to supervision National Consultants and finalize technical guideline and completion report	150,000		150,000	1.1.3.6
4	Hiring of (1 or 2) national environmental and social Junior consultant to assist ESD/PTRI to conducted safeguards supervision, monitoring, filing, and reporting for 1 years		35,000	30,000	
<b>C</b>	<b>Institutional strengthening and capacity development</b>	<b>85,000</b>			
1	Recruitment of gender specialist to Conduct a gender analysis to identify gender issues and provide training and guidance on project cycle gender mainstreaming, guide development of gender action plan (GAP), and planning participatory M&E approaches during project planning, construction and implementation, and post-project O&M	20,000	5,000	20,000	1.3.5/2
2	Capacity building workshop on gender awareness, importance of gender mainstreaming and gender analysis to identify gender issues and use the results to ensure measures are proposed to address these issues, along with measurable indicators to monitor intended social benefits and development outcomes and risks of the project; and GAP implementation training for DOW, DIA and all project staff	15,000	10,000	25,000	1.3.5/2
3	Procurement of Vehicle for EDPD and safeguards consultants to implementation of environmental and social safeguards (to conducted consultation, ESS data collection, supervision and monitoring, etc.)	50,000	52,000	102,000	1.3.5/7
<b>D</b>	<b>Incremental Operating Cost (IOC) (Documentation, photocopying , report papers, office supplies, etc...)</b>	<b>12,000</b>	3,000	15,000	1.3.5/8
<b>TOTAL A, B, C and D (1.3.5)</b>		<b>516,000</b>	<b>300,000</b>	<b>816,000</b>	<b>1.3.5</b>

## **APPENDIXES**

Appendix A1: Activities Not Eligible for Additional Financing (AF)

Appendix A2: General Environmental Assessment Policy Instrument: Screening Form

Appendix A3: Site-Specific Environmental and Social Screening Form

Appendix A3.1 Environmental and Social Safeguard Screening Forms

Appendix A3.2 Environmental and Social Safeguard Screening Form Example specific to Hydrometeorological Stations

Appendix A4 Generic Environmental and Social Management Plan (ESMP)

Appendix A4.1: Generic Environmental and Social Management Plan (ESMP)

Appendix A5: Guidelines for a Dike/Weir Safety Assessment Plan

Appendix A6: Proposed Subproject Sites in the Provinces of Luang Prabang and Borikhamxay

Appendix A7: Consultation and Gender Integration

Appendix A8: Generic Environmental Code of Practice (ECoP)

Appendix A9: Code of Conduct on Gender-Based Violence and Violence against Children (CoC)

Appendix A10: Proposed Implementation Procedure for Preparation of Cultural Heritage Impact Assessment (CHIA)



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## **Appendix A1**

### **Activities Not Eligible for Additional Financing (AF)**

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## **Appendix A1. Activities not Eligible for Sub-project Financing**

This appendix is similar to the ineligible activities applied to the parent project with additional requirement that no activity will be allowed in the cultural heritage site without authorization.

To avoid adverse impacts on the environment and people, the following activities are explicitly excluded from project financing:

- Physical relocation and/or demolition of residential structures of households that affect more than 200 PAP or 50 PAH;
- Creation of adverse impacts on local people including ethnic groups that are not acceptable to them, even with the mitigation measures developed with their participation;
- Damage or loss to cultural property, including sites having archaeological (prehistoric), paleontological, historical, religious, cultural and unique natural values;
- Use of sub-project as an incentive and/or tool to support and/or implement involuntary resettlement of local people and village consolidation;
- Purchase of guns, chain saws, asbestos, dynamite, destructive hunting and fishing gear, and other investments detrimental to the environment;
- Purchase of pesticides, insecticides, herbicides and other dangerous chemicals exceeding the amount required to efficiently treat the infected area. If use of pesticide is necessary, the PMO will refer to the Pesticide Management Plan in the ESMF, if applicable;
- Forestry operations, including logging, harvesting or processing of timber and non-timber forest products (NTFP). However, support to sustainable harvesting and processing of NTFPs is allowed if accompanied with a management plan for the sustainable use of the resources;
- Unsustainable exploitation of natural resources;
- Conversion or degradation of natural habitat;
- Production or trade in any product or activity deemed illegal under Lao PDR laws or regulations or international conventions and agreements, or subject to international bans;
- Labor and working conditions involving harmful, exploitative, involuntary or compulsory forms of labor, forced labor, child labor or significant occupational health and safety issues; and
- Trade in any products with businesses engaged in exploitative environmental and social behavior.
- Any actions in Luang Phabang Cultural Heritage Areas without authorization and/or adequate mitigation measures.

## Appendix A2

# General Environmental Assessment Policy Instrument: Screening Form

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## Appendix A2. General Environmental Assessment Policy Instrument: Screening Form

This appendix presents the screening forms similar to those applied to the parent project with minor change to improve clarity and consistency with the current institutions and scope of Lao SEA-DRM-AF (or AF).

This form is to be used by the Implementing Agency to screen potential environmental and social safeguards issues of a sub-project, determine the Category classification, which World Bank policies are triggered and the instrument to be prepared for the sub-project.

<b>Sub-project Name</b>	
<b>Sub-project Location</b>	
<b>Sub-project Proponent</b>	
<b>Sub-project Type/Sector</b>	
<b>Estimated Investment</b>	
<b>Start/Completion Date</b>	

Questions	Answer			If Yes WB Policy triggered	If Yes Document requirement
	N/ A	Ye s	No		
Are the sub-project impacts likely to have significant adverse environmental impacts that are sensitive <sup>5</sup> , diverse or unprecedented and extend beyond the subproject area? <sup>6</sup> Please provide brief description:				<i>OP/BP 4.01 Environmental Assessment Category A</i>	Ineligible for funding from the AF

<sup>5</sup> Sensitive (i.e., a potential impact is considered sensitive if it may be irreversible - e.g., lead to loss of a major natural habitat, or raise issues covered by OP 4.04, Natural Habitats; OP 4.36, Forests; OP 4.10, Indigenous Peoples; OP 4.11, Physical Cultural Resources; or OP 4.12, Involuntary Resettlement; or in the case of OP 4.09, when a project includes the manufacture, use, or disposal of environmentally significant quantities of pest control products);

<sup>6</sup> Examples of projects where the impacts are likely to have significant adverse environmental impacts that are sensitive, diverse or unprecedented are large scale infrastructure such as construction of new roads, railways, power plants, major urban development, water treatment, waste water treatment plants and solid waste collection and disposal etc.



Are the sub-project impacts likely to have significant adverse social impacts that are sensitive, diverse or unprecedented? <sup>7</sup> Please provide brief description:				<i>OP 4.01 Environmental Assessment Category A</i>	Ineligible for funding from the AF
Do the impacts affect an area broader than the sites - beyond the existing ROW - or facilities subject to physical works and are the significant adverse environmental impacts irreversible? Please provide brief description:				<i>OP 4.01 Environmental Assessment Category A</i>	Ineligible for funding from the AF
Is the proposed sub-project likely to have minimal or no adverse environmental or social impacts? <sup>8</sup> Please provide brief justification:				<i>OP 4.01 Environmental Assessment Category C</i>	No action needed beyond screening
Is the sub-project neither a Category A nor Category C as defined above? <sup>9</sup> Please provide brief justification:				<i>OP 4.01 Environmental Assessment Category B</i>	IEE or ESMP

<sup>7</sup> Generally, sub-projects with significant resettlement-related impacts should be categorized as A. Application of judgment is necessary in assessing the potential significance of resettlement-related impacts, which vary in scope and scale from sub-project to sub-project. Sub-projects that would require physical relocation of residents or businesses, as well as sub-projects that would cause any individuals to lose more than 10 percent of their productive land area, often are categorized as A. Scale may also be a factor, even when the significance of impacts is relatively minor. Sub-projects affecting whole communities or relatively large numbers of persons (for example, more than 1,000 in total) may warrant categorization as A, especially for projects in which implementation capacity is likely to be weak. Sub-projects that would require relocation of Indigenous Peoples, that would restrict their access to traditional lands or resources, or that would seek to impose changes to Indigenous Peoples' traditional institutions, are always likely to be categorized as A.

<sup>8</sup> Examples of projects likely to have minimal or no adverse environmental impacts are supply of goods and services, technical assistance, simple repair of damaged structures etc.,

<sup>9</sup> Projects that do not fall either within OP 4.01 as a Category A or Category C can be considered as Category B. Examples of category B sub-projects include small scale *in-situ* reconstruction of infrastructure projects such as road rehabilitation and rural water supply and sanitation, small schools, rural health clinics, etc.

Will the sub-project likely have adverse impacts to the human or natural environment that are modest, confined to a small region and are temporary or short-lived which are easy and inexpensive to control?				<i>OP 4.01 Environmental Assessment Category B</i>	IEE or ESMP
Does the sub-project document specify that there will be no use of any hazardous materials?				<i>OP 4.01 Environmental Assessment Category B</i>	IEE or ESMP
Will the sub-project include the export of waste to another territory or country?				<i>OP 4.01 Environmental Assessment Category B</i>	ESMP with details on potential impacts at the waste receiving location
Will the sub-project include the export of waste to another territory/country which will not comply with international conventions on trans-boundary movement of hazardous materials and waste?				<i>OP 4.01 Environmental Assessment Category A</i>	Ineligible for funding from the AF
Will the sub-project involve the conversion or degradation of non-critical natural habitats? Please provide brief justification:				<i>OP 4.04 Natural Habitats</i>	IEE or ESMP
Will the sub-project involve the significant conversion or degradation of critical natural habitats <sup>10</sup> ?				<i>OP 4.04 Natural Habitats Category A</i>	Ineligible for funding from the AF
Are there any ethnic group communities present in the sub-project area and are likely to be affected by the proposed sub-project negatively or positively? Please provide brief justification:				<i>OP 4.10 Indigenous People Category B</i>	Ethnic Group Engagement Plan

<sup>10</sup> Sub-projects that significantly convert or degrade critical natural habitats such as legally protected, officially proposed for protection, identified by authoritative sources for their high conservation value, or recognized as protected by traditional local communities, are ineligible for Bank financing.

Will the sub-project adversely impact physical cultural resources? <sup>11</sup> Please provide brief justification:				<i>OP 4.11 Physical Cultural Resources Category A</i>	Ineligible for funding from the AF
Does the sub-project involve involuntary land acquisition, loss of assets or access to assets, or loss of income sources or means of livelihood? Please provide brief justification:				<i>OP 4.12 Involuntary Resettleme nt</i>	Abbreviated Resettlement Action Plan
Will the sub-project have the potential to have impacts on the health and quality of forests or the rights and welfare of people and their level of dependence upon or interaction with forests; or aims to bring about changes in the management, protection or utilization of natural forests or plantations? Please provide brief description to justify Category:				<i>OP4.36 Forestry Category A</i>	Ineligible for funding from the AF
Will the project have the potential to have significant impacts or significant conversion or degradation of critical natural forests or other natural habitats?				<i>OP4.36 Forestry Category A</i>	Ineligible for funding from the AF

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<sup>11</sup> Examples of physical cultural resources are archaeological, paleontological or historical sites, including historic urban areas, religious monuments, structures and/or cemeteries particularly sites recognized by the government.

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**Appendix A3**

**Site-Specific Environmental and  
Social Screening Form**

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## Appendix A3.1 Environmental and Social Safeguard Screening Forms

This appendix presents the screening forms similar to those applied to the parent project with minor change to improve clarity and consistency with the current institutions and scope of Lao SEA-DRM-AF (or AF).

These forms will be filled by PIU/DPWT during the identification of the sub-project with technical assistance and support from EDPD/PTRI as part of the annual work plan. The form will be properly signed and attached to the sub-project proposal which is to be reviewed by MPWT and/or DOW/PMU. Depend on nature of works, a copy to the ministry of natural Resources and Environment (MONRE) and/or the Provincial Natural Resources and Environment (PONRE) and other agencies (such as the Luang Prabang World Cultural Heritgae Office may be required.

### FORM A: Project Concept Safeguards Checklist

Province:	District:	Location – sketch map attached (Mark ✓)	
		<input type="checkbox"/> YES	<input type="checkbox"/> NO
Subproject Name:	Reference No:	Link No. (details)	
TYPE of works/activities (Mark ✓)			
<input type="checkbox"/> Located within NPA	<input type="checkbox"/> Located near NPA	<input type="checkbox"/> Located near important cultural sites	
<b>Brief description of works/activities:</b> [i.e., length of civil works, need/purpose of works, proposed works (list/explain activities), number of villages (approx. population) to benefit]			
Checklist (ensure sex and gender disaggregated and age appropriate data are obtained)	Yes	No	Explanation/ Comments
1. Will the works require any land acquisition?			
2. Will the works require taking land from people who are using it for agriculture (even if they do not own/have title to the land)?			
3. Will the works require any households to move structures (include, houses, small shops, rice bins etc.) back from the road?			
4. Are there members of an ethnic group living in the area? If yes, how many different groups (list)?			
5. Are the works, located in or near a cultural/heritage area?			

6. Are the works, located in or near an area known to have special significance to the people of the area?			
7. Are the works, located near or in a protected area (or a buffer zone of a protected area)?			
8. Are the works likely to generate dust or create a dust problem? If yes, for how many months (during which season)?			
9. Will the works require NEW borrow pits or quarries to be opened up?			
10. Will the works be located near a river, stream or waterway?			
11. Will the works result in increases in, or changes to the type of, traffic using the road?			
12. Will any of the works require the use of toxic chemicals, herbicides, and/or explosives?			
13. Other information: map, additional issues or impacts etc. should be specified on the attached sheet: List attachments			

**Distribution of ESMF Initial Screening Form:**

Distributed to	Yes	No	Date
MPWT/EDPD of PTRI			
DOW/PMU			
MONRE			
PONRE			
Others (list below)			

**ESMF Initial Screening Form compiled by:**

Name:	Position:
Signature:	Date:

**ESMF Initial Screening Form Verified by:**

Name:	Position:
Signature:	Date:

**Attachments**

(For map, sketches, other information, issues, potential impacts, etc. as mentioned in item 13 above)

As required



## FORM B: Environmental Assessment Category Screening Form for Urban

### Flood Risk Management Infrastructure

Province:	District:	Location – sketch map attached (Mark ✓)	
		<input type="checkbox"/> YES	<input type="checkbox"/> NO
Sub-project Initiative or Activity Name:	Initiative or Activity No:	Link No. (details)	
TYPE of works/activities (Mark ✓)	<input type="checkbox"/> Upgrading/reconstruction	<input type="checkbox"/> Rehabilitation	
<input type="checkbox"/> Improvement	<input type="checkbox"/> Maintenance		
<b>Brief description of works/activities and project area:</b> [i.e., length of dike embankment (weir), need/purpose of works, proposed works (list/explain activities), number of villages (approx. population) to benefit, describe site sensitivity based on criteria in Form A]			
<b>Screening Questions</b>	<b>Yes</b>	<b>No</b>	<b>Explanation/Comments</b>
▪ Is the project area within or adjacent to any of the following areas?			
▪ Cultural/heritage area			
▪ Protected area			
▪ Buffer zone of a protected area			
▪ Wetland			
▪ River, stream or waterway			
▪ Estuary			
▪ Protected Area (PA)			
▪ Protection Forest Area (PFA)			
▪ Will secondary forest be affected?			
▪ Are there rare or endangered species of flora or fauna in the project area?			
▪ Will the project increase access to protected areas or areas important for biodiversity conservation?			
▪ Will the project require cuts, fills, quarries or extraction of material (stone, gravel, aggregate,			

sand)?			
▪ Will the project alter surface water hydrology of waterways or streams?			
▪ Will the project increase soil erosion?			
▪ Will the project require rock crushing or use of explosives (blasting)?			
▪ Will the project generate dust or noise?			
▪ Will the project require the establishment of a camp for construction workers?			
▪ Will the project require the creation of temporary access or haul roads?			
▪ Will the project require the creation of material stockpiles?			
<b>INFORMATION ON ENVIRONMENTAL IMPACT</b>			
<b>Information</b>		<b>Explanation</b>	
What is the predominant type of vegetation to be affected by the project?			
What is the estimate of the total area of this type of vegetation to be affected?			
Are there any other proposals or projects which could increase the significance of any of the impacts (cumulative impacts)?			
Will the project require the acquisition or temporary use of people's land? If yes, also complete <b>Form D</b>			
Will the project require the relocation of structures? If yes, also complete <b>Form D</b>			
Is the project located in area where ethnic minority groups are known to live or use? If yes, also complete <b>Form C</b>			
<b>PROJECT CATEGORIZATION FOR ENVIRONMENTAL IMPACTS</b>			
Based on the definition of impacts in the Environmental and Social Operation Manual, what is the category?			
[ <input type="checkbox"/> ] <b>CATEGORY B</b> – non-significant environmental impact, an IEE is required			
[ <input type="checkbox"/> ] <b>CATEGORY C</b> – minimal or no environmental impact, no EA required, generic ESMP and technical specifications will apply			

**Indicators of Site Sensitivity see in Form B below**

Distributed to	Yes	No	Date
MPWT/EDPD of PTRI			
DOW/PMU			
MONRE			
PONRE			
Others (list below)			
<b>EA Screening Form compiled by:</b>			
Name:		Duty:	
Signature:		Date:	
<b>EA Screening Form verified by:</b>			
Name:		Duty:	
Signature:		Date:	

**FORM C: Ethnic Group (EG) Screening Form for Urban Flood Risk Management Infrastructure**

Province:	District:	Location – sketch map attached (Mark ✓)	
		<input type="checkbox"/> YES	<input type="checkbox"/> NO
Sub-project Name:	Sub-project No:	Link No. (details)	
TYPE of works/activities (Mark ✓)	<input type="checkbox"/> Initiative or Activity	<input type="checkbox"/> Initiative or Activity	
<b>Brief description of works/activities and project area:</b> [i.e., length of dike embankment (weir), need/purpose of works, proposed works (list/explain activities), number of villages (approx. population) affected, describe communities to be affected]			
<b>ETHNIC MINORITY ISSUES SCREENING (ensure sex and gender disaggregated and age appropriate data are obtained)</b>			
<b>Screening Questions</b>	<b>Yes</b>	<b>No</b>	<b>Explanation/Comments</b>
1. Are there ethnic minority groups present in the sub-project area (i.e., urban flood risk management infrastructure and its right of ways)?			
2. If yes, how many different groups?			
3. Do they live in mixed communities with non-ethnic minority people?			
4. Do they maintain distinctive customs or economic activities?			
5. If yes, do any of these customs or economic activities may make them vulnerable to hardship?			
6. Will the project restrict their economic or social activity?			
7. Will the project affect or change their socio-economic and cultural integrity?			
8. Will the project disrupt their community life?			
9. Will the project positively affect their health, education, social activity, livelihoods or security?			

10. Will the project negatively affect their health, education, social activity, livelihoods or security?			
11. Will the project alter or undermine the recognition of their knowledge?			
12. Will the project preclude customary behaviour or undermine customary institutions?			
13. If impacts on ethnic minority groups are expected:			
14. Are there sufficient skilled staff in the DIA for preparing an assessment and identifying suitable mitigation measures (preparing an Ethnic Group Engagement plan [EGEP]?)			
15. Are training and capacity-building interventions required prior to EGEP preparation and implementation?			
16. In case of no disruption to ethnic minority community life as a whole, will there be loss of housing, land, crops, trees or access to resources owned, controlled or used by ethnic minority households?			

**Anticipated Impacts on Ethnic Peoples**

<b>Project activity</b>	<b>Anticipated positive effect</b>	<b>Anticipated negative effect</b>

**PROJECT CATEGORIZATION FOR EG (including ETHNIC GROUP) IMPACTS**

Based on the screening what is the category?

**CATEGORY B** – Impacts related to land acquisition only, specific action to be included in the ARAP/RAP is required

**CATEGORY C** – No impact, no EGEP or Specific Action is required, generic social impact mitigation specifications will apply

Distributed to	Yes	No	Date
MPWT/EDPD of PTRI			
DOW/PMU			
MONRE			

PONRE			
Others (list below)			
<b>IP Screening Form compiled by:</b>			
Name:		Duty:	
Signature:		Date:	
<b>IP Screening Form verified by:</b>			
Name:		Duty:	
Signature:		Date:	

**FORM D: Land Acquisition & Resettlement (LAR) Screening Form for Urban Flood Risk Management Infrastructure sub-project initiatives and/or activities**

Province:	District:	Location – sketch map attached (Mark ✓)		
		<input type="checkbox"/> YES	<input type="checkbox"/> NO	
Sub-project Name:	Sub-project No:	Link No. (details)		
TYPE of works/activities (Mark ✓)	<input type="checkbox"/> Initiative	<input type="checkbox"/> Activity		
<b>Brief description of works/activities and project area:</b> [i.e., dike embankment (weir), need/purpose of works, proposed works (list/explain activities), number of villages (approx. population) affected, describe communities to be affected]				
<b>LAND ACQUISITION AND RESETTLEMENT (LAR) SCREENING</b>				
<b>Screening Questions</b>		<b>Yes</b>	<b>No</b>	<b>Explanation/</b>
▪ Is land acquisition likely to be necessary?				
▪ Is the site for land acquisition known?				
▪ Is the ownership status and current usage of the land known?				
▪ Will easements be utilized within an existing right-of-way or river conservation zone?				
▪ Are there any non-titled people who live or earn their livelihood at the site or within the right-of-way or river conservation zone?				
▪ Will there be loss of housing?				
▪ Will there be loss of agricultural plots?				
▪ Will there be losses of crops, trees, and fixed assets?				
▪ Will there be loss of businesses or enterprises?				
▪ Will there be loss of incomes and livelihoods?				
▪ Will people lose access to facilities, services, or natural resources?				
▪ Will any social or economic activities be affected by land use-related changes?				
▪ If involuntary resettlement impacts are expected:				
▪ Will coordination between government agencies be required to deal with land acquisition?				



<ul style="list-style-type: none"> <li>▪ Are there sufficient skilled staff in the Executing Agency for resettlement planning and implementation?</li> </ul>			
<ul style="list-style-type: none"> <li>▪ Are training and capacity-building interventions required prior to resettlement planning and implementation?</li> </ul>			

**INFORMATION ON AFFECTED PEOPLE**

Any estimate of the likely number of male- and female-headed households that will be affected by the project?

**Yes**       **No**

If yes, approximately how many households? Male- and Female-Headed Households?

Are any of the households vulnerable i.e., households that (i) are headed by divorced or widowed females with dependents and low income; (ii) include disabled or invalid persons; (iii) include persons falling under the generally accepted indicator for poverty as defined by the Ministry of Labour and Social Welfare, or the landless; and/or, (iv) are elderly with no means of support?

**Yes**       **No**

If yes, approximately how many households are (i), (ii), (iii) or (iv)? Calculate the total number of households for each type of vulnerability separately.

If yes, briefly describe their situation:

Are any of the households from ethnic minority groups?

**Yes**       **No**

If yes, briefly describe their situation:

**PROJECT CATEGORIZATION FOR RESETTLEMENT IMPACTS**

Based on the definition of impacts in the Environmental and Social Operations Manual, what is the category?

**CATEGORY B** – marginal or non-significant resettlement impact, an ARAP is required

**CATEGORY C** – minimal or no resettlement impact, no resettlement is required, generic social impact mitigation specifications will apply

Distributed to	Yes	No	Date
MPWT/EDPD of PTRI			
DOW/PMU			
MONRE			
PONRE			
Others (list below)			

**LAR Screening Form compiled by:**

Name:

Duty:

Signature:

Date:

**LAR Screening Form verified by:**

Name:	Duty:
Signature:	Date:

## Appendix A3.2 Environmental and Social Safeguard Screening Form Example specific to Hydrometeorological Stations

This appendix presents the screening forms similar to those applied to the parent project for Component 2.

Project Location: .....

Project Managers: .....

Part A: Brief description of the work

.....

Part B: Identification of social and environmental impacts

Environmental and social concerns	Yes	No	Observation
Resources of the sector			
Does the project need the significant volumes of construction materials in local natural resources (sand, gravel, laterite, water, construction timber, etc.)?			
Does it require clearing			
Biodiversity			
Will the project be detrimental on rare species, vulnerable and/or economically, ecologically, and culturally important?			
Are there any areas of environmental sensitivity that might be negatively affected by the project? forest, wetlands (lakes, rivers, seasonal flood plains)			
Protected areas			
The project area (or its components) does it include protected areas (national parks, national reserves, protected forests, world heritage site, etc.)			
If the project is outside, but close to protected areas, could it adversely affect the ecology within the protected area? (E.g. interference with bird flights with mammalian migrations)			
Geology and Soils			
Are there unstable areas from a geological point of view or soil (erosion, landslide, collapse)?			
Are there areas at salinization risk?			
Aesthetic landscape			

Does the project have an adverse effect on the landscape values?			
Historical, archaeological or cultural			
Could the project change one or more historical, archeological, or cultural sites, or does it require excavation?			
Loss of assets and other things			
Does the project trigger the temporary or permanent loss of habitat, crops, agricultural lands, pastures, fruit trees, bamboo or forest plantations, and household infrastructure?			
Pollution			
Will the project result in a high level of noise?			
Will the project generate solid and liquid waste?			
If "yes" does the infrastructure has a plan for the collection and disposal			
Are there facilities and infrastructure for it management?			
Is the project going to affect the quality of surface water, groundwater and drinking water sources?			
Will the project have an effect in the atmosphere (dust, various gases)			
Life style			
Can the project cause alterations in the lifestyle of the local people?			
Will the project result in a widening of social inequalities?			
Will the project result in incompatible applications or social conflicts between different users?			
Health security			
Will the project lead to the risks of accidents for workers and populations?			
Is the project going to cause health risks to workers and the population?			
Will the project result in a population increase of disease vectors?			
Local revenues			
Will the project help in the creation of jobs?			
Does the project promote the increase of agricultural production and others?			
Gender preoccupation			
Does the project encourage the integration of women and			

other vulnerable groups?			
Does the project support women's concerns and does it promote their involvement in decision making?			

Public consultation

Were the consultation and public participation popular?

Yes\_\_\_\_ No\_\_\_\_

If "Yes", briefly describe the measures taken for this purpose.

Part C: Mitigation

In view of the Annex, for all the answers "Yes" briefly describe the steps taken for this purpose.

Part D: Project classification and environmental work

Project Category:    A  (not fundable)        B         C

- Category C: environmental work will not be necessary;
- Category B: the application of simple mitigation measures will suffice (ESMP);
- Category A: not fundable.

Environmental Work Necessary:

No environmental work   
Simple mitigation measures (ESMP)

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## **Appendix A4**

# **Generic Environmental and Social Management Plan (ESMP)**

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## **Appendix A5. Generic Environmental and Social Management Plan (ESMP)**

1. This appendix presents the generic environment and social management plan (ESMP) to mitigate potential negative impacts during construction similar to those applied to the parent project. However, additional issues and mitigation measures related to potential negative impacts during operation phase is also included (Table A4.1). If land acquisition and/or minor resettlement is required, compensation to affected peoples will have to be paid before contraction can begin.
2. The ESMP will also include mitigation measures to ensure that safety risk due to UXO and mines in the subproject sites has been adequately considered and actions undertaken before construction can begin. Ensuring safety from UXO risk is the responsibility of DPWT in consultation with local authorities. Cost for implementation of these measures will be part of the subproject cost. If accident occurs, the event must be reported to WB within 24 hours and follow-up actions will be necessary.
3. Specific requirements (generic) to mitigate potential negative impacts of works during construction has been provided in the generic Environmental Code of Practices (ECoP) (see Appendix 8) and it will be finalized when specific activities and locations have been identified. The ECoP has also incorporated a set of minimum requirements regarding the “Chance Find Procedures” as well as those for addressing the Environmental and Social Health and Safety (ESHS) to be applied for the AF. The final ECoP will be included in bidding and contract documents and DPWT will ensure that the Contractor is aware and committed to these obligations. Moreover, to ensure that the Contractor and workers are aware and committed not to create any social impacts on local people, a generic Code of Conduct (CoC) on gender-based violence (GBV) and violence against children (VAC) has also been prepared (see Appendix 9). The CoC will also be incorporated into the bidding and contract documents and its compliance closely monitored by DPWT.
4. For Luang Prabang city, the ESMP will also incorporate the Cultural Heritage Impact Assessment (CHIA) and the proposed mitigation measures. Approval from the Luang Phrabang World Cultural Heritage Office and/or UNESCO will be necessary. The guideline on procedure is provided in Appendix A10.
5. For the subproject (river bank protection and sluice gates) located along the Mekong River in Borikhamxay and Luan Prabang as well as the lower part of Nam Khan in Luang Prabang, the ESMP will also identify an effective monitoring program on the riverbank erosion upstream and downstream of the proposed sites to ensure that the subproject investment will not be adversely affected by the frequently change of water flows due to operations of upstream and downstream dams. Efforts will also been made to identify soft-engineering measures (such as planting of vetivers and/or construction of soft-structure using local materials) to reduce river bank erosion and when possible tapping of sediments.



## Appendix A4.1 Generic Environmental and Social Management Plan (ESMP).

Activity	Potential Impacts	Mitigation Measures
<b>During Construction</b>		
Surfacing of Double Bituminous Surface Treatment (DBST) pavements on the dike	<ul style="list-style-type: none"> <li>Possible pollution of water ways or ground water by petroleum products or solvents.</li> </ul>	<ul style="list-style-type: none"> <li>Inform and/or remind PAHs and communities well in advance of the project, potential impacts, mitigation measures and time frame with a leaflet on the project provided.</li> <li>Strict control to avoid spills and contract or to have adequate clean up procedures.</li> </ul>
	<ul style="list-style-type: none"> <li>Works can have temporary effects on irrigation or washing/drinking water supplies.</li> </ul>	<ul style="list-style-type: none"> <li>Contractor to take into account local water uses.</li> </ul>
	<ul style="list-style-type: none"> <li>Dust noise and vibrations.</li> </ul>	<ul style="list-style-type: none"> <li>Specification to include for watering for dust suppression in the contract.</li> <li>Control of contractor's equipment noise and vibrations, especially close to settlements.</li> <li>Construction activities will be avoided at night, close to residential areas.</li> </ul>
	<ul style="list-style-type: none"> <li>Effect on traffic and pedestrian safety.</li> </ul>	<ul style="list-style-type: none"> <li>Contractor to employ safe traffic control measures and limit possible disruption to non-construction traffic.</li> </ul>
Transport of materials	<ul style="list-style-type: none"> <li>Air and noise pollution for any nearby settlements and damage to existing roads.</li> </ul>	<ul style="list-style-type: none"> <li>Control contractor's vehicle speeds, noise and weight of loads and control dust and flying debris by covering loads or wetting material if necessary.</li> </ul>
	<ul style="list-style-type: none"> <li>Dust generated from civil work and transport of construction materials.</li> </ul>	<ul style="list-style-type: none"> <li>Use locally available construction material wherever possible to minimize transport distances.</li> <li>Contractor to regularly water the roads to prevent from dust, especially in community or urban area.</li> </ul>
Materials stock piling on shoulders	<ul style="list-style-type: none"> <li>Possible pollution of water ways by solids.</li> </ul>	<ul style="list-style-type: none"> <li>Choose appropriate location for materials stockpiling well away from any waterways, irrigation or washing/drinking water supplies.</li> </ul>
	<ul style="list-style-type: none"> <li>Possible impacts on road users' safety because construction waste was</li> </ul>	<ul style="list-style-type: none"> <li>Avoid encroachment on carriageway.</li> <li>Preserve trees during material stockpiling.</li> </ul>

	disposed on the carriage way.	
Borrow areas	<ul style="list-style-type: none"> <li>Quarries and borrow pits can have impacts on soils, water and the natural environment.</li> </ul>	<ul style="list-style-type: none"> <li>Locate borrow areas away from any residential or other environmentally sensitive areas such as hospitals, intensive livestock production areas or wildlife breeding areas.</li> <li>Also avoid farmlands or forests as much as possible. Restrict work to daylight hours and limit the size and frequency of any blasting.</li> <li>Borrow areas will be restored and re-vegetated.</li> </ul>
Work site installation (if needed)	<ul style="list-style-type: none"> <li>Degradation of plant cover</li> <li>Soil and water pollution (trash dumping, oil spills)</li> </ul>	<ul style="list-style-type: none"> <li>Choose location of work site installations in order to reduce impacts on the environment of these sites and the people living in the immediate vicinity.</li> <li>Fuel and oil, and bitumen storage areas will be located well away from any watercourses.</li> <li>These storage areas will be provided with interceptor traps so that accidental spills do not contaminate the environment.</li> <li>All waste oil will be stored and disposed of acceptable oil industry standards.</li> <li>Wherever possible, refueling will be carried out at a fuel storage area and not permitted within or adjacent to watercourses.</li> <li>On completion of the work, contractor shall restore the sites to their original state.</li> </ul>
Road safety and traffic management	<ul style="list-style-type: none"> <li>Road accidents due to in adequate control of vehicle speeds and signs/signals</li> </ul>	<ul style="list-style-type: none"> <li>Prepare/finalize an action plan for each sub project in close consultation with local agencies.</li> <li>Contractor should install road traffic signs during construction (for example, diversion), construct proper and safe diversions, and employ sufficient flagmen to direct the traffic.</li> </ul>

### **During Operations**

Operations of low dike or embankment	<ul style="list-style-type: none"> <li>This may affect the local flooding in areas that are not protected and/or increase negative impacts and/or</li> </ul>	<ul style="list-style-type: none"> <li>Carefully consider this impacts during the planning and design of the investment to avoid/minimize the potential negative impacts.</li> <li>Conduct technical analysis to identify the best options (location and height of the dike, etc.) to avoid/minimize the issues as well as conduct</li> </ul>
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	unexpected loss	consultation with affected households/communities.
Construction/Operations of the river bank protection and sluice gates	<ul style="list-style-type: none"> <li>This may affect the erosion and/or sedimentation pattern of the river bank upstream and downstream of the subproject sites. Moreover, for the proposed sites in Luang Prabang, the proposed sites may be affected by the change in water flows due to operations of the upstream and downstream dams which can reduce the service time of the proposed investment.</li> </ul>	<ul style="list-style-type: none"> <li>Plan and implement an effective monitoring program for the riverbank erosion upstream and downstream of the proposed subproject sites in Luang Prabang and lower part of Nam Khan. The monitoring program should be able to track change of water flow as well as water level using a simple method and local observation. This should be a joint effort between DPWT and local community.</li> <li>Identify 2-3 pilot sites to develop appropriate local technology that can reduce river bank erosion as well as tapping sedimentation using local materials, low cost-soft engineering, and engaging active participation of local communities. Planning and design of these pilots will be made through extensive consultation with local agencies and local communities.</li> </ul>
Operation of sluice gates	<ul style="list-style-type: none"> <li>This may change the amount of water and water quality between the upstream and downstream area which can affect water uses of water users.</li> </ul>	<ul style="list-style-type: none"> <li>Close consultation of water users upstream and downstream of the gates will be necessary during the planning, construction, and operations.</li> <li>If the potential impacts on downstream water use is likely the ESMP will identify measures to mitigate that impacts</li> </ul>

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## **Appendix A6**

# **Guidelines for a Dike/Weir Safety Assessment Plan**

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## **Appendix A5. Guidelines for a Dam-Like Structure (Dike/Weir) Safety Assessment**

This appendix is similar to that of the parent project. It provides guidance for the preparation of mitigation measures when embankment/dike construction and/or rehabilitation is involved.

### ▪ ***Purpose and Scope of Work:***

The purpose of the dam safety assessment is to prepare a reconnaissance-level assessment of quality management of a dam or, in the case of the project, dam-like structures, namely, a dike, floodgate or weir. The work will involve initial and wrap-up meetings with personnel responsible for the dike/weir; a field examination; and a Dam Safety Report of findings and recommendations. If deemed necessary, the report will provide terms of reference for more thorough follow-up activities to identify (to feasibility level with cost estimates) the investments and other measures needed to ensure the safety of the dike/weir.

### ▪ ***Qualifications of the Dam Specialist:***

The work will be carried out by a Dam Specialist (DS) of suitable independence from the project proponent of the dike/weir, and who has not been associated with the design, construction, and operation of the dike/weir. The DS will have appropriate qualifications and substantial experience with the design, construction, operation and maintenance of dikes/weirs, especially in developing countries.

### ▪ ***Investigations of Operating Conditions:***

The project proponent for the dike/weir will provide the DS with the following information:

- a) Construction year;
- b) Dike/weir size: height (meters or, m), crest length (m);
- c) Reservoir size (m<sup>3</sup>);
- d) Dike/weir type;
- e) Estimated population downstream that would be threatened by dike/weir failure; and
- f) Estimated replacement cost.

The DS will discuss with the project proponent past and current operation and maintenance (O&M) practice with particular reference to:

- a) Existing records;
- b) Maintenance logbooks;
- c) Monitoring;
- d) Emergency preparedness;
- e) O&M resources (i.e., human and financial); and
- f) Status of sedimentation and measures to prolong the life of dike/weir.

### ▪ ***Investigations of Structural Conditions:***

Depending on the type of dike/weir, a suitable checklist for the inspection activities will be used. Inspection details are left to the DS who will carry out the task, however the inspection report should contain the following information:

- a) Construction year;
- b) Dike/weir size: height (m), crest length (m);
- c) Reservoir size (m<sup>3</sup>);
- d) Dike/weir type;

- e) Geotechnical aspects of foundations;
- f) Design flood return period (years);
- g) Availability of as-built drawings;
- h) Spillway reliability assessment;
- i) Bottom outlet reliability assessment;
- j) Seepage;
- k) Deformations, settlements;
- l) Conditions of slopes/concrete structures;
- m) Active storage (m<sup>3</sup>);
- n) Estimated population downstream that would be threatened by dike/weir failure; and
- o) Estimated replacement cost.

- **Investigations of Regulatory Framework:**

The DS will:

- Discuss with relevant authorities (i.e., regulator, line ministries, provincial and district officials, etc.) the existing regulatory framework for dike/weir safety;
- Compare the existing regulatory framework, in a matrix format, with comments as necessary, to the “essential elements” identified in the World Bank publication “Regulatory Framework for Dam Safety – A Comparative Study”<sup>12</sup>;
- Identify opportunities and constraints to the achievement of the “essential elements”; and
- If judged feasible, develop terms of reference for an action plan aimed at achieving the “essential elements” in the national context (i.e., policies, institutional reforms, incentives, enforcements, etc.).

- **Dam Safety Report:**

The DS will produce a Dam Safety Report that includes:

- Description of the dike/weir, ownership, and regulatory framework;
- Dike/weir safety assessment according to international standards (ICOLD);
- Structural measures required to bring safety to acceptable standards, including a preliminary cost estimate differentiating interventions in three categories: a) emergency (human life at immediate risk); b) urgent (likely to pose a risk to human life, major assets at risk); and, c) significant (any needed rehabilitation beyond meaningful maintenance);
- Non-structural measures (O&M and monitoring, training, dike/weir safety plans) to be implemented to make dike/weir safety sustainable after rehabilitation; reference should be made to OP/BP 4.37 *Safety of Dams*, and appendices to the publication “Regulatory Frameworks for Dam Safety – A Comparative Study”;
- Preliminary assessment of reservoir sedimentation status, and recommendations aimed at prolonging the life;
- Resources needed for reliable O&M (human resources and recurrent costs);

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<sup>12</sup> D. Bradlow, et al. (2002), “Regulatory Frameworks for Dam Safety – A Comparative Study”, The World Bank Law, Justice, and Development Series. ISBN 0-8213-5191-5.  
<http://documents.worldbank.org/curated/en/785201468763768736/Regulatory-frameworks-for-dam-safety-a-comparative-study;jsessionid=X9a++3qYaxoCLcYBWB5T+KGa>

- Overall assessment of challenges and opportunities for the management of the dike/weir; and
- Terms of reference for the preparation of feasibility studies for any required rehabilitation measures (structural and non-structural).

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## **Appendix A7**

### **Proposed Subproject Sites in the Provinces of Luang Prabang and Borikhamxay**

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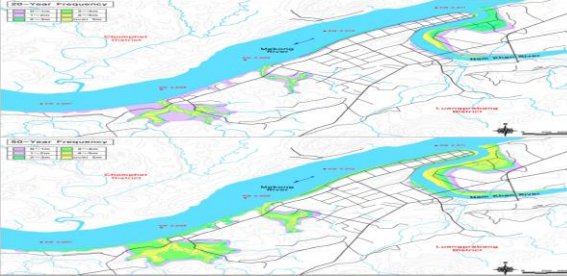


## Appendix A6. Proposed Subproject Sites in the Provinces of Luang Prabang and Borikhamxay

This is a new appendix. It provides information on locations of the proposed subproject area in Luang Prabang (LPB) and Borikhamxay province (BKX). It also shows locations, areas, and objective of the core Zone of the Luang Prabang World Heritage Regulation.

Lao PDR is vulnerable to frequent flooding. In 2018, Lao PDR experienced widespread floods, which significantly impacted its people and economy. Two tropical cyclones and a breached saddle dam in Attapeu Province resulted in extensive flooding between July and September, impacting all parts of the country. A Government-led PDNA, supported by the World Bank, United Nations, and European Union, estimated total damage and losses of US\$371.5 million and recovery needs of US\$520 million. The overall effects are equivalent to 2.1 percent of Lao PDR's projected GDP for 2018, and 10.2 percent of Lao PDR's annual budget in 2018, making the 2018 floods the most expensive in the past 10 years. The floods had a significant impact on physical infrastructure, with waterways and transport as the hardest hit public sectors. Total needs in the waterways sector were estimated at US\$29.4 million.

Map on the proposed sites in BKX and LPB

<p><i>Proposed water gate site to prevent backwater effect of high flood levels in the Nam Xan, Bolikhamxay</i></p>	<p><i>Proposed site for river bank protection in BKX</i></p>																												
	<table border="1"> <thead> <tr> <th colspan="7">Propose Project for Pakxane+Bolikhanh Section (Borikhamxay Province)</th> </tr> <tr> <th colspan="3">Flood Management</th> <th colspan="2">Internal Drainage Facility (EA)</th> <th>Bank Erosion Management</th> <th>Water-front Space (EA)</th> </tr> <tr> <th>Flood Embankment (km)</th> <th>Diversions Channel (km)</th> <th>Road Elevating (km)</th> <th>Natural Drainage</th> <th>Pump Drain</th> <th>Bank Protection (km)</th> <th></th> </tr> </thead> <tbody> <tr> <td>0.0</td> <td>-</td> <td>-</td> <td>5</td> <td>-</td> <td>13.3</td> <td>1</td> </tr> </tbody> </table>  <p>         - Protected Area from Flood: A=1,694.9ha (Urban built up: 49.5ha, Farmland: 701.9ha)          - Protected Length from Erosion: L=22.5km     </p>	Propose Project for Pakxane+Bolikhanh Section (Borikhamxay Province)							Flood Management			Internal Drainage Facility (EA)		Bank Erosion Management	Water-front Space (EA)	Flood Embankment (km)	Diversions Channel (km)	Road Elevating (km)	Natural Drainage	Pump Drain	Bank Protection (km)		0.0	-	-	5	-	13.3	1
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0.0	-	-	5	-	13.3	1																							
<p>LPB</p>																													
<p><i>DPWT proposed river bank protection, water treatment, and water gate sites</i></p>	<p><i>Flood inundation map for 20-year and 50-year frequency. As the image shows, proposed sites for river bank protection are vulnerable to flooding. Source: Korean-funded Pre-Feasibility Study</i></p>																												
																													

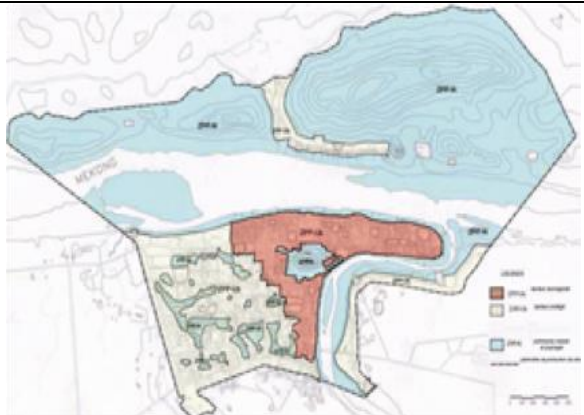
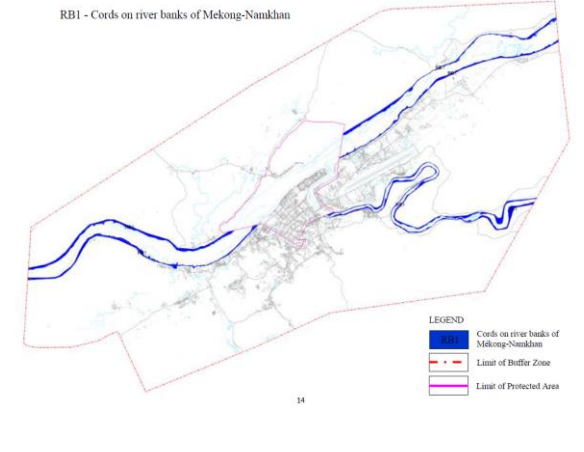
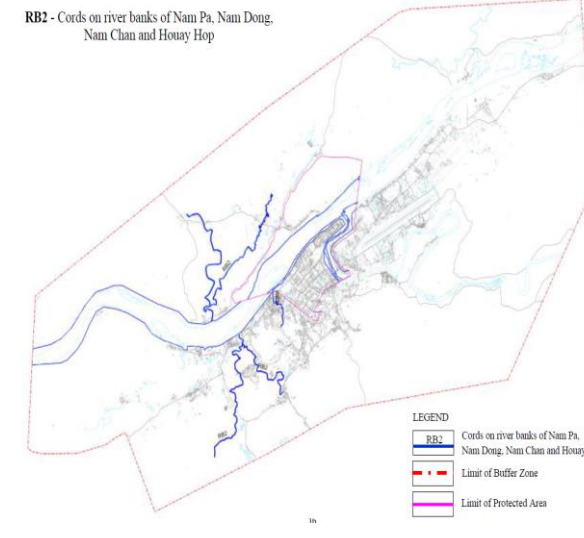
<p><u>A.1. Red Zones (proposed World Bank investment)</u>  <i>Riverbank erosion from repeated flooding since 2016</i></p>	
	
<p><i>Temporary protection implemented by the Government at least 3 times in the same area since 2006</i></p>	
	
<p><i>The Nam Khan right bank is the government's priority. As the images indicate, the right bank is significantly lower than the left bank, and more vulnerable to flooding.</i></p> 	
<p><i>Proposed water gate along the</i></p>  <p><i>Meexali Culvert (View from the River)</i></p>	<p><i>Proposed Watergate along the Meexali Culvert – The upstream length of the channel, within an area of heritage buildings in the oldest part of the city, floods often when the level of the Mekong river rises</i></p> 

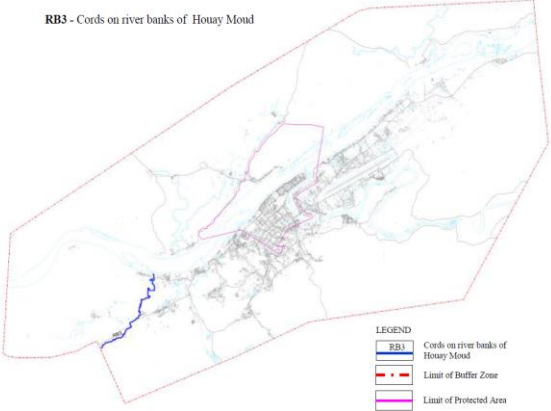
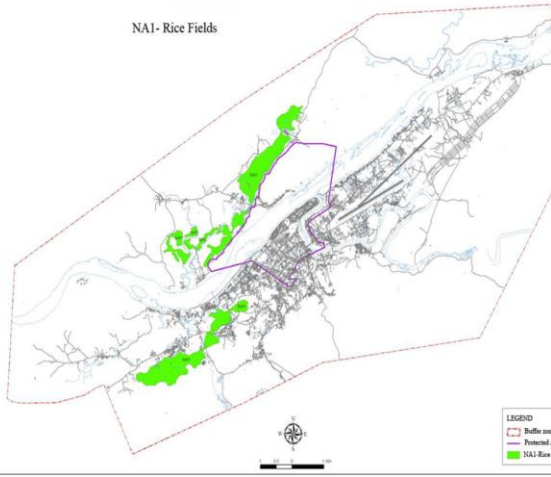



*Proposed Watergate along Hoang Hay*



## Luang Prabang World Heritage Regulation on Zoning

	<p>According to the Luang Prabang World Heritage Office (WHerO), there are regulation on zoning i.e. the Mekong-Nam Khan protected area (RB1); the river banks of Nam Pa, Nam Dong, Nam Chan, and Houy Hop (RB2); the river bank of Houy Moud (RB3), rice field (NA1), and the mountains and forests (NA) (see map below).</p>						
<p>RB1 - Cords on river banks of Mekong-Namkhan</p> 	<p><b>RB1 - Cords on river banks of Mékong-Namkhan</b></p> <p><b>LOCATION OF ZONE:</b> This area covers the river banks of the Mekong and Nam Khan.</p> <p>It extends along the Mekong River from Chomongoua to Phabatai villages and from PhoneSa-at village to the Souphanouvong University and along the Nam Khan river from Mieuanna to Nounsavath villages</p> <p><b>CHARACTER OF ZONE:</b> The both sided banks of the Mekong and Namkhan rivers are naturally steep, many rivers flow into it.</p> <p><b>FEATURE OF ZONE:</b> The remarkable feature is the abundance of various trees and vegetable gardens cultivated by local residents.</p> <p>Note: the strip of land on shore cords of Mekong-Namkhan rivers is 15 m from the annual level of high water. <b>This zone is inconstructable</b> except for existing buildings.</p> <table border="1" data-bbox="826 943 1385 1099"> <thead> <tr> <th>Section 1</th> <th>Characteristics of the activities of the area</th> </tr> </thead> <tbody> <tr> <td>Article 1. Activities allowed</td> <td> <ul style="list-style-type: none"> <li>- Forestry and agricultural activities</li> <li>- Public projects (harbor construction, stairs, sanitation)</li> <li>- Public Gardens</li> </ul> </td> </tr> <tr> <td>Article 2. Activities prohibited</td> <td> <ul style="list-style-type: none"> <li>- Felling trees, slash and burn</li> <li>- The area is inconstructable</li> <li>- Noisy and polluting activities</li> <li>- Breeding non-domestic pollutant</li> <li>- Fish farming</li> <li>- Services, Parking: restaurants or guest houses on boats</li> <li>- Careers</li> </ul> </td> </tr> </tbody> </table> <p>(All other articles are not applicable)</p>	Section 1	Characteristics of the activities of the area	Article 1. Activities allowed	<ul style="list-style-type: none"> <li>- Forestry and agricultural activities</li> <li>- Public projects (harbor construction, stairs, sanitation)</li> <li>- Public Gardens</li> </ul>	Article 2. Activities prohibited	<ul style="list-style-type: none"> <li>- Felling trees, slash and burn</li> <li>- The area is inconstructable</li> <li>- Noisy and polluting activities</li> <li>- Breeding non-domestic pollutant</li> <li>- Fish farming</li> <li>- Services, Parking: restaurants or guest houses on boats</li> <li>- Careers</li> </ul>
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Article 1. Activities allowed	<ul style="list-style-type: none"> <li>- Forestry and agricultural activities</li> <li>- Public projects (harbor construction, stairs, sanitation)</li> <li>- Public Gardens</li> </ul>						
Article 2. Activities prohibited	<ul style="list-style-type: none"> <li>- Felling trees, slash and burn</li> <li>- The area is inconstructable</li> <li>- Noisy and polluting activities</li> <li>- Breeding non-domestic pollutant</li> <li>- Fish farming</li> <li>- Services, Parking: restaurants or guest houses on boats</li> <li>- Careers</li> </ul>						
<p>RB2 - Cords on river banks of Nam Pa, Nam Dong, Nam Chan and Houay Hop</p> 	<p><b>RB2 - Cords on river banks of Nam Pa, Nam Dong, Nam Chan and Houay Hop</b></p> <p><b>LOCATION OF ZONE:</b> This zone covers both sides of the following rivers: Nam Pa, Nam Dong, Nam Chan and Houay Hop.</p> <p><b>CHARACTER OF ZONE:</b> The banks of these rivers are naturally steep.</p> <p><b>FEATURE OF ZONE:</b> This zone is characterized by the abundance of trees of various species and the use of river banks for agriculture.</p> <p>Note: the strip of land on the river banks leads is 6 m from the annual level of high water. <b>This zone is unbuildable</b> except for existing buildings.</p> <table border="1" data-bbox="826 1435 1385 1637"> <thead> <tr> <th>Section 1</th> <th>Characteristics of the activities of the zone</th> </tr> </thead> <tbody> <tr> <td>Article 1. Activities allowed</td> <td> <ul style="list-style-type: none"> <li>- Forestry and agricultural activities</li> <li>- Gardening, tree planting</li> </ul> </td> </tr> <tr> <td>Article 2. Activities prohibited</td> <td> <ul style="list-style-type: none"> <li>- Felling trees, slash and burn</li> <li>- Careers</li> <li>- The area is unbuildable</li> <li>- Noisy and polluting activities</li> <li>- Breeding non-domestic pollutant</li> <li>- Fish farming</li> <li>- Services, Parking: restaurants and guest houses on boats</li> </ul> </td> </tr> </tbody> </table> <p>(All other articles are not applicable)</p>	Section 1	Characteristics of the activities of the zone	Article 1. Activities allowed	<ul style="list-style-type: none"> <li>- Forestry and agricultural activities</li> <li>- Gardening, tree planting</li> </ul>	Article 2. Activities prohibited	<ul style="list-style-type: none"> <li>- Felling trees, slash and burn</li> <li>- Careers</li> <li>- The area is unbuildable</li> <li>- Noisy and polluting activities</li> <li>- Breeding non-domestic pollutant</li> <li>- Fish farming</li> <li>- Services, Parking: restaurants and guest houses on boats</li> </ul>
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<p>RB3 - Cords on river banks of Houay Moud</p>  <p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li>RB3 Cords on river banks of Houay Moud</li> <li>Limit of Buffer Zone</li> <li>Limit of Protected Area</li> </ul>	<p align="center"><b>RB3 - Cords on river banks of Houay Moud</b></p> <p><b>LOCATION OF ZONE:</b> This zone covers both banks of the river Houay Moud.</p> <p><b>CHARACTER OF ZONE:</b> This stream has steep banks.</p> <p><b>FEATURE OF ZONE:</b> The remarkable feature of this zone is the abundance of trees of various species and the use of banks for agriculture.</p> <p>Note: the strip of land on the cords river bank Houay Moud is 3- 6m from the annual level of high water. <b>This zone is unbuildable</b> except for existing buildings.</p> <table border="1"> <thead> <tr> <th>Section 1</th> <th>Characteristics of the activities of the zone</th> </tr> </thead> <tbody> <tr> <td>Article 1. Activities allowed</td> <td> <ul style="list-style-type: none"> <li>- Forestry and agricultural activities</li> <li>- Gardening, tree planting</li> </ul> </td> </tr> <tr> <td>Article 2. Activities prohibited</td> <td> <ul style="list-style-type: none"> <li>- Felling trees, slash and burn</li> <li>- Careers</li> <li>- The area is unbuildable</li> <li>- Noisy and polluting activities</li> <li>- Breeding non-domestic pollutant</li> <li>- Fish farming</li> <li>- Services, Parking: restaurants and guest houses on boat</li> </ul> </td> </tr> </tbody> </table> <p align="center">(All other articles are not applicable)</p>	Section 1	Characteristics of the activities of the zone	Article 1. Activities allowed	<ul style="list-style-type: none"> <li>- Forestry and agricultural activities</li> <li>- Gardening, tree planting</li> </ul>	Article 2. Activities prohibited	<ul style="list-style-type: none"> <li>- Felling trees, slash and burn</li> <li>- Careers</li> <li>- The area is unbuildable</li> <li>- Noisy and polluting activities</li> <li>- Breeding non-domestic pollutant</li> <li>- Fish farming</li> <li>- Services, Parking: restaurants and guest houses on boat</li> </ul>
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<p>NA1- Rice Fields</p>  <p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li>Buffer zone</li> <li>Protected area</li> <li>NA1-Rice fields</li> </ul>	<p align="center"><b>NA1 - Rice Fields</b></p> <p><b>LOCATION OF ZONE:</b> This zone is located south of the Luang Prabang town and includes rice fields of the following villages: Naxang, Nadeuy, Pongwan, Sangkhalok, Phoumok and rice fields in Chompheth District: Nakhm, Natha, Channeua and Chantal. Total surface is 280 ha</p> <p><b>CHARACTER OF ZONE:</b> It is a natural agricultural zone. It occupies the plains without relief, for the growing of rice and vegetables.</p> <p><b>FEATURE OF ZONE:</b> It acts as a green lung and offers wonderful views from the city.</p> <p align="center"><b>This zone does not apply COS.</b></p> <table border="1"> <thead> <tr> <th>Section 1</th> <th>Characteristics of the activities of the zone</th> </tr> </thead> <tbody> <tr> <td>Article 1. Activities allowed</td> <td> <ul style="list-style-type: none"> <li>- Agriculture and gardening</li> <li>- Temporary structures made of natural material (wood, bamboo) with an area less than 12 m<sup>2</sup></li> </ul> </td> </tr> <tr> <td>Article 2. Activities prohibited</td> <td> <ul style="list-style-type: none"> <li>- The area is unbuildable</li> <li>- Industrial breeding or other polluting activities</li> </ul> </td> </tr> </tbody> </table> <p align="center">(All other articles are not applicable)</p>	Section 1	Characteristics of the activities of the zone	Article 1. Activities allowed	<ul style="list-style-type: none"> <li>- Agriculture and gardening</li> <li>- Temporary structures made of natural material (wood, bamboo) with an area less than 12 m<sup>2</sup></li> </ul>	Article 2. Activities prohibited	<ul style="list-style-type: none"> <li>- The area is unbuildable</li> <li>- Industrial breeding or other polluting activities</li> </ul>
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<p>NC – Zone of mountains and forests</p>  <p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li>Zone Zone of mountains and forests</li> <li>Limit of Buffer Zone</li> <li>Limit of Protected Area</li> </ul>	<p align="center"><b>NC – Zone of mountains and forests</b></p> <p><b>LOCATION OF ZONE:</b> This zone covers the mountains surrounding the protected area and includes the following mountains: Phou Lek, Phou Xang, Phou Xouang, Phou Kyuthouane, Phou Chonhuat, Phou Khai, PhaTangnai and Pha Datke.</p> <p><b>CHARACTER OF ZONE:</b> This zone includes the mountain ranges that surround Luang Prabang town. They are covered with natural forests.</p> <p><b>FEATURE OF ZONE:</b> These mountains of varying heights are the object of many legends related to the history of the town. This zone is one of the important elements of the landscape of Luang Prabang.</p> <p align="center"><b>This zone does not apply COS</b></p> <table border="1"> <thead> <tr> <th>Section 1</th> <th>Characteristics of the activities of the zone</th> </tr> </thead> <tbody> <tr> <td>Article 1. Activities allowed</td> <td> <ul style="list-style-type: none"> <li>- Forestry and agricultural activities</li> <li>- Construction of temporary gazebos (wood, bamboo) for the discovery of sightseeing (for tourists)</li> </ul> </td> </tr> <tr> <td>Article 2. Activities prohibited</td> <td> <ul style="list-style-type: none"> <li>- Felling trees, slash and burn</li> <li>- The area is unbuildable (however, the foot of the mountains to the altimetric 340m, exceptions may be granted if necessary)</li> <li>- Careers</li> </ul> </td> </tr> </tbody> </table> <p align="center">(All other articles are not applicable)</p>	Section 1	Characteristics of the activities of the zone	Article 1. Activities allowed	<ul style="list-style-type: none"> <li>- Forestry and agricultural activities</li> <li>- Construction of temporary gazebos (wood, bamboo) for the discovery of sightseeing (for tourists)</li> </ul>	Article 2. Activities prohibited	<ul style="list-style-type: none"> <li>- Felling trees, slash and burn</li> <li>- The area is unbuildable (however, the foot of the mountains to the altimetric 340m, exceptions may be granted if necessary)</li> <li>- Careers</li> </ul>
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## **Appendix A8**

### **Consultation and Gender Integration**

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## Appendix A7.1 Key Stakeholders and Community and Gender Consultation and Participation

1. This appendix presents the guidelines for consultation with key stakeholder and local community similar to those described in the parent project. It also provides basic information related to legal and institutional aspects related to gender as well as the entry points for gender integration as identified in the main text of the ESMF of the parent project. This information will be considered during the implementation of the Gender Action Plan (GAP) to be carried out during the implementation of the AF.

2. The GoL supports the Lao PDR SEA DRM -Additional Finance (LDRM-AF or AF) and actions to improve participation, public consultation, and information disclosure. Effective implementation relies on strategies, legislation and procedures that are in place in Lao PDR and will be supplemented [as necessary] with World Bank safeguards policies. These safeguards policies include guidelines for participation, consultation, and information disclosure concerning aspects of the LDRM-AF as described in the ESMF, including procedures described in the RPF and EGEF.

3. The AF will pursue a process of meaningful consultation and engagement that includes national and local government, and relevant stakeholders and communities. The AF supports consultative decision making by ensuring public access to information on environmental and social aspects of the project. In addition to ensuring that free, prior and informed consent (FPIC) activities are undertaken in relation to potential environmental and social impacts, the consultation process will also inform and explain the proposed sub-project initiatives to affected communities, gather information from impacted populations, and conduct gender sensitive awareness-raising.

4. Table A7.1 lists national and local government bodies, key stakeholders, various publics and different populations who may be involved directly or indirectly in the AF and their respective roles and responsibilities.

**Table A7.1 Stakeholders and Various Publics.**

Sl. No.	Entity	Key Stakeholder
1	Government and regulatory agencies	Ministry of Public Works and Transport (MPWT), Ministry of Finance (MOF), Ministry of Planning and Investment (MPI), Ministry of Natural Resources and Environment (MONRE), Department of Public Works and Transport (DPWT) Waterway Sector in the provinces of Oudomxay, Borikhamxay and Luang Prabang, Department of Meteorology and Hydrology (DMH), and Oudomxay District administration.
2	International Organizations	United Nations International Fund for Agriculture Development (IFAD).
3	Private sector companies	Private sector companies with the technical expertise and capacity, engineering capability to implement the sub-project initiatives. These may include both national and international companies.

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4	Civil society organizations	International, national and regional non-profit associations (Plan International, World Vision, Oxfam Laos, Village Focus International), including environmental and indigenous people's organizations.
5	Local stakeholders	Local civil society organizations including community-based organizations (CBOs), municipal and district-level committees, villages, village chief (Nai Ban) and village-level committees, and other local groups.
6	Academic and research institutions	Environmental research groups (e.g., International Water Management Institute [IWMI]), universities (e.g., National University of Laos) and technical institutes (e.g., IWMI).
7	Beneficiaries and affected communities and households	Project beneficiaries will be consulted at community level during the preparation of sub-project initiatives. In addition, potential PAP and PAH will be consulted on potential impacts and mitigation measures of the sub-project initiatives. Particular attention will be given to different populations (i.e., ethnic peoples and vulnerable groups – women and female/male youth and children, the elderly and disabled, landless, and poor) to enhance their benefits and prevent (avoid) or mitigate adverse impacts.
8	Ethnic peoples	If proposed sub-project initiatives are planned in areas where ethnic group's communities are located then, a process of free, prior and informed consent will be undertaken with communities in the region of influence (see EGEF).

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## **A7.2 National Law, Policy, and Institutional Frameworks on Gender**

5. In general, government policies combined with rapid economic modernization have supported the steady advancement of women's status in Lao PDR, particularly in urban areas. There is a strong legal framework for promoting gender equality in Lao PDR, with various national laws and policies, and international treaties ratified by the GoL, in place that supports equal participation of women and men in economic, social, and political life.

6. The 1991 Constitution of Lao PDR guarantees equal rights for women and men (Article 22 and 24). It states, "*Lao citizens of both sexes shall enjoy equal rights in political, economic, cultural, social, and family affairs*". The Constitution gives the mandate of women's advancement to the Lao Women's Union (Article 7). Women's equal rights are also stipulated in the Family, Land, and Property Laws; the Labor Law; the Electoral Law; and the Penal Law.

7. Rights of inheritance for both men and women, and disposition of assets in the event of divorce, desertion or are supported by the Constitution (Article 17), Family Law, Inheritance Law, Property Law, the Law on Development and Protection of Women and the Land Law.

### ***National Strategy for Advancement of Women (2011-2015)***

8. The National Strategy for the Advancement of Women (NSAW) was designed to promote Lao PDR as a country "where all women enjoy equality with men, and can achieve their full potential in politics, the economy, culture, social and family life while enjoying a safe condition for living". Its overall goals are to: increase understanding of gender equality; enable more women to join decision-making positions; provide opportunities for women and girls to access health care, education, training, employment, income generation, infrastructure, and social protection; promote wider participation of women from all ethnic groups in economic activities and social services; and strengthen gender machinery in-country, especially the NCAW. Budgetary provisions to fund the national strategy for the advancement of women include provisions requiring that GoL issue guidance for sectors and local authorities at all levels on integrating NSAW action plans into their targets, and with allocations coming from their own budgets. The MOF similarly is instructed to issue guidance on budget lines, allocation and expenditure for NSAW implementation (Asian Development Bank and The World Bank 2012).

### ***The Lao Women's Union***

9. The Lao Women's Union's (LWU) responsibility is to represent women of all ethnic groups and to "*protect women's rights and interests*". It is guided by "three quality targets", which include "*being a good citizen, being good in development, and having a good cultural family*". The LWU has representation in every village, with one member of the LWU representing women in each village council. By reaching out to women from the national to the provincial, district, and village levels, the LWU serves as a bridge between the People's Revolutionary Party, the government, and Lao women from urban and rural areas. The LWU also promotes and monitors the implementation of women's development programs in compliance with the Party's and government's policies, the Constitution, and laws related to ensuring equal rights

between women and men. The LWU's key programs include projects for women focused on income generation, credit/savings, education, nutrition, and reproductive health, most of which are supported by donor agencies. The LWU conducts activities with governmental partners and also cooperates with many international NGOs (*ibid*).

10. In 1997, the LWU established Gender Resource Information and Development Center (GRID). As a technical body, GRID has trained a pool of gender trainers and researchers at the central and provincial levels. It has also developed training materials and conducted research and gender analysis on various topics – which it disseminates widely, including through its five libraries and resource centers (*ibid*).

### ***The National Commission for the Advancement of Women (NCAW)***

11. The National Commission for the Advancement of Women (NCAW) is responsible for formulating and implementing national policy for the advancement of women, and for mainstreaming gender in all sectors. The NCAW was formally established through the Prime Minister's Decree No. 37 in 2003, and is chaired by the Deputy Prime Minister, supported by four deputies: the President of the Lao Women's Union, the Minister of the Prime Minister's Office, the Minister of Public Health and the Vice Minister of Education. NCAW's 16 members include all vice ministers of line ministries and mass organizations; the Vice President of the Supreme Court and the Office of the Prosecutor; and the Vice Governor of the Bank of Lao PDR (*ibid*).

12. Sub-Committees for the Advancement of Women (Sub-CAW) units have been established throughout the country, and across ministries and state organizations and at provincial and capital administrative levels, creating a broad network of gender focal points. However, although most male members have decision-making authority, many lack basic gender concepts and mainstreaming skills. Their efforts are further hampered by limited resources and competing priorities within each sector. During recent years, the NCAW Secretariat and a small number of sub-CAWS have received donor support, but critical capacity building, resources and institutional is still need to implement its mandate (*ibid*).

### **A7.3 Gender Profile Summary for Lao PDR**

13. The gender equality gap has narrowed in all three levels of education enrolment in Laos, but challenges persist in education completion. Two key determinants drive the patterns of gender inequity in education: Girls are more likely to be kept at home due to safety concerns and household responsibilities, especially if the secondary school is far from home. Parents do not put the same value on education for girls as they do for boys, especially if this view is part of their tradition, or if the parents are poor, or have little or no education. When the Gender Disparity Index is calculated for primary and secondary school attendance in different socio-economic groups and locations, the widest gap in gender equality is found among children from rural areas without road access, children from the non Lao-Tai groups, children of uneducated mothers and children of families in the poorest quintiles. This gap is much larger in secondary education: for example, in the appropriate age group of the poorest quintiles, 66 girls attend secondary school for every 100 boys.

14. Lao PDR has one of the highest rates of early marriage in the region. According to a study from 2012, one-third of women marry before age 18, while one-tenth marry before age 15. Early marriage is often associated with early pregnancy. In 2012, 19.4 percent of reproductive aged women had given birth by age 18, while 3.6 percent had done so by age 15. Both early marriage and adolescent birth have a negative impact on the education and livelihood opportunities of women.

15. The share of women in wage employment is low in all sectors (35 percent), including non-agricultural sectors (34 percent). Instead, among the unpaid workers for the family, 61 percent were women in 2015.

16. An equal share of men and women make up the working population, but women generally occupy the lower rungs of the labour market. Women are relatively more excluded from formal sectors and the social protection that this entails. Some 64 percent of workers in the elementary occupations and 63 percent of those classified as service, shop and market sales workers are women. On the other hand, men account for the majority of civil servants, professionals, technicians and other sectors. Although women have significant roles in agriculture, they have less access to and control of farming inputs and credit. In 2010, women accounted for only 23 percent of all employers, more often of small enterprises, rather than medium to large firms.

17. Women undertake multiple roles and begin working at an earlier age, which affects their well-being. According to a study from 2012/13, women spent almost 30 per cent of their time on unpaid domestic and care work, while the same figure for men was only 5 per cent. Across all ages and locations, the proportion of economically active girls is substantially higher than that of economically active boys.

18. Female migrants who work abroad are more at risk than male migrants are. The average age of female migrants is only 16.5 years while it is 21 years for male migrants. Some 63 percent of female migrants are under 16 years of age, in contrast to 14 percent of male migrants. The younger age makes girls extremely vulnerable to labour and sexual exploitation.

19. In 2017, Lao PDR has one of the highest proportions of women (27.5 percent) in national parliaments, well above the world average. However, the proportion of women in other decision-making institutions within the Government is still low (5 percent as of 2012).

A study from 2014 showed that some 20 percent of Lao women had experienced physical, sexual or emotional violence.

20. Lao PDR has made considerable progress in closing the employment gap between men and women, with the female labor force participation rate at 77 percent (2018).<sup>13</sup> However, female employment participation is largely in the agriculture sector (70 percent in 2018).<sup>14</sup> Female employment participation in the industry sector (construction, mining, quarrying, manufacturing, and public utilities) remains at only 7 percent (2018).<sup>15</sup> Natural disasters also disproportionately affect women. The PDNA for the 2018 floods highlighted that the floods affected women's access to services and resources as female-headed households face greater challenges than others in getting access to health, legal, and social services. Women are already vulnerable to particular health risks due to their biological role in production; for instance, 37 percent of women of reproductive age in Lao PDR suffering from moderate anemia.<sup>16</sup> In addition, as in many other disaster situations, the 2018 floods increased the risks of gender-based violence due to family separations, the breakdown of community protection systems and residence at overcrowded camps with a lack of security personnel. Gender-specific needs are also overlooked as women are often excluded from local and national decision-making processes on managing disaster risks; this pattern was again observed in the aftermath of the floods as women were excluded from decision making in camps.<sup>17</sup>

#### A7.4 Entry Points for Gender Mainstreaming in the Project Cycle

21. Ensuring that the project impact assessment includes a gender-responsive social analysis is an important element of each stage or level of World Bank operations: upstream/macro-social analysis (the national, regional or sector level), sociological appraisal conducted as an integral part of project selection and appraisal, and social assessment for a particular project conducted at different times during the project cycle (World Bank 2005)..

22. The starting point for effective gender mainstreaming in flood mitigation and DRM AF projects is to undertake the required gender analysis once the sub-project footprint and ROI has been identified. A gender analysis typically involves examining the differential impact of the project intervention on women and men, and may include the collection of sex-disaggregated or gender-sensitive data. A gender analysis examines the different roles, rights, and opportunities of men and women and relations

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<sup>13</sup> <https://data.worldbank.org/indicator/SL.TLF.CACT.FE.ZS>

<sup>14</sup> <https://data.worldbank.org/indicator/SL.AGR.EMPL.FE.ZS>

<sup>15</sup> <https://data.worldbank.org/indicator/SL.IND.EMPL.FE.ZS>

<sup>16</sup> ADB and the World Bank. 2012. Country Gender Assessment for Lao PDR: Reducing Vulnerability and Increasing Opportunity.

<sup>17</sup> ADB and the World Bank. 2012. Country Gender Assessment for Lao PDR: Reducing Vulnerability and Increasing Opportunity.

between them (i.e., the economic and social relationships between females and males which are constructed and reinforced by social institutions). It also identifies disparities, examines why such disparities exist, determines whether they are a potential impediment to achieving results, and looks at how they can be addressed (USAID 2011). Measures must be proposed to address these issues, along with measurable indicators to monitor the intended social benefits and development outcomes and risks of the project.

23. Conducting a gender analysis when designing a new project or activity will help to:

- Analyze gender roles in project design;
- Identify root causes of existing gender inequalities in that context so that they can be addressed in the project design;
- Identify different needs and priorities of men and women in both the near and long term;
- Collect sex-disaggregated baseline data;
- Avoid perpetuating traditional power imbalances; and
- Enhance the likelihood of strong and sustainable project results.

### ***Project Preparation and Appraisal Stage***

24. This phase is a critical entry point in gender mainstreaming. It is important to have good baseline data on gender and social relations to be able to identify gender issues and to assess the local “enabling environment” with respect to the project. Based on the social issues identified at the Project Concept Note (PCN) stage, a detailed social assessment is conducted at the project preparation and appraisal stage. The borrower is normally responsible for the social assessment, although the analysis may be conducted either directly by or in consultation with the World Bank.

25. Specific actions required when designing the parent project (Lao PDR SEA-DRM Project) include conducting a gender-responsive Hazard, Vulnerability and Capacity Assessment (HVCA) as part of the social assessment. The HVCA includes the following steps:

- Identifying flood prone areas;
- Examining livelihood systems in the in the flood prone areas, taking into account gender roles and responsibilities;
- Generating sex disaggregated data that maps community vulnerability and assesses existing capacities for flood and disaster responses;
- Recognizing the socio-cultural restrictions and constraints that women face;
- Identifying women who would be at high risk in a disaster context, including economically disadvantaged women, women belonging to racial and ethnic minorities, women with chronic disabilities or health problems; and
- Engaging women as full and equal partners in community-based disaster mitigation and planning.

26. The findings of the HVCA and social assessment provide critical inputs to the Operational Manual (OM) of the project. The social scientist that implements the social assessment should participate in the preparation of the operational manual to ensure that the findings of the social analysis are incorporated in the OM. It is also important that women are integrated at all levels of planning and decision-making in flood protection, mitigation, and disaster management, from the national to the local community levels.

27. The gender issues and DRM listed in **Error! Reference source not found.** should be included in the detailed social assessment.

Table A7.2 Gender issues to be considered as part of the social assessment for flood protection and mitigation measures.

<b>Category</b>	<b>Gender Issue</b>
<i>Country social and institutional context</i>	Does the country have policies or laws related to gender equality or equity (labor laws, property and business ownership, opening a bank account, obtaining passport, holding public office)?
	Do the DRM strategies and policies incorporate gender issues?
<i>Understanding the needs of the affected populations including women, men, children, and the vulnerable</i>	Do you have a baseline data on demographic and socio-economic profiles of the population such as livelihoods/occupations, income level, nutritional status, literacy/educational level, ethnicity and religion, and analyze the vulnerabilities?
	Is the baseline data disaggregated by sex and age where applicable?
	Have you identified disaster impacts and needs for immediate and medium-longer term, on: livelihood groups, gender groups, and other specific target groups?
	Is the data collected during needs assessment disaggregated by sex, age groups, and by target groups?
	Have you applied various assessment tools (such as secondary data review, household/key informant interviews, and observations)?
	Who are your target group? Did you develop selection criteria for the target group, which is clear and specific enough to target the most affected?
	Does the project provide special assistance to vulnerable groups such as pregnant and lactating women, children, people affected and infected by HIV/AIDS, people with disability, and/or extreme poor?
<i>Measurement of the impact of the project on target groups</i>	Do you have a system to monitor and evaluate the project impacts on women, men, children, and specific target groups, and do you do it separately for each group?
	Do you analyze the findings from monitoring and evaluation, document them, and share them among stakeholders?
	Do you monitor and/or evaluate changes in women's ability to influence decisions at household and community?
	Do you monitor and/or evaluate changes in target groups' access to and control of resources?
	Do you conduct an impact assessment after the completion of the project?
<i>Increased access to and control over</i>	Do you provide women and girls (or other vulnerable groups your organization target) with an access to resources and



<i>resources by women, girls and disadvantaged people</i>	promote an environment where women and girls (or other target groups) feel comfortable and confident to control them?
<i>Gender and diversity sensitive disaster response project management</i>	Is there a Gender/Diversity policy? Is the policy mainstreamed in project strategy and plan?
	Do you train staff on vulnerabilities to disasters by different populations and communities?
	Is Gender/Diversity policy mainstreamed in your disaster management guideline/tools?
	Are staff and partners held accountable for setting and achieving objectives relating to mainstreaming gender in the project cycle?
	Do you consult with an expert on the specific target populations (e.g., women, the disabled, children, HIV/AIDS) when you need technical guidance?
	Do you document findings on met and unmet needs of different populations from monitoring and evaluation, and to share them among stakeholders?
	Do you document lessons learning from the intervention, and share it among stakeholders?
<i>Resource allocation to mainstream gender</i>	Are more than half of the resources allocated to girls and women?
	Is there a proportion of budget allocated for activities that promote gender equality (e.g., promote equal access to services and opportunities between women and men)?
<i>Accountability and transparency</i>	Do you communicate to the assisted people the information on obligations, responsibilities, rights and entitlements of the participants, in the language and media easily understood and accessible by all of them?
	Do you share findings of monitoring and evaluation with assisted people?

### **Potential Gender Constraints and Opportunities in Flood Protection Projects**

28. Projects designed and implemented to improve flood protection often benefit women and men differently, and not always positively. Insufficient consideration of gendered needs in DRM can inadvertently exclude or further constrain access to resources for some groups and exacerbate poverty if projects are not designed to be gender and socially inclusive. While disasters pose threats to lives and livelihoods of everyone in their path, they tend to have disparate impacts on particular demographics. This is due to the fact that disaster risk is a function of ‘adaptive capacity’—the ability of communities and people to cope with the hazard at hand. Despite gender-based vulnerabilities, women are also key agents of positive change in disaster risk reduction and management efforts. Highlighting and promoting women’s active contribution to community DRM efforts will in turn help women become more active agents of community resilience against disasters. **Error! Reference source not found.**<sup>3</sup> provides a typology of gender issues, constraints and opportunities related to different vulnerabilities, many of which, were obtained from community consultations during site visit.

**Table A7.3 Key gender issues, constraints and opportunities related to DRM.**

Key Gender Issues	Constraints	Opportunities and Recommendations
Livelihood and Food Security	<ul style="list-style-type: none"> <li>▪ Disasters increase women’s household and care-giving work dramatically for an extended period of time as housing and social infrastructure once destroyed is slowly replaced.</li> <li>▪ Disasters require women to manage displaced households and restore family livelihoods.</li> <li>▪ Post-disaster aid often targets male-headed households as the primary claimants for government and other support, and ignore women’s joint claim on family assets. Women often have less secure rights to land and water and lower rates of property ownership; resulting in women not having the required collateral for credit or other financial mechanisms from formal financial institutions or meet the requirements for membership in some producer, marketing, or water user associations.</li> <li>▪ Women have lower literacy levels, which puts them in an economically vulnerable position.</li> <li>▪ Women receive lower pay and have less work security than men.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Introduce new products, skills, and technologies suitable to women’s needs and resources.</li> <li>▪ Promote appropriate labor-saving technologies for women and men, with special attention to reducing the drudgery of women for care-related tasks.</li> <li>▪ Expand women’s access to more profitable crops and animals</li> <li>▪ Improve women’s access to markets and more profitable value chain roles.</li> <li>▪ Expand access to natural resources, credit, insurance and other financial mechanisms.</li> <li>▪ Reform land tenure arrangements to increase security for women and men.</li> <li>▪ Introduce climate- and disaster-adapted food storage.</li> <li>▪ Recognize and protect (including through formalization) informal land-use practices.</li> <li>▪ Improve women’s access to extension services, credits and appropriate seeds and technologies.</li> </ul>
Health	<ul style="list-style-type: none"> <li>▪ Gender health inequalities are significant in developing countries: i.e., women die in labor or at childbirth for lack of transport, clean water, or energy.</li> <li>▪ Women experience higher rates of morbidity due to domestic chores (water and fuel transport, indoor air pollution from cooking).</li> <li>▪ Women experience higher rates of malnutrition as they tend to prioritize feeding the family before themselves.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Conduct a gender-sensitive assessment of health issues in the project area and/or at the national and regional levels, and describe, with sex-disaggregated data, the health risks and likely outcomes of climate variability and risks.</li> <li>▪ Plan a gender sensitive DRR and CCA health plan which may include: expanding health care services, increasing accessibility to formal health</li> </ul>



	<ul style="list-style-type: none"> <li>▪ Men are exposed to different risks than women; Young boys have higher morbidity rates from poor hygiene, and migrating men are more exposed to infectious diseases such as HIV/AIDS. Men's mortality rates from motorized transport are higher.</li> <li>▪ Traditional societal roles impact women's health more than men's.</li> <li>▪ Socio-economic conditions limit women's access to public health.</li> <li>▪ Lower educational levels limit access to health information.</li> <li>▪ Women's lesser decision-making power over their body exposes them to higher health risks.</li> <li>▪ Limited health and transport infrastructure make women and children more vulnerable to access to care.</li> <li>▪ Because of their low economic status and malnutrition, women are more susceptible to heightened bacterial and infectious diseases that result from changing weather conditions and the deterioration in water quality from floods or droughts. Women are also at greater health risks from extreme events such as floods, droughts, heat waves, and windstorms.</li> </ul>	<p>clinics and medical personnel to serve the poor.</p> <ul style="list-style-type: none"> <li>▪ Enhance the disaster-preparedness of public health services, including staff training, establishing stocks of essential medicines and bottled water, and developing public information systems.</li> <li>▪ Establish monitoring and information systems to monitor diseases and provide early warnings about disasters can help to improve resilience by influencing behavior.</li> </ul>
Health (Cont'd.)	<ul style="list-style-type: none"> <li>▪ Disasters on average kill more women than men, or kill women at a younger age than men.</li> </ul>	
HIV/AIDS, sexually transmitted infections (STIs), and other communicable diseases	<ul style="list-style-type: none"> <li>▪ Large DRR infrastructure construction draws an influx of workers from other localities that are predominantly male, migrant, have a regular supply of money from their work, and are more likely and able to access commercial sex. This can trigger higher levels of HIV transmission and/or</li> </ul>	<ul style="list-style-type: none"> <li>▪ Provide tailored training and awareness for contractors.</li> <li>▪ Integrate HIV/AIDS and STI prevention in contractor occupational health and safety programs.</li> <li>▪ Distribute free condoms to ensure sufficient availability on-site.</li> <li>▪ Conduct social marketing of</li> </ul>

	<p>STIs for young women from surrounding areas in search of income opportunities as sex workers.</p> <ul style="list-style-type: none"> <li>▪ Women and girls from vulnerable groups (the poor, ethnic minorities) living in remote cross-border locations are at a significantly higher risk of HIV infection.</li> <li>▪ Women can also be at risk of infection by their husbands who may work as mobile drivers or construction workers and return home infected, and may take on the additional care burden for their sick husbands.</li> </ul>	<p>condom use to high-risk groups.</p> <ul style="list-style-type: none"> <li>▪ Implement public awareness and education campaigns, targeted at and tailored for construction workplaces, entertainment establishments, transport corridors, and at-risk local communities (e.g., women cooks in construction sites and ethnic minority women).</li> <li>▪ Provide counseling and treatment services for transport workers, sex workers, wives, and other female partners of transport workers.</li> <li>▪ Collaborate with local AIDS authorities (where they exist) to maximize coordination.</li> <li>▪ Build partnerships with local health providers for community awareness and referrals.</li> <li>▪ Build capacity of the executing and implementing agencies and transport sector institutions on mainstreaming HIV prevention in transport projects, including development of guidelines.</li> </ul>
Gender-based violence	<ul style="list-style-type: none"> <li>▪ Gender-based violence (GBV) and Child abuse is a risk during the construction phase, due to the potential influx of workers.</li> <li>▪ Gender-based Violence (GBV) can be a major issue following disasters; there is evidence that violence against women, both from their intimate partners and other men, tends to increase.</li> <li>▪ In camps for refugees and displaced people, women and girls can be particularly vulnerable to violence.</li> <li>▪ The design of emergency shelters can either exacerbate or prevent violence against women.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Specify in bidding documents obligation to sensitize workforce to GBV and include sanctions and requirements to report to authorities in individual code of codes.</li> <li>▪ Collect data on gender-based violence and establish a data storage system.</li> <li>▪ Support victims of violence by providing refuges, and setting up a confidential follow-up system of medical and psychological support.</li> <li>▪ Engage men in working to eradicate violence against women by providing positive examples of non-violent behavior, challenging male offenders, and reducing alcohol consumption.</li> </ul>
Gender-based violence		<ul style="list-style-type: none"> <li>▪ Raise awareness among both women and men about a woman's right to live free of</li> </ul>

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(Cont'd.)

		<p>violence, at home and in the public domain.</p> <ul style="list-style-type: none"><li>▪ Ensure that evacuation shelters and emergency housing are equally accessible to both women and men, and that women have adequate privacy and security.</li><li>▪ Advocate for courts to prosecute and punish perpetrators of violence against women.</li><li>▪ Strengthen coordination between communities, health and social services, police, security forces and the legal justice system, including systems of traditional or customary law.</li></ul>
Planning processes and decision-making	<ul style="list-style-type: none"><li>▪ Women are often marginalized or excluded from the decisions made throughout the disaster management cycle and the relevant policies.</li></ul>	<ul style="list-style-type: none"><li>▪ Adapt participation/ membership criteria and reduce participation barriers for women's active participation and leadership in decision-making bodies at all levels.</li><li>▪ Offer capacity development training to build a pipeline of professional women in senior and management positions in the sector.</li><li>▪ Adjust priorities for policy agenda to represent men's and women's interests.</li><li>▪ Engage women in disaster risk management and recovery decision-making.</li></ul>

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### ***Gender Action Plan***

29. The project-specific gender action plan (GAP) is a tool used to ensure that "gender mainstreaming" is tangible and explicitly visible in project design and implementation. The project GAP is not a separate component but instead should mirror the project outputs and be included as an integral part of the project design. The overall objective of the plan is to provide mechanisms that ensure both men and women are consulted and participate in the planning and design and implementation of project interventions. The mechanisms will be at both project management and community levels. These actions include equal opportunities to access capacity development programs, to enhance gender equity and women's empowerment in

urban institutions, to increase female representation in project implementation structures and consultation groups, and to allocate employment for women generated through sub-projects. The GAP should include clear targets, quotas, gender design features and quantifiable performance indicators to ensure women's participation and benefits. Once proposed urban flood risk management sub-projects are known, then key aspects of the GAP are incorporated into the OM and other project plans and regulations to promote buy-in from executing agencies and other project partners (NERUDP 2012).

30. The GAP should include details on:

- Preparatory work undertaken to address gender issues in the project;
- Quotas, targets, design features included in the project to address gender inclusion and facilitate women's involvement and/or ensure tangible benefits to women;
- Mechanisms to ensure implementation of the gender design elements; and
- Gender monitoring and evaluation indicators.

31. Key gender provisions of the GAP should be included in the OM and the monitoring and evaluation (M&E) framework, to describe the gender deliverables and results that are expected from the project. Gender performance targets and indicators should be incorporated in different phases of the project cycle as appropriate. Sex-disaggregated baseline information is essential to demonstrate changes over the life of a project and provide a reference point for assessing gender equality results. Capacity building on the importance of gender mainstreaming may also need to be included in the GAP.

### ***Gender-responsive Indicators***

32. The project objectives, output and outcome indicators that are developed related to gender mainstreaming should follow 'SMART' principles (specific, measurable, achievable, realistic and time-bound). A few examples of SMART indicators for measuring progress and outcomes on gender inclusiveness that can be adapted to the specific sub-projects include (adapted from the International Federation of Red Cross and Red Crescent Societies, 2010):

- Number and percentage of men and women, by social group, consulted about project plans and frequency of these consultations;
- Evidence of inclusion, protection and/or improvement of women's tenure rights in new or reformed laws or regulation;
- Percentage of total budget spent on gender-focused and women-targeting empowerment activities;
- Number of government and partner staff who complete a gender analysis and sensitization training course;
- An increase in the number or percentage of disaster management activities and operations which have: identified the different priority needs and capacities of female and male beneficiaries, designed and delivered initiatives to respond to these different needs, and assessed the results over a given period of time;
- An increase in the number or percentage of female and male beneficiaries of flood protection and mitigation, and other DRM projects, over a given period of time;

- High levels of satisfaction with the assistance provided among female and male beneficiaries;
- An increase in number or percentage of women (and men when relevant) in decision-making positions where there is a gender imbalance over a given period of time; and
- Achieving equal treatment of women (or men when relevant) in terms of pay, conditions-of-service, etc.

**Progress:**

33. All stages of the disaster management cycle should make note of:
- The number or percentage of male and female beneficiaries who have participated in project decision-making structures and processes;
  - The number or percentage of monitoring reports that include gender-disaggregated data, analysis of its implications for programming and identification of follow-up action;
  - The number of complaints by women and men reported and resolved through established feed-back and complaints mechanisms;
  - An increase in access to, and control over, program and operational resources by socially marginalized women and men over a given period of time; and
  - An increase in levels of awareness, skills and confidence among socially marginalized women and men to articulate and enforce their rights over a given period of time.
34. Disaster risk reduction (DRR) and preparedness should monitor and document:
- An increase in the number or percentage of HVCAs and participatory needs assessments that include systematic information gathering and analysis of gender issues over a given period of time;
  - An increase in the number or percentage of women (or men when relevant) on disaster preparedness committees over a given period of time;
  - An increase in the number or percentage of women and men participating in disaster preparedness training and planning over a given period of time;
  - The needs or priorities of women that have been incorporated into disaster preparedness and DRM plans;
  - The number or percentage of women and men who have received and understood early warning and disaster preparedness messages over a given period of time; and
  - A decrease in the number or percentage of deaths, injuries and property losses among both women and men from disaster impacts over a given period of time.
35. Disaster response (these indicators can also be used for disaster preparedness):
- The number or percentage of women and men who feel evacuation centers are safe and accessible;
  - Number of measures identified and put into place for ensuring that beneficiary registration and relief distributions do not exclude female heads of household, female members of households or any other groups, such as those with limited mobility; and

- The incorporation of women’s privacy and protection needs into design of emergency and transitional shelters and settlements.
36. Disaster recovery should include:
- The number or percentage of male and female beneficiaries receiving livelihoods assistance, e.g., participating in cash for work, receiving seeds, tools or grants;
  - Women’s needs and preferences incorporated into the design of housing and human settlements; and
  - Women’s and men’s workloads and time schedules taken into account in the timing of activities.

### ***Gender Capacity Development***

37. To enhance gender mainstreaming of projects related to flood protection and DRM, it is important to build the gender capacity of the executing and implementing agencies to recognize the importance of conducting a gender analysis, and to use the findings to design gender-responsive approaches to DRM. Capacity-building support is also needed to enable effective implementation of the GAP. The executing agency may need to contract gender specialist consultants to provide technical support for GAP implementation, monitoring, and reporting (ADB 2013).

38. Recommended Gender Design Features for Capacity Development Support:

- Appointment of a gender specialist within the project management unit (PMU) or TA consultant team with clear terms of reference.
- Sex-disaggregated database for monitoring and evaluation.
- Building of understanding and ownership of responsibility for gender issues and gender analysis by PMU and consultants, including in all project monitoring and reporting, particularly where a project GAP is in place.
- Provision of gender awareness and GAP implementation training for all project staff.
- Requirement for project baseline and reporting data to be sex-disaggregated.
- Targets for women established for newly hired executing or implementing agency staff.
- Targets for greater representation of women at professional, technical, and decision-making levels in the executing or implementing agency.
- Development of gender awareness and GAP implementation training materials.
- Sex-disaggregated tracking of participation in all capacity development activities of the executing agency.
- Target setting for female staff participation in training, as appropriate.

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**Appendix A9**

**Generic Environmental Code of  
Practice (ECoP)**

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## Appendix A8. Generic Environmental Code of Practice (ECoP)

This appendix is new. It provides guidance on what will be done by the Contractor during construction. During the preparation of the ESMP, finalization of the ECoP as well as CoC (Appendix 9) will be incorporated into the bidding and contract documents. .

1. This annex presents a generic ECoP to be finalized during the preparation of an Environmental and Social Management Plan (ESMP) under the Lao PDR SEA DRM-Additional Finance (LDRM-AF or AF or Project). The final ECoP is considered part of the ESMP and it will be incorporated into the bidding document and contract document and the implementation cost will be part of the contract cost. The subproject owner will assign the Construction Supervision Consultant (CSC) and/or field engineer to supervise and monitor Contractor's compliance with ECoP on a day-to-day basis while assigning the Project Implementation Unity (PIU) in each provinces to conduct monthly monitor and reporting. The Department of Water (DoW), the Environment Research and Disaster Prevention (EDPD) of the Public Works and Transport Research Institute (PTRI), the local authorities (PONRE/DONRE), and local communities may also conduct periodic monitoring of contractor performance, as needed.

2. DPWT (as the subproject owner) will be responsible for preparation of the final ECoP and ensuring its compliance during road maintenance works. This generic ECoP can be modified to suit specific issues/conditions observed/agreed during the preparation of the subproject ESMP and finalization of the ECoP.

3. **Application of ECoP:** The ECoP describes the Contractor's obligations during the construction phase with an aim to mitigate the typical potential negative impacts of civil works on local environment and local population such as increased in air, noise, vibration, waste generation, safety risks, local traffic, etc. which could be mitigate through good environmental management and construction practices. However site-specific measures may be required to address site-specific issues for the subproject that require specific actions to be carried out by contractors and this will be considered during the preparation of ESMP and other safeguard documents (RAP, EGEP). ECoP approach is considered a good practice and acceptable internationally. It is expected that the application of ECoP will become a standard procedure to be mainstreamed into DPWT operations related to other works under DPWT responsibility. Key actions during the application of ECoP are highlighted as follows:

- During preparation of ESMP, incorporate specific actions and/or results from consultation with local authorities and community into the final ECoP. Based on the initial consultation with local authorities and community specific requirements has been incorporated as the site-specific actions into Part (2) of this generic ECOP. This part could be modified as appropriate.
- After the ESMP is approved by EDPD/PTRI or WB, the DPWT will incorporate the final ECoP into the bidding and contract documents and ensure that the bidders/contractors are committed to this obligation and are aware that the mitigation cost is part of the construction cost.
- Before works begins, DPWT will assign a qualified field engineer or the CSC to be responsible for the day-to-day supervision and monitoring of safeguard performance of Contractor and the results will be included in the

construction supervision progress report. DPWT will also assign staff of the Environmental and Social Unit (ESU/DWPT) and/or mobilize an environmental monitoring consultant (EMC) to conduct periodic monitoring of the Contractor performance and report the results and possible complaints from local authorities, communities, and/or other stakeholders. The DPWT may assign the responsibility for mobilization of the EMC to a designated community organization, mass organization, and/or PONRE/DONRE.

4. **Scope of ECoP:** ECoP requirements are divided into 3 parts: (1) General Provision and Planning, (2) Site-Specific Actions, and (3) Works Management and Monitoring. Part (1) describes roles and responsibility of the subproject owner, the Contractor, and supervisor including the basic requirements of the WB groups and the principles for Contractor to consider during the planning or development of the contractor's standard operation procedures. Part (2) describes site-specific requirements that require particular attention as a result of specific concerns expressed by local authorities and/or communities, typical issues observed during supervision, and/or site-specific issues. Part (3) describes standard requirements during execution of works to reduce potential impacts on air, noise, vibration, water, etc. including key monitoring indicators that could facilitate effective supervision and monitoring.

5. The following guidelines will be implemented by the Contractor and is considered as part of contract documents of the subproject to be conducted by Contractor.

#### **Part (1): General Provision and Planning**

##### ***Section (1.1) Contractor responsibility***

6. The Contractor is responsible for making best effort to reduce and mitigate the potential negative impacts on local environment and local resident including making payment for all damages that may occur. Performance of the Contractor will be closely supervised and monitored by the Construction Supervision Consultant (CSC) and/or qualified field engineer as well as periodic monitored by a qualified consultant to be assigned by the subproject owner (DPWT) and/or staff from the Environment and Social Unit of DWPT (ESU/DPWT). Results of the ECoP compliance monitoring will be included as part of the subproject progress report. Compliance with ECoP will be required throughout the construction period.

7. For clarity, the term "works" and/or "construction" in this document includes all site preparation, demolition, spoil disposal, materials and waste removal and all related engineering and construction activities.

##### ***Section (1.2) Non-compliance reporting procedures***

8. The Contractor (and its subcontractors if any) must comply with the final ECoP. To ensure that necessary action has been undertaken and that steps to avoid adverse impacts and/or reoccurrence have been implemented, the CSC, the ESU/DPWT, and/or the Contractors must advise the subproject owner within 24 hours of any serious incidents of non-compliance with the final ECoP that may have serious consequence. In the event of working practices being deemed dangerous either by the subproject owners, the local authorities, or the other concerned agencies, immediate remedial action must be taken by the Contractors. The Contractors must keep records of any incidents and any ameliorative action taken.

The records on non-compliance that could be practically addressed (not cause serious impacts) will be reported to the subproject owner on a monthly basis.

9. The Contractor will be responsible for dealing with any reports/grievance forwarded by the project investment owner, Police or other agencies (by following instruction from the project investment owner representative as appropriate) as soon as practicable, preferably within one hour but always within 24 hours of receipt by either the Contractor. The CSC/ESU will monitor and ensure that the Contractor has taken appropriate action. Where appropriate, approval remedial actions may require an agreement from the local authorities and/or other Government agencies. Procedures should be put in place to ensure, as far as is reasonably practical, that necessary actions can be undertaken to avoid recurrence and/or serious damage.

### ***Section (1.3) Liaising with local authorities and the public***

10. Prior to the commencement of project investment activities and throughout the construction duration, the Contractor will work closely with the local authorities and other agencies to ensure full compliance with Government regulations and will also provide adequate information on the Project to the general public, especially those that may cause public safety, nuisance, and sensitive areas and the locations of storage and special handling areas. The Contractor will provide information and reporting telephone "Hot Line" staffed at all times during working hours. Information on this facility shall be prominently displayed on site hoardings.

### ***Section (1.4) Community relations***

11. The Contractor will assign one community-relation personnel, who will be focused on engaging with the community to provide appropriate information and to be the first line of response to resolve issues of concern. Contractor will take reasonable steps to engage with residents of ethnic minority backgrounds and residents with disabilities (or other priority groups as appropriate), who may be differentially affected by construction impacts.

12. The Contractor will ensure that local residents nearby the construction sites will be informed in advance of works taking place, including the estimated duration. In the case of work required in response to an emergency, local residents shall be advised as soon as reasonably practicable that emergency work is taking place. Potentially affected residents will also be notified of the 'Hotline' number, which will operate during working hours. The "Hotline" will be maintained to handle enquiries regarding construction activities from the general public as well as to act as a first point of contact and information in the case of any emergency. All calls will be logged, together with the responses given and the callers' concerns action and a response provided promptly. The helpline will be widely advertised and displayed on site signboards.

13. The Contractor respond quickly to emergencies, complaints or other contacts made via the 'Hotline' or any other recognized means and liaise closely with the emergency services, local authority officers and other agencies (based on established contacts) who may be involved in incidents or emergency situations.

14. The Contractor will manage the work sites, work camps, and workers in a way that is acceptable to local residents and will not create any social impacts due to workers. Any construction workers, office staff, Contractor's employees, or any other person related to the Project found violating the "*prohibitions*" activities listed in Section (1.7) below may be subject to disciplinary actions that can range from a

simple reprimand to termination of his/her employment depending on the seriousness of the violation.

### ***Section (1.5) Implementation of the Environmental Health and Safety (EHS) guideline***

15. In line with WB safeguard policy, the Contractor is required to comply with the Environmental Health and Safety Guidelines (EHSG) established for the project investment with financial support from the WB group (WBG). The EHSG provides general guidance on the pollution prevention and abatement measures and workplace and community health and safety guidelines that are normally acceptable in Bank-supported projects, particularly in cases where the borrowing country does not have standards, or when its standards fall significantly short of international or industry-wide norms. The EHSG are divided in two parts: general guidelines on health and safety and pollution prevention and abatement, including general standards for air and water quality, and a set of sector-specific guidelines for various types of development projects. For the Project, the Contractor will prepare an EHS Plan with an aim to identify the potential impacts and to develop a mechanism for a better management of the environmental health and safety of project activities during construction. The EHS Plan will be incorporated into the Contractor's own standard operating procedures. At a minimum the following EHS rules will be strictly followed:

#### ***Site EHS Rules:***

- EHS orientation sessions before starting work;
- Wearing of personal protective equipment (gloves, helmets, safety shoes, dungarees, goggles etc);
- Follow the messages and instructions displayed on EHS notice boards installed on site;
- Promptly reporting all accidents to the concerned authority; All accidents related to the Project will be reported to the World Bank within 24 hours;
- Maintain appropriate barricades as required;
- Vehicles must be driven at a safe speed, observing speed limits of 30 Km/h and designated routes as mentioned in Contractor's Mobility Map; Information on who to contact in case of accident and/or serious nuisance to local community and general public should be clearly provided on the vehicles;
- Drivers must have a valid driving license for the class of vehicle they are operating;
- Vehicles will only be parked in designated parking areas; and
- UXO/Mine clearance of the project investment area.

#### ***Health and Hygiene:*** The measures should include:

- Provision of adequate medical facilities to the staff;
- Provision of clean and safe drinking water and hygienic food to the employees;
- Provision of cooling and heating facilities to the staff; and
- Provision of drainage, sewerage and septic tanks in camp area.

**Security:** Security measures should include:

- Regular attendance and a controlled time keeping of all employees;
- Restriction of un-authorized persons to the residential and work areas;
- Restriction of carrying weapons and control hunting by employees; and
- Provision of boundary walls/ fences with proper exits to the camp.

### **Section (1.6) Implementation of “Chance Find” Procedures**

16. If the Contractor discovers archeological sites, historical sites, remains and objects, including graveyards and/or individual graves during excavation or construction, the Contractor will carry out the following steps:

- Stop the construction activities in the area of the chance find;
- Delineate the discovered site or area;
- Secure the site to prevent any damage or loss of removable objects. In cases of removable antiquities or sensitive remains, a night guard shall be arranged until the responsible local authorities or the National Culture Administration take over;
- Notify the project engineer, supervisor (CSC), and/or the project owner (DPWT) who in turn will notify the responsible local authorities and the provincial Culture Department immediately (within 24 hours or less);
- Responsible local authorities and the provincial Culture Department would be in charge of protecting and preserving the site before deciding on subsequent appropriate procedures. This would require a preliminary evaluation of the findings to be performed by the archeologists of National Culture Administration. The significance and importance of the findings should be assessed according to the various criteria relevant to cultural heritage; those include the aesthetic, historic, scientific or research, social and economic values;
- Decisions on how to handle the finding shall be taken by the responsible authorities and the provincial Culture Department. This could include changes in the layout (such as when finding an irremovable remain of cultural or archeological importance) conservation, preservation, restoration and salvage;
- Implementation for the authority decision concerning the management of the finding shall be communicated in writing by relevant local authorities; and
- Construction work could resume only after permission is given from the responsible local authorities or the provincial Culture Department concerning safeguard of the heritage.

### **Section (1.7) Prohibitions**

17. The following activities are prohibited on or near the subproject sites:

- Cutting of trees for any reason outside the approved construction area; Hunting, fishing, wildlife capture, or plant collection; Buying of wild animals for food; Having caged wild animals (especially birds) in camps; Poaching of any description; Explosive and chemical fishing; Disturbance to anything with architectural or historical value;

- Building of fires; Use of unapproved toxic materials, including lead-based paints, asbestos, etc.; Use of firearms (except authorized security guards); Use of alcohol by workers in office hours; Driving in an unsafe manner in local roads; and
- Washing cars or machinery in streams or creeks; Maintenance (change of oils and filters) of cars and equipment outside authorized areas; Creating nuisances and disturbances in or near communities; Disposing garbage in unauthorized places; Indiscriminate disposal of rubbish or construction wastes; Littering the site; Spillage of potential pollutants, such as petroleum products; Collection of firewood; Urinating or defecating outside the designated facilities; and Burning of wastes and/or cleared vegetation.

## **Part (2) Site-Specific Requirements**

18. To be responsive to concerns observed and/or expressed by local authorities and communities, specifically, the Contractor will be responsible to comply with, but not limited to, the followings:

- The Contractor will install the Work Camp on areas far enough from water points, houses and sensitive areas in consultation with the community and the subproject owner. Good quality sanitary equipment should be selected and installed in the Work Camp.
- The Contractor will manage all activities in compliance with laws, rules and other permits related to site construction regulations (what is allowed and not allowed on work sites), and will protect public properties. Degradation and demolition of private properties will be avoided. Paying compensation to damage to the public facilities and/or private property will be required. The Contractor will inform the subproject owner on issue and/or damages that may unexpectedly occur.
- The Contractor is responsible for protection of local environment against dust, air, noise, vibration, exhaust fuels and oils, and other solid residues generated from the work sites. The Contractor will manage waste properly and do not burn them on site and will also provide proper storage for construction materials, organize parking and displacements of machines in the site. Used oil and construction waste materials must be appropriately disposed off and adequate waste disposal and sanitation services will be provided at the construction site next to the generated areas. In order to protect soil, surface and ground water the Contractor will avoid any wastewater discharge, oil spill and discharge of any type of pollutants on soils, in surface or ground waters, in sewers and drainage ditches. Compensation measures may be required.
- The Contractor will be responsible for maintaining good hygiene, safety, and security of the work sites, including protection of and health and safety of staff and workers. The Contractor will prevent standing water in open construction pits, quarries or fill areas to avoid potential contamination of the water table and the development of a habitat for disease-carrying vectors and insects. Safe and sustainable construction materials and construction method should be used.
- The Contractor will use a quarry of materials according to the regulations and compensate by planting of trees in case of deforestation or tree felling. When possible, the Contractor should develop maintenance and

reclamation plans, protect soil surfaces during construction and re-vegetate or physically stabilize eligible surfaces, preserve existing fauna and flora and preserve natural habitats along streams, steep slopes, and ecologically sensitive areas.

- During construction, the Contractor will take serious actions to control dust by using water or through other means and the construction site will be cleaned on a daily basis.
- The Contractor will work with local authority and management local traffic effectively and ensure traffic access of road safety of local residents and road users during the works. Speed limit at work sites and community area will be applied to all vehicles and cars. All vehicles and their drivers must be identified and registered and the drivers are properly trained.
- The Contractor will install signaling of works, ensure no blockage of access to households during construction and/or provide alternative access, provide footbridges and access of neighbours and endure construction of proper drainage on the site.
- The Contractor will respect the cultural sites, ensure security and privacy of women and households in close proximity to the camps and safely dispose asbestos.

### Part (3) Works Management and Monitoring

#### Section (3.1) Mitigation measures

19. Table below provides guidelines (as an example) for the mitigation measures to be carried out by Contractor during implementation of works including key monitoring indicators for supervision by CSC/ESU. These requirements should be consistent with the final ESMP.

#	Activities causing impacts	Mitigation measures	Monitoring indicators
1	Establishment and operation of worker camps,	<ul style="list-style-type: none"> <li>• Ensure that the sites for campsite are approved by the Project and local authority; Selection of the camp sites should be made through tripartite consultation including community, Contractor, and the subproject representative.</li> <li>• Ensure that basic camp facilities are provided including security, septic tanks, latrines, safe water supply, mosquito net, blanket, safe paths, fire prevention equipment, etc.</li> <li>• Ensure that (a) washing areas, demarcated and water from washing areas and kitchen is released in sumps, (b) septic tanks of appropriate design have been used for sewage treatment and outlets are released into sumps and must not create a pond of stagnant water, and</li> </ul>	<p>Location of the work camp should be shown in the alignment sheet.</p> <p>No complaints from local authorities and local residents due to location and activities of the worker camps.</p> <p>Safe and comfortable living of staff and workers</p>



		(c) the latrines, septic tanks, and sumps are built at a safe distance from water body, stream, or dry streambed, and the sump bottom is above the groundwater level.	
2	Establishment and operation of construction materials and equipment yards and access roads	<ul style="list-style-type: none"> <li>• Ensure that the locations are far away from residential areas and take actions to mitigate dust, noise, vibration, water pollution, waste, etc.</li> </ul>	Proper management of the site and no complaints from local authorities and residents
3	Disposal of waste generated from the camp	<ul style="list-style-type: none"> <li>• Recycle metallic, glass waste; bury organic waste in impervious pit covered with soil.</li> <li>• Ensure that waste material is properly disposed off in a manner that does not affect the natural drainage.</li> </ul>	No health issue occurred
4	Access tracks/haulage routs	<ul style="list-style-type: none"> <li>• The moving machinery should remain within the subproject boundary.</li> <li>• Ensure that the access tracks, which are prone to dust emissions and disturbance to local resident are managed by water spraying daily and the areas sensitive to noise and vibration are managed through enforcement of speed limit control.</li> <li>• After completion of construction work all the damaged roads / tracks will be restored by the Contractor, as it is Contractor's obligations. Ensure that surface run-off controls are installed and maintained to minimize erosion.</li> <li>• Restriction on movement of Contractor's vehicles on designation routes; deploy traffic man at the village to control the traffic as needed.</li> </ul>	No complaints from local residents regarding dust, noise, vibration, road safety, and the usage of the tracks/access roads
5	Hiring skilled workers from outside of the locality	<ul style="list-style-type: none"> <li>• Hiring of workers from the local communities as much as possible.</li> </ul>	Number of local workers at the worksite.
6	Workers safety and hygienic conditions	<ul style="list-style-type: none"> <li>• Provide protective clothing and equipment for workers especially those handling hazardous materials, (helmets, adequate footwear) for concrete works (long boots, gloves), for welders (protective screen, gloves dungaree), etc.</li> </ul>	Safe working conditions

7	Water for staff and workers consumption and construction	<ul style="list-style-type: none"> <li>• Provide adequate and safe water for consumption at sites and work camp.</li> </ul>	Water tanker and pump by the Contractor
8	Interruption of water supply	<ul style="list-style-type: none"> <li>• Inform residents and provide water supply as needed.</li> </ul>	No complaint from residents
9	Social issues	<ul style="list-style-type: none"> <li>• Ensure that conflicts with local power holders and local communities are avoided.</li> <li>• Ensure that focus group meetings are conducted with both men and women to identify any water related and other issues related to the subproject implementation.</li> </ul>	No social conflicts due to the subproject activities and/or workers.
10	Storage of hazardous material (including waste)	<ul style="list-style-type: none"> <li>• Provide hard compacted, impervious and bounded flooring to hazardous material storage areas; Label each container indicating what is stored within; Train staff in safe handling techniques.</li> </ul>	No health hazard and water contamination occurred.
11	Construction activities; handling of fuels, oil spill and lubricants	<ul style="list-style-type: none"> <li>• Ensure that no contaminated effluent is released in to the environment.</li> <li>• Ensure that fuels, oils, and other hazardous substances handled and stored according to standard safety practices such as secondary containment.</li> <li>• Fuel tanks should be labeled and stored in impervious lining and dykes etc</li> <li>• Ensure that vehicle refueling to be planned on need basis to minimize travel and chance spills.</li> <li>• Ensure that operating vehicles are checked regularly for any fuel, oil, or battery fluid leakage.</li> </ul>	No oil spill observed
12	Cutting of trees in the right of way where required	<ul style="list-style-type: none"> <li>• To get agreement of the local community and community</li> </ul>	No complaints from local authority and/or residents.
13	Excavation of channels	<ul style="list-style-type: none"> <li>• Proper compaction and water sprinkling</li> </ul>	Erosion and dust emission minimized
14	Disposal of excavated material	<ul style="list-style-type: none"> <li>• Stockpile the excavated material to non-agriculture and in a minimum area and away from storm water</li> </ul>	Minimum loss of habitat
15	Loss of fertile soil and	<ul style="list-style-type: none"> <li>• Remove surface soil of the location, stocked in a proper place and once</li> </ul>	River banks stabilized and

	vegetation; impacts on natural vegetation and embankment erosion along the watercourse.	the construction is finished, put the soil back on that place. The left over spoil soil should be collected and kept aside for rehabilitation of the site at later stage of the work; re-vegetate the embankments with indigenous plant species	re-vegetated
16	Dust and smoke emissions	<ul style="list-style-type: none"> <li>All truckloads of loose materials is covered during transportation. Water spraying or any other methods are used by the Contractor to maintain the works areas, adjacent areas, and roads, in a dustless condition, as well the vehicle speed not to be exceeded from 30Km/h. Vehicles will be tuned regularly to minimize the smoke emissions.</li> </ul>	Dust and smoke controlled
17	Noise pollution	<ul style="list-style-type: none"> <li>Vehicles and equipment used to be fitted, as applicable, and with properly maintained silencers. Restriction on loudly playing radio/tape recorders etc.</li> </ul>	Excessive noise generation controlled
18	Excavation of borrow areas	<ul style="list-style-type: none"> <li>Excavate borrow soil up to maximum depth of 0.5m; with slope boundaries</li> </ul>	Borrow area rehabilitated as per specification
19	Rehabilitation of borrow pits	<ul style="list-style-type: none"> <li>Proper rehabilitation of borrow pits; Removal and storage of top 15 cm top soil having organic materials and spreading it back during restoration of borrow area</li> </ul>	Borrow areas rehabilitated
20	Encountering archaeological sites during earth works	<ul style="list-style-type: none"> <li>The subproject field supervisor (CSC or filed engineer) will halt the work at the site and inform to the regional team leader and Archaeological Department immediately.</li> </ul>	The report from the CSC or field supervisor, community, and contractor
21	Aesthetic/ scenic quality	<ul style="list-style-type: none"> <li>Carry out complete restoration of the construction sites.</li> <li>Remove all waste, debris, unused construction material, and spoil from the worksites.</li> </ul>	Cleanliness and tidiness of works sites and work camp

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**Appendix A9**

**Code of Conduct on Gender-Based  
Violence and Violence against  
Children (CoC)**

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## **Appendix A9. Code of Conduct on Gender-Based Violence and Violence against Children (CoC)**

This is a new appendix. It will be applied to the Contractor and workers during construction phase to ensure that the Contractor and workers will not create significant social impacts to local communities. The CoC will be incorporated into the bidding and contract documents and its compliance will be monitored by ESU/DPWT.

This section provides guidance on sample of requirements to be included in contract to address the issues related to Gender-Based Violence (GBV) and Violence against Children (VAC) which is a new requirement to be applied to all projects with WB financing. These samples are used in several World Bank projects by the Lao MPWT such as LRSP2 and NR13N) starting 2018. Sections A9.1, A9.2, A9.3, A9.4, A9.5, and A9.6 presents (i) Table of contents, objectives, scope, and definitions; (ii) Samples code of conduct; (iii) Action plan; (iv) GRM; (v) Services providers; (vi) CoC Focal Point; and (vii) Attachment 1 - Potential Procedures for Addressing GBV and VAC.

### **A9.1 Table of Content**

2. Table of Content, Objective, Scope, and Definitions are as follows:

#### Table of Contents

1. Background
2. Scope
3. Definitions
4. Sample Codes of Conduct
  - (a) Company Code of Conduct
  - (b) Preventing Gender Based Violence and Violence Against Children
  - (c) Manager's Code of Conduct
  - (d) Preventing Gender Based Violence and Violence Against Children
  - (e) Individual Code of Conduct
  - (f) Preventing Gender Based Violence and Violence Against Children
5. Action Plan
  - (a) The GBV and VAC Compliance Team
  - (b) Making Complaints: GBV and VAC Allegation Procedures
  - (c) Addressing Complaints about GBV or VAC
6. GRM
7. Service Provider
8. GBV and VAC Focal Point
  - (a) Accountability Measures
  - (b) Monitoring and Evaluation

- (c) Awareness-raising Strategy
- (d) Response Protocol
- (e) Survivor Support Measures
- (f) Perpetrator Policy and Response
- (g) Administrative Sanctions

## Attachment 1 - Potential Procedures for Addressing GBV and VAC

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### Background

3. The purpose of these *Codes of Conduct and Action Plan to prevent Gender Based Violence (GBV) and Violence against Children (VAC)* is to introduce a set of key definitions, minimum standard sample Codes of Conduct, and guidelines that establish mechanisms for preventing, reporting and addressing GBV and VAC within the work site and in its immediate surrounding communities. The application of the GBV and VAC Codes of Conduct will help prevent and/or mitigate the risks of GBV and VAC on the project.

4. Mutual respect and fair treatment between those working on the project and local communities is critical to a safe, respectful, and productive workplace and operating environment. GBV and VAC can be one of the most serious violations of respect and fair treatment which can harm the local community, and significantly damage trust and cooperation between parties.

5. These Codes of Conduct are to be adopted by those working on the project and are meant to: (i) create common awareness about GBV and VAC; (ii) ensure a shared understanding; and, (iii) create a clear system for identifying, responding to, and sanctioning GBV and VAC incidents.

6. Ensuring that all project staff understand the values of the project, understand expectations for all employees, and acknowledge the consequences for violations of these values, will help to create a smoother, more respectful and productive project implementation thereby helping ensure that the project's objectives will be achieved.

### Scope

7. [use what is in draft bidding documents]

### Definitions

8. The following definitions apply:

- *Gender-Based Violence (GBV)*: is an umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed (i.e. gender) differences between males and females. It includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty. These acts can occur in public or in private.
- *Violence against Children (VAC)*: is defined as physical, sexual or psychological harm of minor children (i.e. under the age of 18) including using for profit, labor, sexual gratification, or some other personal or financial advantage.
- *Accountability Measures*: are the measures put in place to ensure the confidentiality of survivors and to hold contractors, consultants and the

client responsible for instituting a fair system of addressing cases of GBV and VAC.

- *Child*: is used interchangeably with the term ‘minor’ and refers to a person under the age of 18.<sup>18</sup> This is in accordance with Article 1 of the United Nations Convention on the Rights of the Child.
- *Child Protection (CP)*: is an activity or initiative designed to protect children from any form of harm, particularly arising from VAC.
- *Consent*: is the informed choice underlying an individual’s free and voluntary intention, acceptance or agreement to do something. No consent can be found when such acceptance or agreement is obtained through the use of threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18<sup>19</sup>, even in the event that national legislation of the country into which the Code of Conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defense.
- *Consultant*: is as any firm, company, organization or other institution that has been awarded a contract to provide consulting services in the context of the RAMP-II, to the project, and has hired managers and/or employees to conduct this work.
- *Contractor*: is any firm, company, organization or other institution that has been awarded a contract to conduct infrastructure development works in the context of the RAMP-II project and has hired managers and/or employees to conduct this work. This also includes sub-contractors hired to undertake activities on behalf of the contractor.
- *Employee*: is as any individual offering labor to the contractor or consultant within country on or off the work site, under a formal or informal employment contract or arrangement, typically but not necessarily in exchange for a salary (e.g. including unpaid interns and volunteers), with no responsibility to manage or supervise other employees.
- *Employer*: Ministry of Public Works and Transport
- *GBV and VAC Allegation Procedure*: is the prescribed procedure to be followed when reporting incidents of GBV or VAC.

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<sup>18</sup> The Kingdom of Cambodia is party to this convention. <http://www.pseataaskforce.org/uploads/tools/1478613357.pdf>

<sup>19</sup> See UN Resolution 62/214. United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel; UN Secretariat (2003) ST/SGB/2003/13 Special measures for protection from sexual exploitation and sexual abuse; IOM (2016) Policy and Procedures for Preventing and Responding to Sexual Exploitation and Abuse.

- *GBV and VAC Codes of Conduct*: The Codes of Conduct adopted for the project covering the commitment of the company, and the responsibilities of managers and individuals with regards to GBV and VAC.
- *GBV and VAC Compliance Team (GCCT)*: a team established by the project to address GBV and VAC issues.
- *Grievance Redress Mechanism (GRM)*: is the process established by the RAMP-II project to receive and address complaints.
- *Grooming*: are behaviors that make it easier for a perpetrator to procure a child for sexual activity. For example, an offender might build a relationship of trust with the child, and then seek to sexualize that relationship (for example by encouraging romantic feelings or exposing the child to sexual concepts through pornography).
- *Manager*: is any individual offering labor to the contractor or consultant, on or off the work site, under a formal employment contract and in exchange for a salary, with responsibility to control or direct the activities of a contractor's or consultant's team, unit, division or similar, and to supervise and manage a pre-defined number of employees.
- *Online Grooming*: is the act of sending an electronic message with indecent content to a recipient who the sender believes to be a minor, with the intention of procuring the recipient to engage in or submit to sexual activity with another person, including but not necessarily the sender<sup>20</sup>.
- *Perpetrator*: is the person(s) who commit(s) or threaten(s) to commit an act or acts of GBV or VAC.
- *Response Protocol*: is the mechanisms set in place to respond to cases of GBV and VAC.
- *Survivor/Survivors*: is the person(s) adversely affected by GBV or VAC. Women, men and children can be survivors of GBV; children can be survivors of VAC.
- *Work Site*: is the area in which infrastructure development works are being conducted, as part of the project.
- *Work Site Surroundings*: is the 'Project Area of Influence' which are any area, urban or rural, directly affected by the project, including all human settlements found on it.

## **A9.2 Sample Codes of Conduct**

9. This section presents three sample Codes of Conduct as the minimum standard for use under civil works contracts for the Project (RAMP-II). These codes will be confirmed and agreed upon prior commencement of works and cleared by the Supervision Consultant.

- *Company Code of Conduct*: Commits the company to addressing GBV and VAC issues;



- *Manager’s Code of Conduct*: Commits managers to implementing the Company Code of Conduct, as well as those signed by individuals; and,
- *Individual Code of Conduct*: Code of Conduct for everyone working on the project, including managers.

**(a) Company Code of Conduct: Preventing Gender Based Violence and Violence Against Children**

10. In the context of the Project, the company is committed to creating and maintaining an environment in which gender based violence (GBV) and violence against children (VAC) have no place, and where they will not be tolerated by any employee, associate, or representative of the company. Therefore, in order to ensure that all those engaged in the project are aware of this commitment, and in order to prevent, be aware of, and respond to any allegations of GBV and VAC, the company commits to the following core principles and minimum standards of behavior that will apply to all company employees, associates, and representatives including sub-contractors, without exception:

1. The company—and therefore all employees, associates, and representatives—commit to treating women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. Acts of GBV and VAC are in violation of this commitment.
2. Demeaning, threatening, harassing, abusive, culturally inappropriate, or sexually provocative language and behavior are prohibited among all company employees, associates, and its representatives.
3. Acts of GBV or VAC constitute gross misconduct and are therefore grounds for administrative sanctions, which may include penalties and/or termination of employment. All forms of GBV and VAC, including grooming are unacceptable, regardless of whether they take place on the work site, the work site surroundings, at worker’s camps or at worker’s homes.
4. In addition to company sanctions, legal prosecution of those who commit acts of GBV or VAC will be pursued if appropriate.
5. Sexual contact or activity with children under 18—including through digital media—is prohibited. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense or excuse.
6. Sexual favors—for instance, making promises or favorable treatment dependent on sexual acts—or other forms of humiliating, degrading or exploitative behavior are prohibited.
7. Unless there is full consent<sup>21</sup> by all parties involved in the sexual act, sexual interactions between the company’s employees (at any level) and

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<sup>21</sup>**Consent** is defined as the informed choice underlying an individual’s free and voluntary intention, acceptance or agreement to do something. No consent can be found when such acceptance or agreement is obtained through the use of threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18, even in the event that national legislation of the country into which the Code of Conduct is

members of the communities surrounding the work place are prohibited. This includes relationships involving the withholding/promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex—such sexual activity is considered “non-consensual” within the scope of this Code.

8. All employees, including volunteers and sub-contractors are highly encouraged to report suspected or actual acts of GBV and/or VAC by a fellow worker, whether in the same company or not. Reports must be made in accordance with GBV and VAC Allegation Procedures.
9. Managers are required to report suspected or actual acts of GBV and/or VAC as they have a responsibility to uphold company commitments and hold their direct reports responsible.
10. Comply with all relevant local legislation, including labor laws in relation to child labor.
11. To ensure that the above principles are implemented effectively the company commits to ensuring that:
12. All managers sign the ‘Manager’s Code of Conduct’ detailing their responsibilities for implementing the company’s commitments and enforcing the responsibilities in the ‘Individual Code of Conduct’.
13. All employees sign the project’s ‘Individual Code of Conduct’ confirming their agreement not to engage in activities resulting in GBV or VAC.
14. Displaying the Company and Individual Codes of Conduct prominently and in clear view at workers’ camps, offices, and in public areas of the work space. Examples of areas include waiting, rest and lobby areas of sites, canteen areas, health clinics.
15. Ensure that posted and distributed copies of the Company and Individual Codes of Conduct are translated into the appropriate language of use in the work site areas as well as for any international staff in their native language.
16. An appropriate person is nominated as the company’s ‘Focal Point’ for addressing GBV and VAC issues, including representing the company on the GBV and VAC Compliance Team (GCCT) which is comprised of representatives from the client, contractor(s), the supervision consultant, and local service provider(s).
17. Ensuring that an effective Action Plan is developed in consultation with the supervision consultant and which includes as a minimum:
  - a. *GBV and VAC Allegation Procedure* to report GBV and VAC issues through the project Grievance Redress Mechanism (GRM);
  - b. *Accountability Measures* to protect confidentiality of all involved; and,
  - c. *Response Protocol* applicable to GBV and VAC survivors and perpetrators.

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introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defense.

18. That the company effectively implements the Action Plan, providing feedback to the GCCT for improvements and updates as appropriate.
19. All employees attend an induction training course prior to commencing work on site to ensure they are familiar with the company's commitments and the project's GBV and VAC Codes of Conduct.
20. All employees attend two mandatory training courses per year for the duration of the contract starting from the first induction training prior to commencement of work to reinforce the understanding of the project's GBV and VAC Code of Conduct.

Company name: \_\_\_\_\_

Signature of Company's Representative: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

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

***(b) Manager's Code of Conduct: Preventing Gender Based Violence and Violence against Children***

12. Managers at all levels have particular responsibilities to uphold the company's commitment to preventing and addressing GBV and VAC. This means that managers have an acute responsibility to create and maintain an environment that prevents GBV and VAC. Managers need to support and promote the implementation of the Company Code of Conduct. To that end, managers must adhere this Manager's Code of Conduct and also sign the Individual Code of Conduct. This commits them to supporting and developing systems that facilitate the implementation of the Action Plan and maintain a GBV-free and VAC-free environment at the workplace and in the local community. These responsibilities include but are not limited to:

***Implementation***

1. To ensure maximum effectiveness of the Company and Individual Codes of Conduct:
  - a. Prominently displaying the Company and Individual Codes of Conduct in clear view at workers' camps, offices, and in public areas of the work space. Examples of areas include waiting, rest and lobby areas of sites, canteen areas, health clinics.
  - b. Ensuring all posted and distributed copies of the Company and Individual Codes of Conduct are translated into the appropriate language of use in the work site areas as well as for any international staff in their native language.

2. Verbally and in writing explain the Company and Individual Codes of Conduct to all staff.
3. Ensure that:
  - a. All staff members sign the 'Individual Code of Conduct', including acknowledgment that they have read and agree with the Code of Conduct.
  - b. Staff lists and signed copies of the Individual Code of Conduct are provided to the GCCT and the client.
  - c. Participate in training and ensure that staff also participate as outlined below.
  - d. Staff are familiar with the Grievance Redress Mechanism (GRM) and that they can use it to anonymously report concerns of GBV or VAC incidents.
  - e. Staff are encouraged to report suspected or actual GBV or VAC through the GRM by raising awareness about GBV and VAC issues, emphasizing the staff's responsibility to the Company and the country hosting their employment, and emphasizing the respect for confidentiality.
4. In compliance with applicable laws and to the best of your abilities, prevent perpetrators of sexual exploitation and abuse from being hired, re-hired or deployed.
5. Ensure that when engaging in partnership, sub-contractor or similar agreements, these agreements:
  - a. Incorporate the GBV and VAC Codes of Conduct as an attachment.
  - b. Include the appropriate language requiring such contracting entities and individuals, and their employees and volunteers, to comply with the Individual Codes of Conduct.
  - c. expressly state that the failure of those entities or individuals, as appropriate, to take preventive measures against GBV and VAC, to investigate allegations thereof, or to take corrective actions when GBV or VAC has occurred, shall constitute grounds for sanctions and penalties in accordance with the Individual Codes of Conduct.
6. Provide resources to the GCCT to create and disseminate internal sensitization initiatives through the awareness-raising strategy under the Action Plan.
7. Ensure that any GBV or VAC issue warranting police action is reported to the client and the World Bank immediately.

### **Training**

8. All managers are required to attend an induction manager training course prior to commencing work on site to ensure that they are familiar with their roles and responsibilities in upholding the GBV and VAC Codes of Conduct. This training will be separate from the induction training course required of all employees and will provide managers with the necessary understanding and technical support needed to begin to develop the Action Plan for addressing GBV and VAC issues.

9. Ensure that time is provided during work hours and that staff attend the mandatory project facilitated induction training on GBV and VAC required of all employees prior to commencing work on site.
10. Ensure that staff attend the mandatory refresher training course required of all employees. Ensure satisfaction surveys to evaluate training are conducted by the service provider.

**Response**

13. Managers will be provide input to the GBV and VAC Allegation Procedures and Response Protocol developed by the GCCT, as needed as part of the final cleared Action Plan.
14. Once adopted by the Company, managers will uphold the Accountability Measures set forth in the Action Plan to maintain the confidentiality of all employees who report or (allegedly) perpetrate incidences of GBV and VAC (unless a breach of confidentiality is required to protect persons or property from serious harm or where required by law).
15. If a manager develops concerns or suspicions regarding any form of GBV or VAC by an employee, or by an employee working for another contractor on the same work site, s/he is required to report the case.
16. Once a sanction has been determined, the relevant manager(s) is/are expected to be personally responsible for ensuring that the measure is effectively enforced, within a maximum timeframe of 14 days from the date on which the decision to sanction was made.
17. Managers failing to report or comply with such provision can in turn be subject to disciplinary measures, to be determined and enacted by the company's CEO, Managing Director or equivalent highest-ranking manager. Those measures may include:
  - a. Informal warning.
  - b. Formal warning.
  - c. Loss of up to one week's salary.
  - d. Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months.
  - e. Termination of employment.
18. Ultimately, failure to effectively respond to GBV and VAC cases on the work site by the company's managers or CEO may provide grounds for legal actions by authorities.

*I do hereby acknowledge that I have read the foregoing Manager's Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to GBV and VAC. I understand that any action inconsistent with this Manager's Code of Conduct or failure to take action mandated by this Manager's Code of Conduct may result in disciplinary action.*

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

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

***(c) Individual Code of Conduct: Preventing Gender Based Violence and Violence against Children***

I, \_\_\_\_\_, acknowledge that preventing gender based violence (GBV) and violence against children (VAC) is important. The company considers that GBV or VAC activities constitute acts of gross misconduct and are therefore grounds for sanctions, penalties or potential termination of employment. All forms of GBV or VAC are unacceptable be it on the work site, the work site surroundings, or at worker's camps. Prosecution of those who commit GBV or VAC may be pursued if appropriate.

I agree that while working on the project I will:

- Treat women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- Not use language or behavior towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- Not participate in sexual contact or activity with children—including grooming, or contact through digital media. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense or excuse.
- Not engage in sexual favors—for instance, making promises or favorable treatment dependent on sexual acts—or other forms of humiliating, degrading or exploitative behavior.
- Unless there is the full consent<sup>22</sup> by all parties involved, I will not have sexual interactions with members of the surrounding communities. This includes relationships involving the withholding or promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex—such sexual activity is considered “non-consensual” within the scope of this Code.
- Attend and actively partake in training courses related to HIV/AIDS, GBV and VAC as requested by my employer.

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<sup>22</sup> **Consent** is defined as the informed choice underlying an individual's free and voluntary intention, acceptance or agreement to do something. No consent can be found when such acceptance or agreement is obtained through the use of threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18, even in the event that national legislation of the country into which the Code of Conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defense.



- Consider reporting through the grievance redress mechanism or to my manager any suspected or actual GBV or VAC by a fellow worker, whether employed by my company or not, or any breaches of this Code of Conduct.

With regard to children under the age of 18:

- Wherever possible, ensure that another adult is present when working in the proximity of children.
- Not invite unaccompanied children unrelated to my family into my home, unless they are at immediate risk of injury or in physical danger.
- Not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my supervisor's permission, and ensure that another adult is present if possible.
- Use any computers, mobile phones, or video and digital cameras appropriately, and never to exploit or harass children or to access child pornography through any medium (see also "Use of children's images for work related purposes" below).
- Refrain from physical punishment or discipline of children.
- Refrain from hiring children for domestic or other labor which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury.

### ***Use of children's images for work related purposes***

13. When photographing or filming a child for work related purposes, I must:

- Before photographing or filming a child, assess and endeavor to comply with local traditions or restrictions for reproducing personal images.
- Before photographing or filming a child, obtain informed consent from the child and a parent or guardian of the child. As part of this I must explain how the photograph or film will be used.
- Ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner.
- Ensure images are honest representations of the context and the facts.
- Ensure file labels do not reveal identifying information about a child when sending images electronically.

### ***Sanctions***

14. I understand that if I breach this Individual Code of Conduct, my employer will take disciplinary action which could include:

- Informal warning.
- Formal warning.
- Loss of up to one week's salary.
- Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months.

- Termination of employment.
- Report to the police if warranted.

*I understand that it is my responsibility to avoid actions or behaviors that could be regarded as GBV or VAC or breach this Individual Code of Conduct. I do hereby acknowledge that I have read the foregoing Individual Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to GBV and VAC. I understand that any action inconsistent with this Individual Code of Conduct or failure to take action mandated by this Individual Code of Conduct may result in disciplinary action and may affect my ongoing employment.*

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

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

### **A9.3 Action Plan**

#### ***(a) The GBV and VAC Compliance Team***

15. The project shall establish a 'GBV and VAC Compliance Team' (GCCT). The GCCT will include, as appropriate to the project, at least four representatives ('Focal Points') as follows:

- a. A safeguards specialist from the client;
- b. The occupational health and safety manager from the contractor<sup>23</sup>, or someone else tasked with the responsibility for addressing GBV and VAC with the time and seniority to devote to the position;
- c. The supervision consultant; and,
- d. A representative from a local service provider with experience in GBV and VAC (the 'Service Provider').

16. It will be the duty of the GCCT with support from the management to inform workers about the activities and responsibilities of the GCCT. To effectively serve on the GCCT, members must undergo training by the local service provider prior to the commencement of their assignment to ensure that they are sensitized on GBV and Child Protection.

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<sup>23</sup> Where there are multiple contractors working on the project each shall nominate a representative as appropriate.



17. The GCCT will be required to:
- a. Approve any changes to the GBV and VAC Codes of Conduct contained in this document, with clearances from the Supervision Consultant for any such changes.
  - b. Prepare the Action Plan reflecting the Codes of Conduct which includes:
    - i. GBV and VAC Allegation Procedures (See 4.3)
    - ii. Accountability Measures (See 4.4)
    - iii. An Awareness raising Strategy (See 4.5)
    - iv. A Response Protocol (See 4.6)
  - c. Obtain approval of the Action Plan by company management;
  - d. Obtain client clearances for the Action Plan prior to full mobilization;
  - e. Receive and monitor resolutions and sanctions with regard to complaints received related to GBV and VAC associated with the project; and,
  - f. Ensure that GBV and VAC statistics in the GRM are up to date and included in the regular project reports.
18. The GCCT shall hold quarterly update meetings to discuss ways to strengthen resources and GBV and VAC support for employees and community members.
19. The Action Plan and Code of Conduct shall be submitted for review to the ISWS Consultant within 90 days from the contract signature date. Works will not commence unless the Engineer is satisfied with measures in place, including plan and codes. Failure to comply with such obligation should provide ground for contract suspension cancellation – this shall be determined at the sole discretion of the contracting entity, whilst intention to cancel the contract shall be notified to the World Bank team within 60 days from the proposed cancellation date.

***(b) Making Complaints: GBV and VAC Allegation Procedures***

20. All staff, volunteers, consultants and sub-contractors are encouraged to report suspected or actual GBV or VAC cases. Managers are required to report suspected or actual GBV and/or VAC cases as they have responsibilities to uphold company commitments and they hold their direct reports accountable for complying with the Individual Code of Conduct.
21. The project will provide information to employees and the community on how to report cases of GBV and VAC Code of Conduct breaches through the Grievance Redress Mechanism (GRM). The GCCT will follow up on cases of GBV, VAC and Code of Conduct breaches reported through the GRM.

***(c) Addressing Complaints about GBV or VAC***

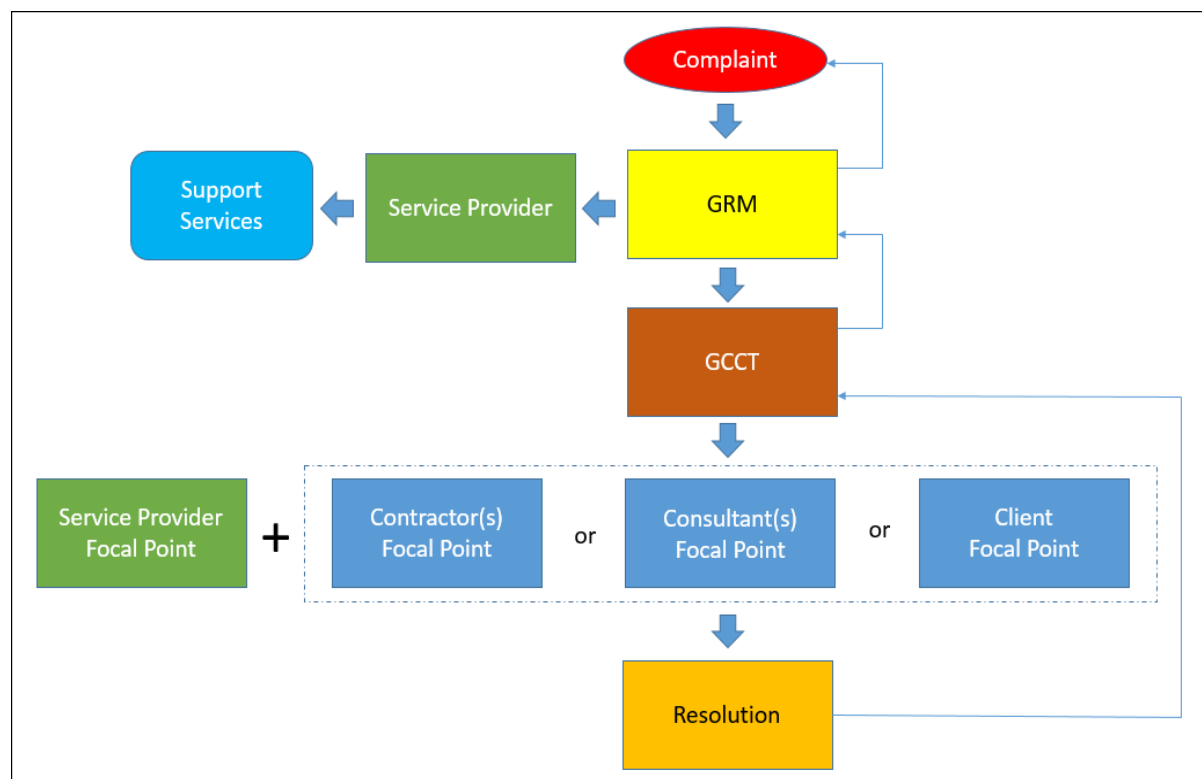
22. The figure below shows the process for addressing complaints.

**A9.4 Grievance Redress Mechanism (GRM)**

23. The project operates a grievance redress mechanism (GRM). Reports of GBV or VAC, other complaints, or other concerns may be submitted online, via telephone or mail, or in person.
24. The GRM operator will refer complaints related to GBV or VAC to the GCCT to resolve them. In accordance with the Action Plan, the GCCT through the Service Provider and Focal Point(s) will investigate the complaint and ultimately provide the

GRM operator with a resolution to the complaint, or the police if necessary. The GRM operator will, upon resolution, advise the complainant of the outcome, unless it was made anonymously. Complaints made to managers or the Service Provider will be referred by them to the GRM for processing.

25. If the complaint to the GRM is made by a survivor or on behalf of a survivor, the complainant will be directly referred to the service provider to receive support services while the GCCT investigates the complaint in parallel.



### A9.5 Service Provider

26. The Service Provider is a local organization (possibly an NGO) which has the technical experience and ability to provide training to staff and to support survivors of GBV or VAC. The contractor(s) will contract the services of a Service Provider, so that GBV and VAC cases can safely be referred to them. The Service Provider will also provide support and guidance to the GBV and VAC Focal Points as necessary. The Service Provider will have a representative on the GCCT and be involved in resolving complaints related to GBV or VAC. The service provider will develop and conduct the mandatory training to employees on GBV and VAC.

### A9.6 GBV and VAC Focal Point

27. The GCCT will refer the complaint to the appropriate Focal Points for resolution (i.e. issues with contractor's staff will be for the contractor to resolve; consultant's staff the consultant; and client staff the client) and will advise the GCCT on potential resolutions, including referral to the police if necessary. They will be assisted by the Service Provider as appropriate.

28. All the Focal Points on the GCCT must be trained and empowered to resolve GBV and VAC issues. It is essential that all staff of the GRM and GCCT understand the guiding principles and ethical requirement of dealing with survivors of GBV and VAC. All reports should be kept confidential and referred immediately to the Service

Provider represented on the GCCT<sup>24</sup>. In GBV and VAC cases warranting police action, the Focal Points must appropriately refer the complaint to: (i) the authorities; (ii) the Service Provider; and, (iii) management for further action. The Employer and the World Bank are to be immediately notified.

#### **(a) Accountability Measures**

29. All reports of GBV or VAC shall be handled in a confidential manner in order to protect the rights of all involved. To ensure that survivors feel confident to disclose their experience of GBV or VAC, the client, contractor and consultant must maintain the confidentiality of employees who notify any acts or threats of violence, and of any employees accused of engaging in any acts or threats of violence (unless a breach of confidentiality is required to protect persons or property from serious harm or where required by law). The contractor and consultant must prohibit discrimination or adverse action against an employee on the basis of survivor's disclosure, experience or perceived experience of GBV or VAC (see Annex 1 for examples of actions to maintain accountability).

#### **(b) Monitoring and Evaluation**

30. The GCCT must monitor the follow up of cases that have been reported and maintain all reported cases in a confidential and secure location. Monitoring must collect the number of cases that have been reported and the share of them that are being managed by police, NGOs etc.

31. These statistics shall be reported to the GRM and the Supervision Engineer for inclusion in their reporting.

32. In GBV and VAC cases warranting police action, the client and the World Bank are to be immediately notified.

#### **(c) Awareness-raising Strategy**

33. It is important to create an Awareness-raising Strategy with activities aimed to sensitize employees on GBV and VAC on the work site and its related risks, provisions of the GBV and VAC Codes of Conduct, GBV and VAC Allegation Procedures, Accountability Measures and Response Protocol. The strategy will be accompanied by a timeline, indicating the various sensitization activities through which the strategy will be implemented and also the related (expected) delivery dates. Awareness-raising activities may be linked with trainings provided by Service Provider.

#### **(d) Response Protocol**

34. The GCCT will be responsible for developing a written response<sup>25</sup> protocol to meet the project requirements, in accordance to national laws and protocols. The response protocol must include mechanisms to notify and respond to perpetrators in the workplace (See 4.8 for Perpetrator Policy and Response). The response protocol will include the GRM process to ensure competent and confidential response to disclosures of GBV and VAC. An employee who discloses a case of GBV or VAC in the workplace shall be referred to the GRM for further action.

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<sup>24</sup> Survivors of GBV and VAC may need access to police, justice, health, psychosocial, safe shelter and livelihood services to begin on a path of healing from their experience of violence.

<sup>25</sup> Develop appropriate protocol for written recording of GBV issues and VAC raised in case the notes are subpoenaed. Develop processes for record keeping including activities undertaken by the GCCT.

### **(e) Survivor Support Measures**

35. Appropriately respond to the survivor's complaint by respecting the survivor's choices to minimize the potential for re-traumatization and further violence against the survivor. Refer the survivor to the Service Provider to obtain appropriate support services in the community—including medical and psychosocial support, emergency accommodation, security including police protection and livelihood support—by facilitating contact and coordination with these services. The contractor may, where feasible, provide financial and other supports to survivors of GBV or VAC for these services (see Annex 1 for examples of financial support).

36. If the survivor is an employee, in order to ensure the safety of the survivor and the workplace in general, the contractor, in consultation with the survivor, will assess the risk of ongoing abuse, to the survivor and to the workplace, and make reasonable adjustments to the work schedule and work environment as deemed necessary (see Annex 1 for examples of safety measures). The contractor will provide adequate leave to survivors seeking services after experiencing violence (see Annex 1 for details).

### **(f) Perpetrator Policy and Response**

37. Encourage and accept notification through the GRM from employees and community members about perpetrators in the workplace. Through the GCCT and/or the Service Provider, oversee the investigation of these grievances, ensuring procedural fairness for the accused, and within the local laws. If an employee has breached the Code of Conduct, the contractor will take action which could include:

- a. Undertake disciplinary action up in accordance with sanctions in the GBV and VAC Codes of Conduct;
- b. Report the perpetrator to the Police as per local legal paradigms; and/or
- c. If feasible, provide or facilitate counselling for the perpetrator.

### **(g) Administrative Sanctions**

38. In accordance with the Code of Conduct, any employee identified as a potential GBV or VAC perpetrator shall be considered for disciplinary measures in line with sanctions and practices as agreed in the Individual Code of Conduct (see Annex 1 for examples of sanctions). It is important to note that, for each case, disciplinary sanctions are intended to be part of a process that is entirely internal to the employer, is placed under the full control and responsibility of its managers, and is conducted in accordance with the applicable national labor legislation.

39. Such process is expected to be fully independent from any official investigation that competent authorities (e.g. Police) may decide to conduct in relationship to the same case, and in accordance with the applicable national law. Similarly, internal disciplinary measures that the employer's managers may decide to enact are meant to be separate from any charges or sanctions that the official investigation may result into (e.g. monetary fines, detention etc.).

## **A9.7 Attachment 1 - Potential Procedures for Addressing GBV and VAC**

***Accountability Measures to maintain confidentiality can be achieved through the following actions:***

1. Inform all employees that confidentiality of GBV/VAC survivors' personal information is of utmost importance.

2. Provide the GCCT with training on empathetic and non-judgmental listening.
3. Take disciplinary action, including and up to dismissal, against those who breach survivor's confidentiality (this is unless a breach of confidentiality is necessary to protect the survivor or another person from serious harm, or where required by law).

***GBV and VAC Allegation Procedures should specify:***

1. Who survivors can seek information and assistance from.
2. The process for community members and employees to lodge a complaint through the GRM should there be alleged GBV or VAC.
3. The mechanism for how community members and employees can escalate a request for support or notification of violence if the process for reporting is ineffective due to unavailability or non-responsiveness, or if the employee's concern is not resolved.

***Financial and Other Supports to survivors can include:***

1. No/low interest loans.
2. Salary advances.
3. Direct payment of medical costs.
4. Upfront payments for medical costs to be recouped from the employee's health insurance.
5. Providing or facilitating access to childcare.
6. Providing security upgrades to the employee's home.
7. Providing safe transportation to access support services or to and from accommodation.

***Survivor Support measures to ensure the safety of the survivor can include:***

1. Changing the employee's span of hours or pattern of hours and/or shift patterns.
2. Redesigning or changing the employee's duties.
3. Changing the employee's telephone number or email address to avoid harassing contact.
4. Relocating the employee to another work site/ alternative premises.
5. Providing safe transportation to and from work for a specified period.
6. Supporting the employee to apply for an Interim Protection Order or referring them to appropriate support.
7. Taking any other appropriate measures including those available under existing provisions for family friendly and flexible work arrangements.

***Leave options for survivors that are employees can include:***

1. An employee experiencing GBV should be able to request paid special leave to attend medical or psychosocial appointments, legal proceedings, relocation to safe accommodation and other activities related to GBV.

2. An employee who supports a person experiencing GBV or VAC may take carer's leave, including but not limited to accompanying them to court or hospital, or to take care of children.
3. Employees who are employed in a casual capacity may request unpaid special leave or unpaid carer's leave to undertake the activities described above.
4. The amount of leave provided will be determined by the individual's situation through consultations with the employee, the management and the GCCT where appropriate.

***Potential Sanctions to employees who are perpetrators of GBV and VAC include:***

- Informal warning
- Formal warning
- Additional Training
- Loss of up to one week's salary.
- Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months.
- Termination of employment.
- Referral to the Police or other authorities as warranted.

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## **Appendix A10**

# **Proposed Implementation Procedure for Preparation of Cultural Heritage Impact Assessment (CHIA)**

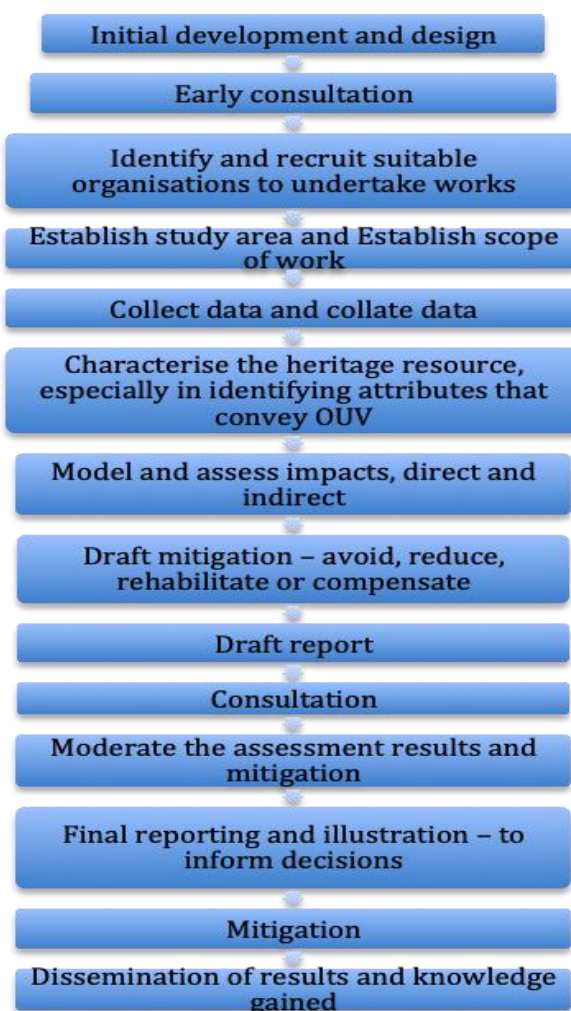
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## Appendix A10. Proposed Implementation Procedure for Preparation of Cultural Heritage Impact Assessment (CHIA)

This is a new appendix. It provides guidance on the process, consultation, and reporting aspects (see Figure A10.1). Scope of the activities will be identified during the implementation of the AF. DPWT in close coordination with the Luang Prabang

Figure A10.1: CHIA Implementation Guideline



The proposed impact assessment it is desirable to agree the scope of the work needed so that the work is 'fit-for-purpose' and will enable decision to be made. Early consultation meetings with various stakeholders is essential.

The scope of work should include the following:

- An outline description of the proposed change or development, providing as much detail as is available at the time of writing;
- A summary of the conditions present on the site and its environs, based on information collated to that point in time;
- The Statement of Outstanding Universal Value
- Details of how alternatives to changes are being considered;



- Outline methodology and terms of reference for the HIA as a whole;
- The organisations/people consulted and to be consulted further;
- A topic by topic assessment of the key impacts of the development; this should include:
  - details (as known) of the baseline conditions;
  - consideration of the potential effects of the development where overall impacts or effects are not considered to be significant, a justification of why they should be “scoped out of the HIA;
  - where overall impacts are considered to be potentially significant, details of the baseline information to be collected (including methods and appropriate study areas), likely sensitive heritage receptors in particular those related to attributes of OUV and proposed survey and assessment methodology.
- A negotiated calendar covering the whole process, including deadlines for reporting and consultation.

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## **Appendix A11**

### **Summary of Minutes of Consultation Meetings in the Provinces of Luang Prabang and Borikhamxay**

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LAO PEOPLE'S DEMOCRATIC REPUBLIC  
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

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Ministry of Public Work and transport  
13555/LPB.PDPT

No.

Provincial Department of Public and Transport Luangphabang date 16/08/2019

## **Minutes of Consultation Meetings and Disclosure**

On the Safeguard Documents for the Lao PDR Disaster Risk Management Project:  
Additional Financing

Luang Prabang Province, August 15-16, 2019

### **1. Project Background:**

The South East Asia Disaster Risk Management Project for Lao PDR (Lao-DRM or the Project) is being implemented with financing from the World Bank (WB) with an aim to reduce the risk of flooding and enhance disaster risk financing capacity of Lao PDR. The Project was approved on July 6, 2017 and became effective on 11 October, 2017, with a commitment amount of US\$30 million. The Project Development Objective (PDO) is to reduce the impacts of flooding in Muang Xay of Oudomxay (ODX) Province and enhance capacity of the Government of Lao PDR (GoL) to provide hydro-meteorological services and disaster response.

In 2018, Lao PDR experienced widespread floods, which significantly impacted its people and economy. To help reduce the financing gap and augment the response efforts, additional financing (AF) of about \$25 million is being proposed for Component 1 to implement similar activities in 2 additional provinces i.e. Luang Prabang (LPB) and Borikhamxay (BKX).

### **2. Objective of Consultation:**

The Department of Environment Research and Disaster Prevention of the Institute of Public Works and Transport together with the Department of Waterways (DOW) (The Project team) conducted a public consultation and disclosure on the Environment and Social Management Framework (ESMF), Resettlement Planning Framework (RPF) and the Ethnic Groups Engagement Framework (EGEF) for the Disaster Risk Management Project for Lao PDR: Additional Financing (LDRM AF Project) was held at the Luang Prabang Provincial Department of Public Works and Transport on August 15-16, 2019.

The presentation aimed to inform the participants thru consultation meetings, individual interviews during transect-walks on the objectives and application of the ESMF under the Lao PDR Disaster Risk Management Project Additional Financing. It is the purpose of the ESMF to provide overall guidelines and procedures that would be applied in order to minimize, if unavoidable, adverse environmental and

social impacts of LDRM AF Project supported subprojects and activities. It also ensures that environmental and social issues are duly evaluated in decision-making, planning, implementation and monitoring and evaluation. The framework is also to reduce and manage possible risks arising from the project and provides a mechanism for consultation and disclosure of information among various stakeholders.

It was also emphasized that the legal framework of Lao PDR and the World Bank constitutes the safeguard policies of the LDRM AF Project being implemented by the Ministry of Public Works and Transport (MPWT).

The Project team explained that the objectives of the LDRM AF Project ESMF are: (a) to discuss and review with various stakeholders adequate guidance for effectively addressing social safeguard design and implementation of LDRM AF Project subprojects; (b) for LDRM AF Project to adopt a community-participatory approach in developing and implementing subprojects by encouraging participation among target communities and affected persons; (c) to improve appraisal and safeguard compliance for the duration of the project; and (d) to protect and support indigenous/ethnic groups or vulnerable groups; minimize displacement of people; and ensure compensation of affected persons where involuntary resettlement is unavoidable.

In addition, the Project team also presented the Ethnic Groups Engagement Framework (EGEF) and the Resettlement Policy Framework (RPF) under the LDRM AF Project.

During the 1<sup>st</sup> day of the consultation, a total of 22 project staff, departments and relevance offices involved with five women attended. The 2<sup>nd</sup> day, total of 33 participants and 14 women in the villages in the project areas.

### **3. Topics and Discussions:**

- Presentation of the Project Objectives and goals of the LDRM Project: AF
- Presentation of the Environmental and Social Management Framework (ESMF) and budgetary requirement
- Presentation of the Resettlement and Policy framework (RPF)
  - + The team conducted initial survey of the affected people for the proposed project
  - + Develop a resettlement map and compensation with budget
    - Set unit price
    - Generate replacement data for each family
    - Procedures and methods of compensation
    - Proposal and resolution of complaints
    - Establishment of committees in the village, district, provincial, and central
- Presentation of the Ethnic Group Engagement Framework (EGEF)
- Discussion on the Compensation, relocation and livelihood restoration based on the EMSF for the LDRM AF Project for affected households and vulnerable groups
- Discussed possible occupation or job opportunities in the community during project implementation

- Discussed the extent of information acquired by the participants regarding the objective of the project prior to the consultation meetings and its source of information
- Discussed the Lao Women's Union involvement and participation on similar projects. If yes, their role and responsibilities during project implementation Discussed positive and negative environmental and social impact of the proposed project and concerns and issues of the stakeholders and affected households
- Discussed issues and concerns of the ethnic group and proposed mitigating measures

#### **4. Results of the Discussion During the consultation Meetings**

- The representative from the Department of Natural Resources and Environment (DONRE) informed the Project team that the housing structures along the river were issued land titles within 15 meters from the river but the management of the lands along the river are under the management of the district thru collection of land taxes. However, these lands only have land use certificates. In the past, the province was given notice to utilize the riverbank for any infrastructure investments however, the provincial government has no budget for any compensation or relocation for affected households or persons.
- The participants also informed the Project team that most of the ethnic groups living or residing along the river banks of the proposed project are mainly the lower Lao.
- The representative of the Provincial Tourism Office recommended to the Project team that a summary of the impacts among the affected people be presented and evaluated to include minutes of the meeting or signed agreement with the land owner or affected persons to avoid conflict in the future or during implementation. The village leaders should be witness for any meetings or agreements
- The participants supports the proposed construction of erosion protection on Khan river along the Mekong river for the safety and comfortability of local communities and tourists to explore and appreciate the view of the Mekong river.
- The representative from Heritage Management Office highlighted the requirement for an heritage impact assessment or study for projects located within the coverage Heritage Management Area in order to avoid any negative impacts on the area, this includes an Environmental impact assessment of the proposed project. It was also advised to appoint a coordinating committee at each level to facilitate collaboration for every phase of the project
- Some of the participants raised their concern the negative impact on people's existing livelihood along the river banks during actual construction and will have an affect on their daily income.
- The Project team informed the participants, particularly the representative from the Lao Women's Union who raised the issue on proper and reasonable compensation to affected persons that all compensation will be based on current market price

- The Provincial Lao women's union also explained the importance of community participation in the project from planning, implementation and monitoring in order to ensure transparency and ownership
- Representative from some of the participants raised the issue and concern during construction in Khelue village with regards to the delivery of construction materials into the construction site because some delivery trucks or heavy equipment are not allowed to access the small roads; and construction at night is not allowed because of possible disturbance or noise, which might also have accidents if safety is not required. The Project team informed the participants that Environmental Health and Safety measures are included in the contracts for any civil works as indicated in the ESMF and also inclusion of the Code of Conduct (COC) on Sexual Exploitation and Abuse (SEA)-Gender-based Violence (GBV) or Violence Against Women and Girls (VAWG) on ALL contracts.

## 5. Information Gathered during the Interviews and Discussion with communities with the target villages

- **Representative from Amphay village** agree and supports the project because no negative impact among the community, however, suggested that design should consider the possible impact on the environment and must have a strict rules during construction management.
- **Representative of Muen Na Village:** Supports and agree on the proposed construction for an erosion protection on the river bank from Ah Phay to MurnNa villages (old bridge) similar to the completed river protection in Phanluang village which is opposite the MurnNa village.
- **Representative of Phanluang village:** Support and agree with other proposed villages, but would like to propose a project demarcation plan to be prepared since it is along the river bank . Also proposed an additional construction of erosion control in the area in front of Wat Phon Sa Aat temple to the estuary of Houay Kang since there were occurrence of erosion in the past.
- **Representative of Xiengthong village:** Supports the project however, proposed to construct from the river banks down Wat Xieng Thong (along the Mekong river) because many erosion cases in the area.
- **Representative of Wat Luang :** Villagers agree and supports the project with the construction of the floodgate.
- **Representation of Wat Luang village: Villagers agree and support the Project, however** proposed for an additional construction of erosion river bank in the estuary of Huayhope. In the past, many cases of erosion at the zone of Wat Phabaat area particularly in the houses of the villagers down to the river.

## 6. Comments of participants from the Women's Union in the villages involved in the project

- The Lao Women's Union of Luang Prabang capital was unaware of the disaster risk management project, however, with the consultation meeting

and disclosure of the Project, they expressed their support and willingness to participate and involve during project implementation.

- The LWU raised also the main problem in the Luang Prabang town is the dumping of waste and urban wastewater and the flood problems every year
- The LWU appreciate that the government plan for the construction of river bank protection, water pollution control, and improvement of the river view which would serve as a trading point for people living along the banks of the Khan River and the Mekong River.

## **7. Next Steps and Suggestions**

- To conduct data collection of river banks land to support the additional project.
- Village leaders and participants to continue with the dissemination of the project to their respective villages and community
- Disclosure of the Safeguard Documents at the World Bank website and MPWT website
- Translation of the Safeguard documents into the Lao language
- Distribution of the Safeguard Documents (English and Lao version) to the stakeholders in the Province
- Involvement of Lao Front for National Development (LFND) and Lao Women's Union during project implementation of LDRM AF Project

Attachment A: Signed Attendance Sheet or Registration Form

Attachment B: Photos



LAO PEOPLE'S DEMOCRATIC REPUBLIC  
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

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Ministry of Public Work and Transport  
Provincial Department of Public and Transport

## **Minutes of Consultation Meetings and Disclosure**

On the Safeguard Documents for the Lao PDR Disaster Risk Management Project:  
Additional Financing  
Borikhamxay Province , August 20-21, 2019

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would be applied in order to minimize, if unavoidable, adverse environmental and social impacts of LDRM AF Project supported subprojects and activities. It also ensures that environmental and social issues are duly evaluated in decision-making, planning, implementation and monitoring and evaluation. The framework is also to reduce and manage possible risks arising from the project and provides a mechanism for consultation and disclosure of information among various stakeholders.

It was also emphasized that the legal framework of Lao PDR and the World Bank constitutes the safeguard policies of the LDRM AF Project being implemented by the Ministry of Public Works and Transport (MPWT).

The Project team explained that the objectives of the LDRM AF Project ESMF are: (a) to discuss and review with various stakeholders adequate guidance for effectively addressing social safeguard design and implementation of LDRM AF Project subprojects; (b) for LDRM AF Project to adopt a community-participatory approach in developing and implementing subprojects by encouraging participation among target communities and affected persons; (c) to improve appraisal and safeguard compliance for the duration of the project; and (d) to protect and support indigenous/ethnic groups or vulnerable groups; minimize displacement of people; and ensure compensation of affected persons where involuntary resettlement is unavoidable.

In addition, the Project team also presented the Ethnic Groups Engagement Framework (EGEF) and the Resettlement Policy Framework (RPF) under the LDRM AF Project.

A total of 44 participants and women 10 project staff, departments and relevance offices involved with five women attended. Day 2 a total of 25 participants and 16 women in the villages in the project area.

### **3. Topics and Discussion:**

- Presentation of the Project Objectives and goals of the LDRM Project: AF
- Presentation of the Environmental and Social Management Framework (ESMF) and budgetary requirement
- Presentation of the Resettlement and Policy framework (RPF)
  - + The team conducted initial survey of the affected people for the proposed project
  - + Develop a resettlement map and compensation with budget
    - Set unit price
    - Generate replacement data for each family
    - Procedures and methods of compensation
    - Proposal and resolution of complaints
    - Establishment of committees in the village, district, provincial, and central
- Presentation of the Ethnic Group Engagement Framework (EGEF)
- Discussion on the Compensation, relocation and livelihood restoration based on the EMSF for the LDRM AF Project for affected households and vulnerable groups
- Discussed possible occupation or job opportunities in the community during project implementation

- Discussed the extent of information acquired by the participants regarding the objective of the project prior to the consultation meetings and its source of information
- Discussed the Lao Women's Union involvement and participation on similar projects. If yes, their role and responsibilities during project implementation Discussed positive and negative environmental and social impact of the proposed project and concerns and issues of the stakeholders and affected households
- Discussed issues and concerns of the ethnic group and proposed mitigating measures

#### 4. Results of Discussions during **the consultation meetings**

- The representative of the Lao Women's Union from Paksan district expressed their support for the Project due to its positive impact to the target village and community in order to prevent flooding
- According to most of the participants, the proposed floodgate will have a long-term benefit to prevent damages to their properties and lands.
- Some of the representatives raised also concerns about the previous projects implemented in their province because there were no grievance set-up or established and communities were not aware of the previous projects
- The participants requested that the Project should provide more details on the establishment and membership of a Resettlement or Compensation committee and Grievance Committee from the government institutions involved in the relocation and compensation work, wherein the community may also be involved and participate during implementation and monitoring and assist in the resolution for any issues and concerns that may be encountered the project.
- The Provincial Lao Women's Union who were involved in the ADB's project and member of the Project's Provincial Steering Committee commented that the project should immersed deeper in the grassroots in order to gather a more realistic information on the status of the relocation or other compensations required by the Project
- The women participants also requested that the Project should provide alternative livelihood or other job opportunities to women in case they will be affected by the project implementation
- Representatives from the Paksan Urban Development office requested a budget for allowance or cost for expenditure for the staff involved in the implementation of the Project, particularly for those involve in the resolution of possible grievances from the community.
- The participants were informed that compensation for relocation, acquisition of land and other assets will be based on current market value and any no construction will be done in the protected area
- The Chief of the district office in Pakxan agreed and supported that protection of the riverbank require budget for its construction and renovation

- Some of the participants suggested that the Project must also consider construction of a relief center or temporary relocation during flooding or any disaster in the province
- The Project team highlighted the process of engaging potential project affected people (PAP) comprised of, among others, ethnic groups, and the process of free, prior and informed consent (FPIC), in development and implementation of sub-projects
- All the participants raised their hands expressing support to the proposed LDRM AF Project because it would benefit their Province and communities always affected by flooding. The participants are now fully aware that the Project has safeguard documents that would protect the community from possible negative environmental and social impacts that may cause by the project implementation and a grievance mechanism will be established from village level upto the National level.

#### **4.1. Information Gathered during the Interviews and Discussion with communities with the target villages**

- The participants from the villages were not aware of the LDRM- AF Project of the World Bank but appreciated that the team conducted the consultation meeting before any implementation or construction.
- Most of the interviewed members of the communities agreed for a 100% protection of from flooding by rehabilitation or construction of floodgates in Pakpeung village
- The flooding in most of the areas took about two months for the water to subside. Many productive lands, crops and even livestock are always affected that caused damages to the communities
- The interview also learned that all existing floodgates and its surroundings are most public-owned land. Based on the observation of some of the individual interviewed, the existing floodgates are small and no system to close and open the gates. These existing gates needs improvement or rehabilitation and only three gates are inadequate to block water and three additional gates are required in Houay Nam Melook, Houay Nam song Melook and Houay NangNy.
- **Based on the randome interviews and transect walks done by the Project team, the following were observed:**
  - **Representative of Phonsi village:** This village is located on the banks of the Mekong River. It is a small village that always been affected by flooding during heavy rains. The Namsan flooding has affected to the Houay Nei River which had affected 150 families in 2018.
  - **Pakxanh Nuea Village:** Although, this village is not affected by flooding, the provincial government has instruction thru a signing of agreement with the villagers that huts (house) and shops are not allowed to be constructed near the riverbanks
  - Observed that some villagers have fish cages along the Mekong river

- **Nonsa at village:** Suggested that a system must be set-up by the government for opening and closing of the gates during heavy rains.

#### **4.2. Comments of participants from the Women's Union in the villages involved in the project**

- Proposed to conduct vocational training on livestock and agriculture for flood-affected people
- Suggested that representative from Lao Women's Union participate and involve in the monitoring and assist in the resolution of any grievance from the villagers.

#### **5. Next Steps and Suggestions**

- To conduct data collection of river banks land to support the additional project.
- Village leaders and participants to continue with the dissemination of the project to their respective villages and community
- Disclosure of the Safeguard Documents at the World Bank website and MPWT website
- Translation of the Safeguard documents into the Lao language
- Distribution of the Safeguard Documents (English and Lao version) to the stakeholders in the Province
- Involvement of Lao Front for National Development (LFND) and Lao Women's Union during project implementation of LDRM AF Project

Attachment A: Signed Attendance Sheet or Registration Form

Attachment B: Photos