

# Ethnic Group Development and Resettlement Plan

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

Vientiane Province:  
Keang Yui Waterfall Access Improvements  
Western Loop Rural Access Road and Bridge Improvements

Prepared by the Ministry of Information, Culture and Tourism for the Asian Development Bank.

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## CURRENCY EQUIVALENTS

(as of 30 June 2020)

1 USD = 9000 LAK

## WEIGHTS AND MEASURES

km	kilometer
kg	kilogram
ha	hectare
m <sup>2</sup>	square meter

In this report, "\$" refers to US dollars

## ABBREVIATIONS

ADB	Asian Development Bank
AHs	Affected Households
APs	Affected Persons
ASEAN	Association of Southeast Asian Nations
CLV	Cambodia, Lao PDR, Viet Nam
TCG	Community Tourism Group
DBST	Double Bituminous Surface Treatment
DD	Detailed Design
DICT	Department of Information, Culture and Tourism
DMF	Design Measurement Framework
DMS	Detailed Measurement Survey
DOF	Department of Finance
DPWT	Department of Public Works and Transport
DPI	Department of Planning and Investment
DONRE	Department of Natural Resources and Environment
DRC	District Resettlement Committee
EA	Executing Agency
EMA	External Monitoring Agency
EM	Ethnic Minority
EMP	Environmental Management Plan
GAP	Gender Action Plan
HH	Households
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
IPP	Indigenous Peoples Plan
IOL	Inventory of Losses
LAK	Lao Kip
Lao PDR	Lao Peoples Democratic Republic
LFNC	Lao Front for National Construction
LWU	Lao Women's Union
MICT	Ministry of Information, Culture and Tourism
MPI	Ministry of Planning and Investment
MONRE	Ministry of Natural Resources and Environment

MPWT	Ministry of Public Works and Transport
NPSC	National Project Steering Committee
NTP	Notice-to-Proceed
OICT	Office of Information, Culture and Tourism
O&M	Operation and Maintenance
OWPT	Office of Public Works and Transport
PCU	Project Coordination Unit
PIU	Project Implementation Unit
PIC	Project Implementation Consultant
PPMS	Project Performance Monitoring System
PPSC	Provincial Project Steering Committee
PPTA	Project Preparation Technical Assistance
PRC	Provincial Resettlement Committee
RCS	Replacement Cost Survey
RP	Resettlement Plan
SERD	Southeast Asian Regional Department
SES	Socioeconomic Survey
SPS	Safeguard Policy Statement
STI	Sexually-transmitted Infections
TDD	Tourism Development Department
UDAA	Urban Development Administration Agency
USD	United States Dollar
VRC	Village Resettlement Committee

## **GLOSSARY**

- Affected Person (AP) - Means any person, household, firm or private institution who, on account of changes resulting from the project, or any of its phases or subprojects, will have its (i) standard of living adversely affected; (ii) right, title or interest in any house, land (including residential, commercial, agricultural, forest, salt mining and/or grazing land), water resources or any other moveable or fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence or habitat adversely affected, with or without displacement.
- Detailed Measurement Survey (DMS) - With the aid of the approved detailed engineering design, this activity involves the finalization and/or validation of the results of the inventory of losses (IOL), severity of impacts, and list of APs earlier done during EGDRP preparation. The final cost of resettlement can be determined following completion of the DMS.
- Cut-off date - This refers to the date prior to which the occupation or use of land in the project area makes residents/users of the same eligible to be categorized as AP.
- Entitlement - Refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. which are due to the APs, depending on the type and severity of their losses, to restore their economic and social base.
- Host community - Means the community already in residence at a proposed resettlement or relocation site.
- Income Restoration - This is the re-establishment of sources of income and livelihood of the affected households.
- Inventory of Losses (IOL) - This is the process where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the project right-of-way (project area) are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of APs will be determined.
- Land Acquisition - Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the

ownership and possession of that agency for public purposes in return for compensation at replacement costs.

- Rehabilitation - This refers to additional support provided to APs losing productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, to achieve, at a minimum, full restoration of living standards and quality of life.
- Relocation - This is the physical relocation of an AP from her/his pre-project place of residence and/or business.
- Replacement Cost - The amount needed to replace an affected asset net of transaction costs such as administrative charges, taxes, registration and titling costs.
- Replacement Cost Study - This refers to the process involved in determining replacement costs of affected assets based on empirical data.
- Resettlement - This includes all measures taken to mitigate all adverse impacts of a projection AP property and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation as needed.
- Resettlement Plan (RP) - This is a time-bound action plan with budget setting out compensation and resettlement strategies, objectives, entitlement, actions, responsibilities, monitoring and evaluation.
- Severely Affected households - This refers to affected households who will (i) lose 10% or more of their total productive land and/or assets, (ii) must relocate; and/or (iii) lose 10% or more of their total income sources due to the project.
- Vulnerable Groups - These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) female headed households with dependents, (ii) disabled household heads, (iii) households falling under the generally accepted indicator for poverty, (iv) children and the elderly households who are landless and with no other means of support, and (v) landless households, and (vi) indigenous people or ethnic minorities.

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## **EXECUTIVE SUMMARY**

The project is expected to improve urban-rural transport infrastructure, urban environmental services, strengthen capacity to implement regional tourism standards, and strengthen tourism destination management in the Lao People's Democratic Republic (Lao PDR). It will help transform secondary towns in the Greater Mekong Subregion (GMS) economic corridors into green, inclusive and competitive international tourism nodes to boost trade in services and deepen market linkages between members of the GMS and Association of Southeast Asian Nations (ASEAN). The project will build on the ongoing GMS Tourism Infrastructure for Inclusive Growth Project, implemented in Lao PDR.

This Resettlement Plan is based on a Detailed Measurement Survey and Inventory of Losses assessment of the resettlement impacts conducted during the detailed engineering design stage in the period April-June 2020. The resettlement impacts in the subprojects are ADB category B. Category A involuntary resettlement categorized subprojects are not eligible for financing under this project.

This report covers two subprojects including "Kaeng Yui Waterfall Access Improvements" subproject (V2), and "Western Loop Rural Access Road and Bridge Improvements" subproject" (V3).

The Kaeng Yui Waterfall Access Improvements will include the upgrading of a 6km road with concrete paving, with accompanied appropriate drainage structures, and an overflow 450 m<sup>2</sup> parking lot, the levelling and paving of the existing 875m<sup>2</sup> parking area. It includes the upgrading of the market area/ a new tourism center, and a footpath and viewing platforms along the stream and waterfalls. The road is designed to stay within the present alignment, and the planned parking lot is on community land which has already been designated as a parking lot. Compensation will be provided to the Naduong village Tourism Community Group for disturbance during the construction.

The Western Loop Rural Access Road and Bridge Improvements will (i) upgrade the 26 km "Western Loop Road" to DBST paving, with 6m carriageway and drainage in village areas. This part of the subproject is within the existing ROW and there is no anticipated land acquisition; (ii) construct a new 2-lane 80m concrete road bridge across the Xong River south of town, with a 2 km road connecting Vang Vieng town with the new bridge and on the western side of Xong River through Huay Yae village to the Western Loop Road.

The Affected Households are located along a 240m stretch on the East side of the Nam Xong river along the existing road to the new bridge. This section does not have previous access, is undeveloped and partially owned by the government, but because of the width and alignment of the new road additional land acquisition will be required from three land title holders.

On the Western side of the Xong River the road will follow a new alignment across a banana farm, partially crossing a rice field and a plot prepared for construction before reaching the village gravel road in Huay Yae village. The new alignment is about 250m, while the upgrading of the gravel village road will be about 300m.

In all, there will be a total land acquisition of 4,290m<sup>2</sup> comprising 3,167m<sup>2</sup> of "construction land" (9 AHs) and 1,017m<sup>2</sup> Agricultural Land (1 AH), and 105m<sup>2</sup> of Garden Land field (1 AH). None are severely affected.



A grievance redress mechanism forms an integral part of this EGDRP which is aimed at providing a mechanism for all APs/AHs to articulate their issues and grievances on any decisions or issues shared with them about such topics as compensation price/values of affected assets, relocation requirements, and delays in compensation payments amongst others.

Meaningful consultations have been carried out with the affected communities and details of these are included in section 3

Costs of compensation for the construction land is 663,174,000 LAK (\$73,686) and for the agricultural land 20,352,200 LAK (\$2,261) which will be given as compensation to the landowners. The costs for the loss of the 25 banana trees are 3,750,000 LAK (\$416.67). And the costs for updating and replacing new land titles will be 55,000,000 LAK (\$6,111,11). In addition, the community and the Keang Yui TCG will receive a disruption allowance for the lease fee from the use of waterfall site, and the entry charges to the site for the two year construction period, totaling 39,200,000 LAK (\$4,355).

#### **Indicative Costs of Resettlement Impacts and Compensation – Keang Yui (V2)**

Type of Land	Category	Unit Cost in LAK	Period	Compensation in LAK	Compensation in US \$*
TCG lease fee	Annual fee for two years	10,000,000	2	20,000,000	2,222
Entrance fee**	Monthly for two years	800,000	24	19,200,000	2,133
<b>Sub-Total</b>				<b>39,200,000</b>	<b>4,355</b>

\* 1 US\$ = 9,000 LAK at 30 June 2020

\*\* Based on monthly average from pre-COVID-19

#### **Indicative Costs of Resettlement Impacts and Compensation - Western Loop (V3)**

Type of Land	Category	Unit Cost in LAK	m2	Compensation in LAK	Compensation in US \$*
Agricultural Land	Not adjacent to Road	20,000	1,017.61	20,352,200	2,261
Construction Land	Adjacent to Access Road	300,000	297.06	89,118,000	9,902
Construction Land	Not adjacent to Road	200,000	2,870.28	574,056,000	63,784
Garden Land	Adjacent to Access Road	25,000	104.88	2,622,000	291
Land Title Renewal		5,000,000		55,000,000	6,111
Fruit Trees	25 Banana trees	150,000		3,750,000	417
<b>Sub-Total</b>				<b>744,898,200</b>	<b>82,766</b>

\* 1 US\$ = 9,000 LAK at 30 June 2020

The total indicative cost of resettlement impacts compensation for the subproject is \$87,121. During July 2020, it was agreed that the funds for this would be sourced from the grant proceeds of the project. A detailed breakdown of the costs is indicated in the table above.

## I. PROJECT DESCRIPTION

1. The project is expected to improve urban-rural transport infrastructure, urban environmental services, strengthen capacity to implement regional tourism standards, and strengthen tourism destination management in the Lao People's Democratic Republic (Lao PDR). It will help transform secondary towns in the Greater Mekong Subregion (GMS) economic corridors into green, inclusive and competitive international tourism nodes to boost trade in services and deepen market linkages between members of the GMS and Association of Southeast Asian Nations (ASEAN). The project will build on the ongoing GMS Tourism Infrastructure for Inclusive Growth Project, implemented in Lao PDR.

2. This Ethnic Group Development Resettlement Plan (EGDRP) is an update of the RP prepared as part of the project PPTA, and has been prepared for the two of the three subprojects in Vang Vieng, namely the Keang Yui Waterfall Access Improvement, Western Loop Access Road and Bridge Improvement. The Detailed Measurement Survey and Inventory of Losses assessment of the resettlement impacts was conducted during the detailed engineering design stage in the period April-June 2020. The resettlement impacts in this subproject are deemed to be ADB category B.

**Figure 1: Vang Vieng Subprojects Overview**



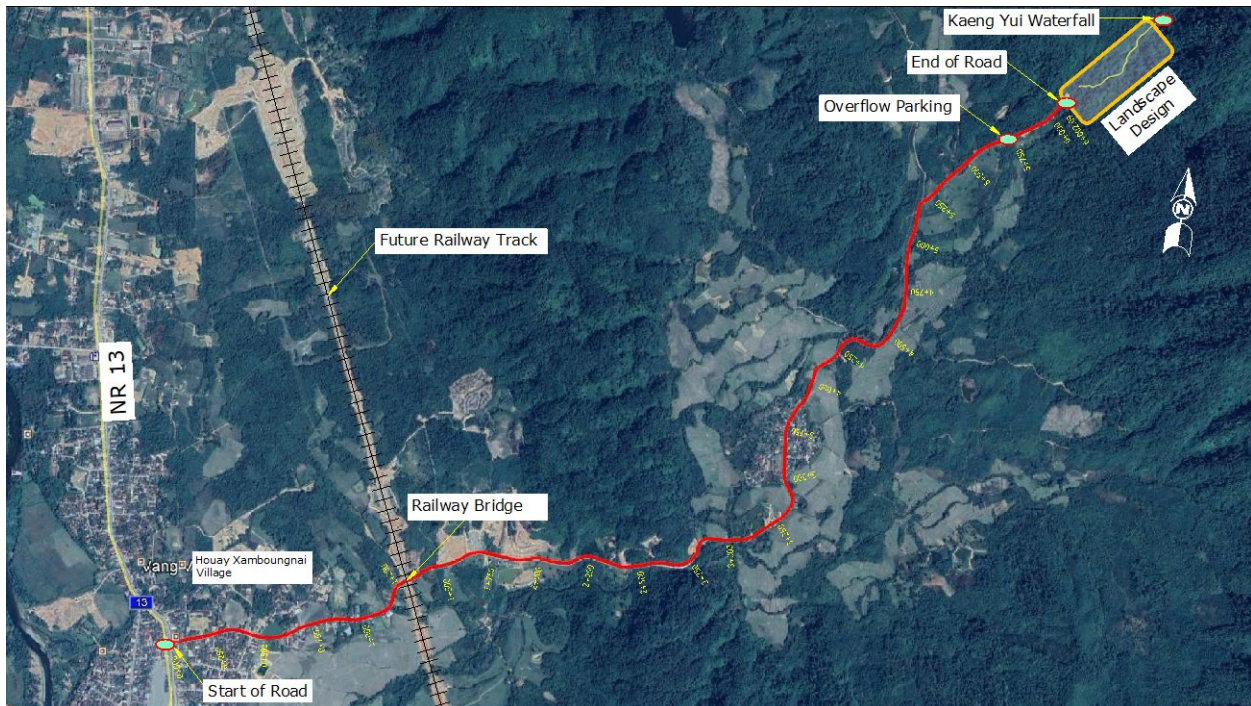
Source: PMCES DED, 2020

### A. Kaeng Yui Waterfall Access Improvement

The subproject will include the upgrading of a 6km road with concrete paving, with accompanied appropriate drainage structures, and an overflow 450 m<sup>2</sup> parking lot, the levelling and paving of the existing 875 m<sup>2</sup> parking area. It also includes the upgrading of the market area/ a new tourism center, and a footpath and viewing platforms along the stream and waterfalls. The road is designed to stay within the present alignment and the planned parking lot is on community

land which has already been designated for parking. No additional land will be required.

**Figure 2: Keang Yui Waterfall Subproject Overview**



Source: PMCES DED, 2020

3. Paving the access road to the waterfall will be in the existing alignment of 5,5m for its full length. From the main road to Nadouang, the access road will pass some businesses in Ban Phonpheng. As the shops and houses are set back far from the road, no business disruption has been anticipated. During construction of the concrete road, the right and left lane will be laid separately so that traffic can continue in one lane. During the DMS it was confirmed that the width of the road would fit within the present road alignment and therefore no land acquisition is required.

4. An additional due diligence mission was carried out by an ADB staff consultant to confirm the assessment that the present road alignment is wide enough to accommodate the upgrading of the road. Discussions was carried out with villagers in the Nadouang village to confirm the ownership status of properties along the road. Land certificates were issued in 2000, and land titles and “property corner stones” in 2016 by district authorities. It was confirmed that property boundaries do not overlap with the present road and therefore will not be affected by the planned road improvements.

**Figure 3: Keang Yui Road - "Narrow Sections"**



Source: PMCES, 2020

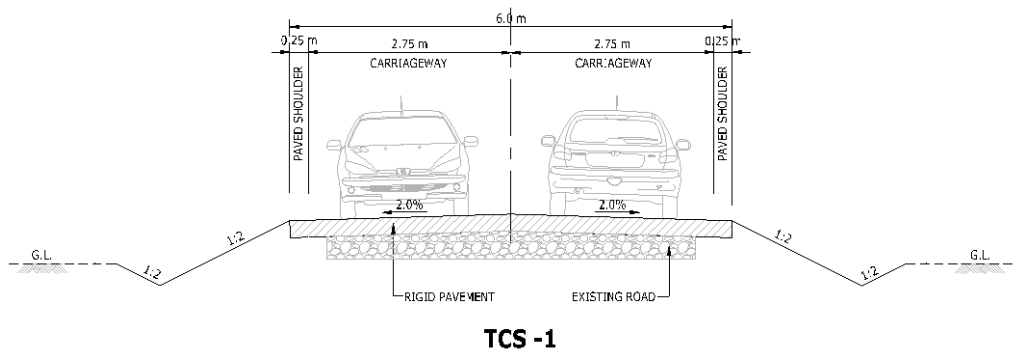
**Figure 4: Keang Yui Road - "Normal Sections"**



Source: PMCES, 2020

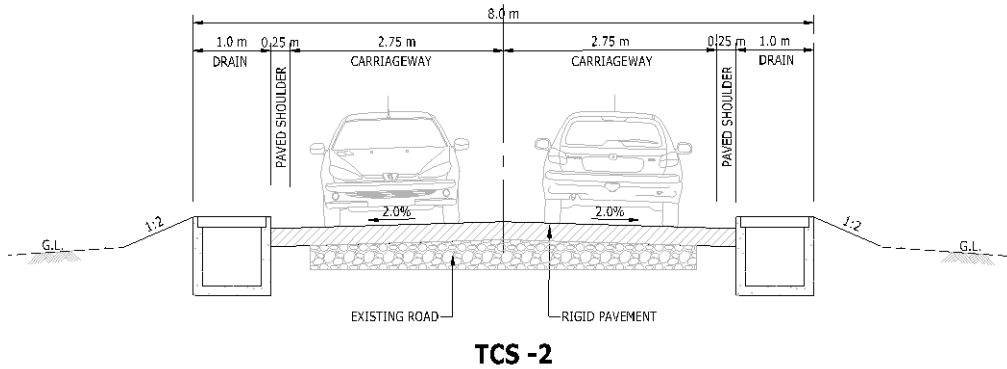
5. Along the 6km road there are however a couple of passages which are relatively narrow, and where extra precautions need to be considered during the construction. In cases where construction machines require more space for compaction or preparing drains, fences will be moved and reinstated at the exact same location. Provision for this process is included in the bidding documents.

**Figure 5: Typical Cross Section (Rural)**



Source: PMCES DED, 2020

**Figure 6: Typical Cross Section (Village)**

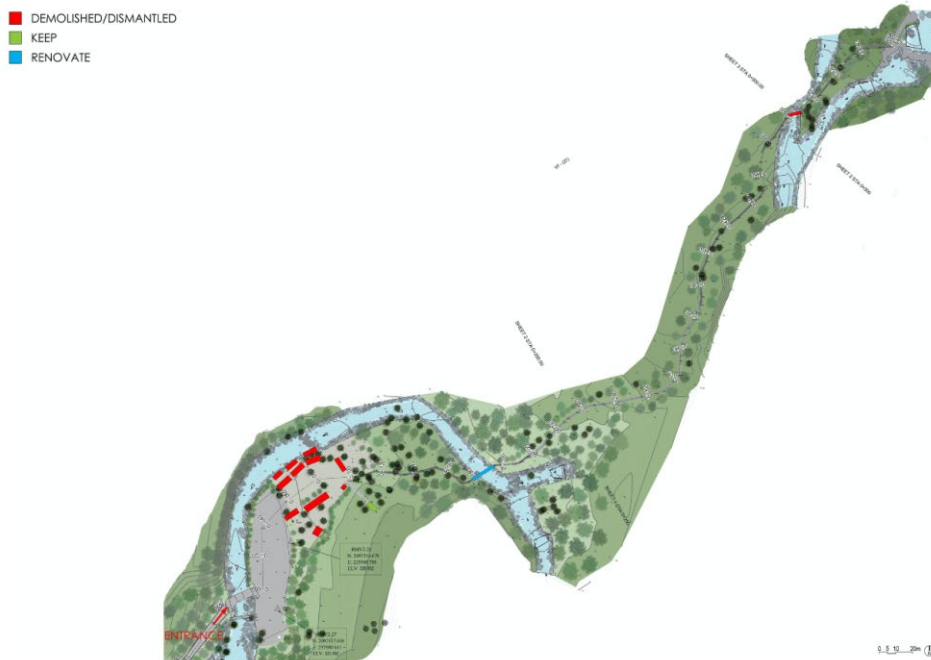


Source: PMCES DED, 2020

6. The project will in addition to upgrading the road also improve the market area and access to the waterfalls. Improving structures, surfacing and drainage at the waterfall market area will not require land acquisition since the land belongs to the District, and as the vendor's facilities are mobile and set up daily.

7. The vendors would be able to set up in another area during the period when surfacing and drainage work is done. As there are no residential structures or permanent structures used for business affected, no relocation is necessary.

**Figure 7: Keang Yui Landscaping Component - Market and Waterfall Access**



Source: PMCES DED, 2020

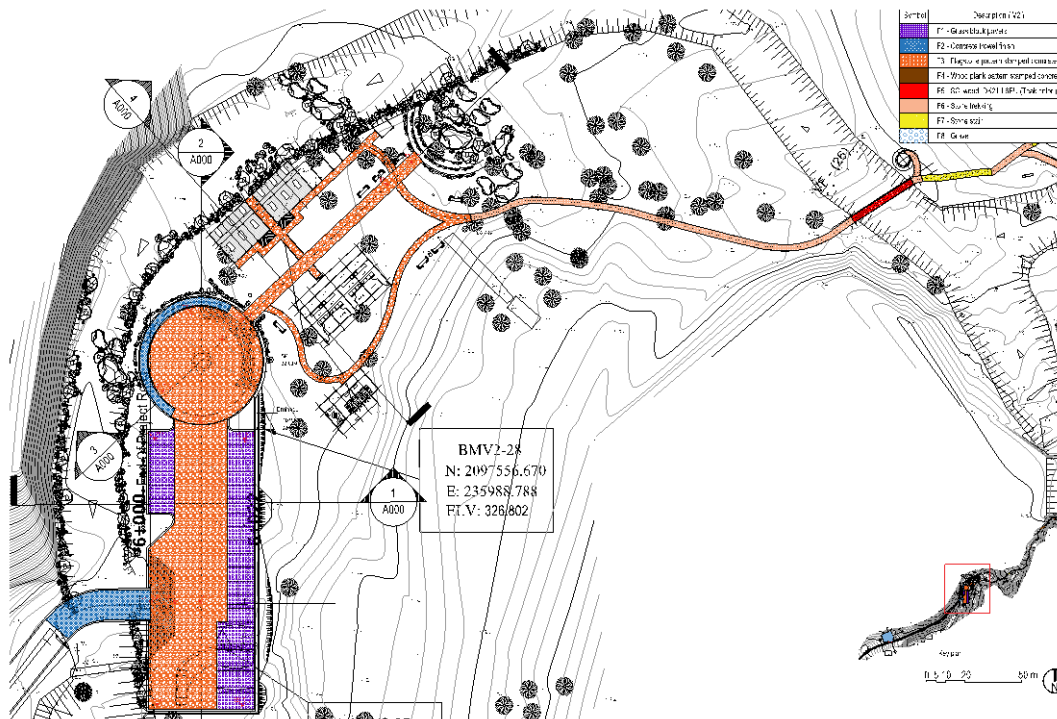
8. The 300m walking tracks, which will include rehabilitation of steps, one small suspension bridge and two concrete bridges, a viewpoint over the waterfall and signage is all on land used

for the existing facilities at the waterfall area. Although access to the waterfall will be kept open during the construction of these components, there may be periods where access to some areas may be limited. This is however not expected to affect the income of the community group operating the site.

9. The construction process is defined in the bidding documents to guarantee that it is possible for the Tourism Community Group (TCG) to continue their activities also during the construction:

- The upgrading of the concrete road will be completed separately for each side, ensuring that there is always access to the main site. There is also a village along the road and access will be maintained.
- The main parking area and the footpath, viewpoints and walking bridges, will be under construction at the same time as the upgrading of the road. This way visitors will maintain access to the main market site and the stream, while also being able to reach the waterfalls.
- While the main market area is upgraded, the TCG vendors would be moved to a temporary location for selling their food/ goods at the “circle” on the newly upgraded parking lot.

**Figure 8: Layout of Parking and Main "Market" Area**



Source: PMCES DED, 2020

10. The waterfall site is managed by a Community Tourism Group from the Nadouang village, which is receiving support by the project under Output 2 and 3. The management of the site is carried out on a rotational basis among villages, where 12 families are given a one year “contract” to sell drinks and food stuff at the market site. The yearly fee the families have to pay to the village is 10Million LAK, which is shared among the 12 families. Since there are only 4 selling stations, these are distributed to three families each to rotate the staffing of the one table selling grilled snacks, dry goods and drinks.

11. Based on consultations with local communities due to the COVID-19 pandemic and imposed travel restrictions, which have brought most tourist activities in Vang Vieng to a halt, the revenue from the Keang Yui site has been very limited. During parts of the year when visitors have been limited the sellers on the rotation have put up their stands at the village school to sell snacks to the children.

12. The initial phase of the operation of the Keang Yui Waterfall site (2010-2016) saw most visitors and benefits for the sellers. One of the ladies selling at the site, anecdotally told that she could earn over 100 Million LAK (11,000 USD) a year with which she bought a car for her children and built a house. The village head who also keeps track of the progress of the TCG tells that for the merchandise, during 2010-2016, from June to September (the 4 months which is considered the high season), the sellers could have a revenue of as much as 1 million a day as average with a profit 200,000 kip a day. The numbers during the period 2017-2019, saw a steep reduction of visitors, daily revenue was reduced to 400,000-500,000 LAK. During the 2020 COVID-19 pandemic this has reduced still further.

13. To maintain the site the following arrangements are also in place and paid for by the managing families: a) availability of at least one tour guide at least; b) 3 security volunteers who are inspecting the site at least once a month; c) cleaning of the at a cost of 35,000 LAK/day; d) 2 people for the entrance ticket selling. These are on rotation from within the whole village and receive a daily wage of 30,000 LAK/ day. The entrance tickets (10,000 LAK/ person) generate a monthly revenue of 600,000 during low season (pre-COVID-19) to 1,200,000 LAK/ month during high season. This does not go to the TCG, but to the village, where 40% goes into the village development fund, and the 60% is divided equally among the 157 households.

**Table 1: Revenue and Profit from Waterfall Site Sales**

Category	Lease fee (month)	Revenue (month)	Costs (month)	Cleaning (month)	Profit (month)	Profit*** (household)
High Season*	833,000	25,000,000	18,125,000	1,050,000	4,992,000	1,664,000
Low Season**	833,000	10,000,000	7,250,000	1,050,000	177,000	59,000
Full Year	10,000,000	180,000,000	130,500,000	12,600,000	21,384,000	7,128,000
Average month	833,000	15,000,000	10,875,000	1,050,000	1,782,000	594,000

Source: PMCES, 2020

\* The high season (June to September) based on the 2017-2019 period

\*\* The low season (October to May) based on the 2017-2019 period.

\*\*\* Considering that there are four sellers at the time representing 12 households on the annual rotation.

14. There is no relocation of houses or businesses, therefore no land acquisition is envisaged along the access road. Due to the current low level of business due to the Covid-19 pandemic it has been difficult to assess potential impacts. To ensure that the current fragile situation does not worsen for the village, subsidy of rental and facilities has been agreed for the first two years of the project. The screening form for resettlement is in Annex 11. Most vendors at the site from the Nadouang community belong to the Khmu ethnic groups. It is hoped that the road improvement and other tourism related activities are completed there a potential for re-establishing tourism income at the site.

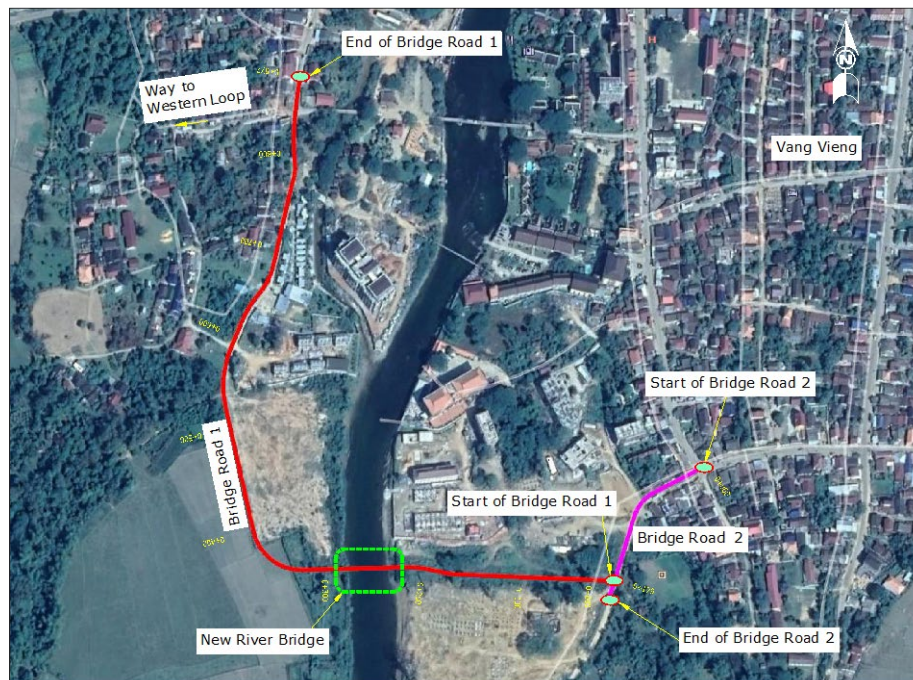
## **B. Western Loop Access Road and Bridge Improvement**

15. The subproject starts on the Vang Vieng Town side of the Xong River with an approach road to the new bridge, and includes a 26-km scenic loop road with karst mountains, caves, rivers and natural springs. Tourist arrivals are rising, but only at the two sites closest to town. In 2016, arrivals totaled about 80,000 and this is forecasted to reach 130,000 in 2026. Growth is constrained by general urban livability, unsurfaced roads, poor drainage, insufficient lighting and lack of proper bridge access to the western side of the Xong River.

16. The subproject will (i) upgrade the 26 km “Western Loop Road” to DBST paving, with 6m carriageway and drainage in village areas; (ii) construct a new 2-lane 80m concrete road bridge across the Xong River south of town, and upgrade approximately 500m road through Huay Yae village connecting it to the upgraded old bridge (now only for walking, cyclists and motorbikes) and the new bridge to the Western Loop Road. The subproject will benefit about 9,500 people living in 11 villages alongside the road on the western side of the Xong River, and relieve urban congestion for 16,300 urban residents in Vang Vieng and visitors, and providing enhanced accessibility of residents and visitors alike, and improving the potential of tourism linked income generating activities.

17. The road will be connecting Vang Vieng town with the new bridge and on the western side of Xong River through Huay Yae village to the Western Loop Road. On the Eastern side of the Xong River, there will be a new alignment through a partially government owned access corridor to the new bridge. Part of the road follows an existing unpaved road through Huay Yae village. The alignment from the bridge to the connection with the paved road in Huay Yae village has been selected to minimize potential impacts on people owning land, while providing access to local businesses (hotels, guesthouses, restaurants, etc.).

**Figure 9: Western Loop Road - Bridge Section**



Source: PMCES DED, 2020





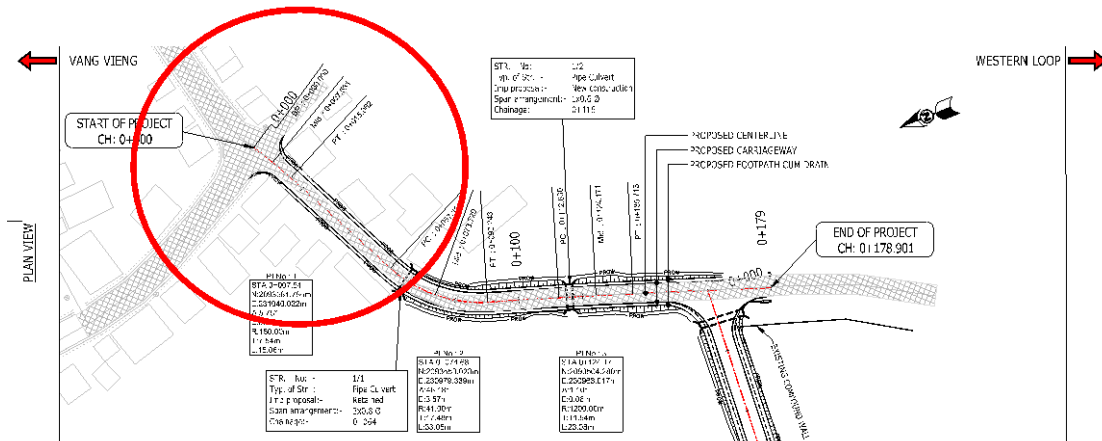
Figure 11: Measurement of Bridge Approach Road – Western Side



Source: PMCES, 2020

20. The upgrading of the section on the Vang Vieng Town side (Bridge Road 2), was during the PPTA and the original RP considered a critical section where land acquisition would be required (red circle in Figure 12). It has a narrow intersection with Road Section B under Vang Vieng Renewal subproject (Separate contract package and Resettlement Plan), however it has been confirmed that the available corridor can accommodate the upgraded road including provision of road-side drains and footpaths.

Figure 12: Plan of "Bridge Road 2"



Source: PMCES DED, 2020

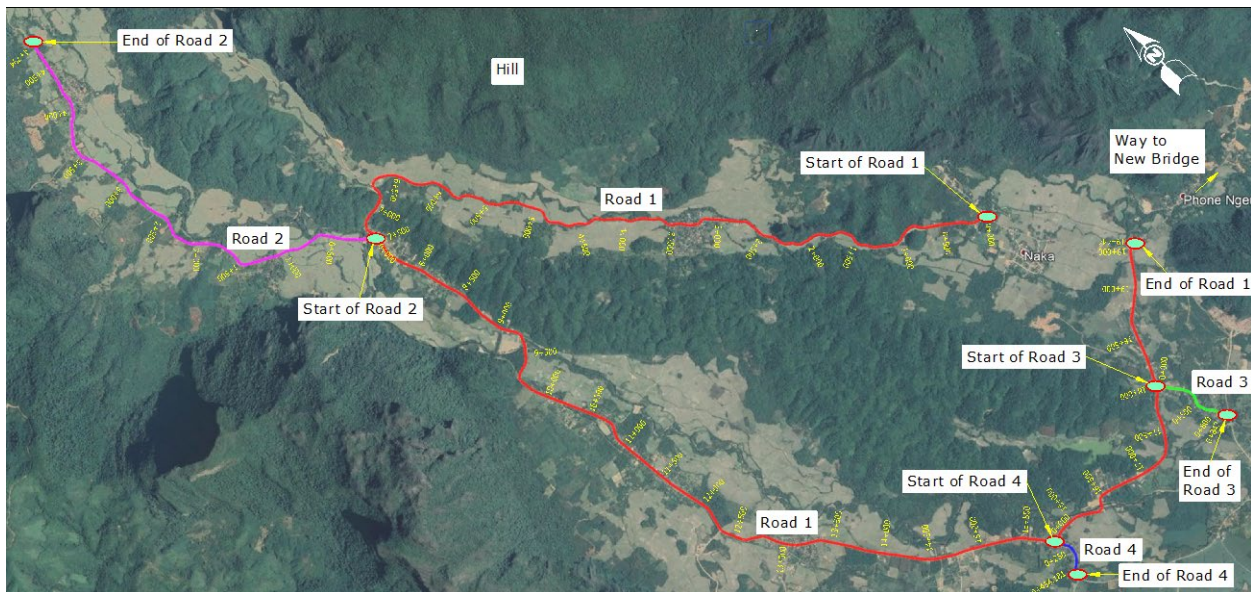
Figure 13: Measurement of Entry Passage



Source: PMCES, 2020

21. The Western Loop Road (See figure 13 below, Road 1-4) is designed to follow the existing alignment and no land acquisition or prolonged disturbance is foreseen. The road will be upgraded section by section and guarantee continuous access to the 11 villages along the road as well to the touristic sites. Since the road is a circle, access from either direction can always be maintained in case temporary closure (replacement of culverts or causeways) will be required.

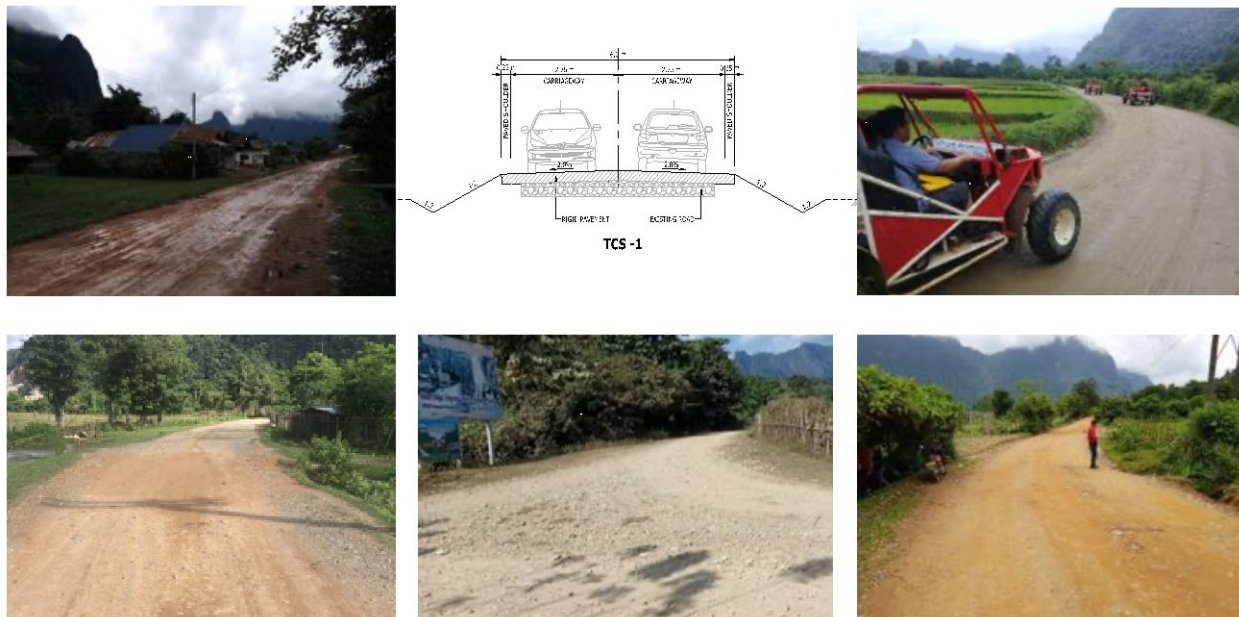
Figure 14: Western Loop Road Overview



Source: PMCES DED, 2020

22. The typical cross sections have been designed to differ between rural (non-built up areas) and village (built up areas), to accommodate limited space within villages, while also improving the sanitary and environmental conditions introducing covered U-drains. Training on operation and maintenance will be imparted under the project (Output 3) to ensure that villagers follow basic maintenance protocols for the drains.

Figure 15: Typical Cross Section and Present Condition - Rural



Source: PMCES DED, 2020

Figure 16: Typical Cross Section and Present Condition - Village



Source: PMCES DED, 2020

## II. SOCIOECONOMIC PROFILE

23. Vientiane Province, where the subproject is located, is north of Vientiane Capital. Its total area is 15,927 square kilometers and its total population in 2015 was 419,090 people.<sup>1</sup>

<sup>1</sup> Lao Expenditure and Consumption Survey 2012/13 (LECS 5). Vientiane.

24. Lao PDR covers a surface of 236,800 square km (ADB Basic Statistics 2017). Lao PDR's population was estimated at 6.8 million in 2016.<sup>2</sup> Most people live in valleys of the Mekong River and its tributaries. Vientiane Province where the 5 subprojects under project are located is situated northwest of the country. Its total area is 15,927 square kilometers and its total population in 2015 was 419,090 people, projected with an annual growth rate of 1.5% to be 451,479 in 2020.<sup>3</sup>

25. Vang Vieng where the subproject is located had a population of 12,411 households with 59,661 people in 2017, with a projection of a 1.5% annual growth rate to reach 62,386 in 2020. At the completion of the project (2024), the population in Vang Vieng could reach 66,214. With an average household size of 4.5, this suggests an increase of 1,465 households over the project period.

**Table 2: Vang Vieng Population Projections**

Population	Year				
	2020	2025	2030	2035	2040
Urban Vang Vieng	16,264	17,484	18,795	20,205	21,720
Rural Vang Vieng	45,864	49,304	53,002	56,977	61,250
<b>Total</b>	<b>62,128</b>	<b>66,788</b>	<b>71,797</b>	<b>77,181</b>	<b>82,970</b>

Source: Planning and Cooperation Office, 2020. Vang Vieng District

26. Vientiane Province's poverty rate is in the latest census (2015) reported to be 16.5%, whereas the rate in Vang Vieng Districts was 16.8%. However, most probably following the change in the government poverty criteria, the figure for 2020 would be considerably higher.

27. The latest poverty rate (2018/19) was 18.3%<sup>4</sup> while in 2013 which was when the last census done for Lao PDR was 24.8%<sup>5</sup>. Vientiane Province's poverty rate is 10.9%, was in 2013 while for the 2018/19 survey it was 5.3%. The poverty rate in Vang Vieng Districts was 16.8% in 2015.<sup>6</sup> The latest poverty rate for Lao PDR based on the Lao poverty threshold of 5,600,000 LAK per person per year, which means an average monthly income per person of 466,000 LAK/pp/month, compared to 120,000 LAK/pp/month for rural areas and 240,000 LAK/pp/month for urban areas which were the earlier limits,<sup>7</sup> which would see a larger share of people in poverty. Table 2 summarizes population, ethnicity and poverty rates.

**Table 3: Population and Ethnicity in Villages**

Sub-projects	Village	Women	Men	Total	HH	Average per HH	Total non-Tai-Kadai		Poverty
						Persons	HH	%	
Kaeng Yui Waterfall	Nadouang	446	433	879	187	4.80	104	56.66	4.92
	Vang Vieng	596	518	1,114	238	4.68	1	0.54	0.00
<b>Sub-Total</b>		1,042	951	1,993	421	4.73	0	0.00	2.14
Western	Nathong	386	397	783	135	5.80	25	18.26	0.00

<sup>2</sup> United Nations. 2017. *World Population Prospects: The 2017 Revision*. New York.

<sup>3</sup> *Lao Expenditure and Consumption Survey 2012/13 (LECS 5)*. Vientiane.

<sup>4</sup> Poverty in Lao PDR - Key findings from the Lao Expenditure and Consumption Survey, 2018-2019

<sup>5</sup> Lao PDR 2015 Census-Based Poverty Map – June 2016, WB

<sup>6</sup> *Lao Expenditure and Consumption Survey 2012/13 (LECS 5)*. Vientiane.

<sup>7</sup> Decree 348 (2017) On the Criteria for Poverty Graduation and Development, Lao PDR

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Sub-projects	Village	Women	Men	Total	HH	Average per HH	Total non-Tai-Kadai		Poverty
Loop Road and Bridge	Namouang	249	220	469	431	1.09	0	0.00	0.00
	Naxom	535	554	1,089	143	7.62	143	100.00	1.40
	Phonxay	396	375	771	165	4.67	85	51.49	4.85
	Nalongkouang	334	323	657	121	5.43	0	0.00	2.48
	Nakhoun	332	308	640	85	7.53	0	0.00	1.18
	Nampea	435	480	915	178	5.14	1	0.44	1.12
	Phounkham	498	540	1,038	135	7.69	91	67.05	1.48
	Naxay	101	292	393	137	2.87	25	18.07	3.65
	Phathong	328	311	639	69	9.26	0	0.00	0.00
	Phoungoun	242	276	518	158	3.28	158	100.00	1.27
<b>Sub-Total</b>		<b>3,836</b>	<b>4,076</b>	<b>7,912</b>	<b>1,757</b>	<b>4.50</b>	<b>527</b>	<b>29.98</b>	<b>1.42</b>
<b>Total Vang Vieng</b>		<b>9,632</b>	<b>9,544</b>	<b>19,176</b>	<b>3,989</b>	<b>4.81</b>	<b>695</b>	<b>17.42</b>	<b>2.03</b>

Source: District and Village Authorities, 25-26 September 2019

28. Vang Vieng District Authorities report non-Tai-Kadai ethnic groups make up 17.42% of all households, while the % of non-Tai-Kadai ethnic groups along roads on the two subprojects reach 29.98%. They are mainly from Hmong background with the Khmu as the second largest non-Tai-Kadai group. There are also some Taliang who belong to the Austro-Asiatic ethnic language group, as do the Khmu. The Lao are the majority within the main Tai-Kadai ethnic language group.

### III. PROJECT IMPACTS

#### A. Keang Yui Waterfall Access Improvement

29. The project's planned infrastructure and capacity development activities will positively impact local ethnic groups by improving physical access to services and markets, increasing jobs and income associated with tourism, which is an economic sector that some communities are already involved in. It is assumed the number of visitors to the Keang Yui waterfall will remain at a low level as long as international travel restrictions are imposed due to COVID-19, and it is possible that a further reduction is expected because of the disruptions due to the construction, although the construction is planned in stages, and that the intention is to keep the site open to visitors.

30. Upgrading the access roads and improving the management of the Keang Yui waterfall site will bring economic benefits to all members of the community as transport becomes more convenient for all, increasing the number of visitors, and improving management will also improve hygiene, environmental sanitation and business practices.

31. Although the upgrading of the roads to concrete surfacing and appropriate drainage structure to reduce flooding will take place within the existing road alignment and corridor, there are passages along the 6km road which are relatively narrow, and where extra precautions need to be considered during the construction. In cases where construction machines require more space for compaction or preparing drains, fences will be moved and reinstated at the exact same location. Provision for this process is included in the bidding documents. An additional due diligence mission was carried out by an ADB staff consultant to confirm the

assessment that the present road alignment is wide enough to accommodate the upgrading of the road.

32. Conditions in the subproject’s bidding documents have been included stating that members from the Nadouang Village should be given priority for labor tasks during construction. Although the operation modality of the upgraded site is yet to be confirmed, the intention is that there will be the additional income generation opportunities. To prepare the community members and others from the non-Tai-Kadai ethnic groups for the upgraded site, they will receive relevant, practical training (under the project’s Output 2) to ensure that they are not going to be disadvantaged coming future developments.

**B. Western Loop Access Improvement**

33. The Western Loop Rural Access Roads and Bridge Improvements subproject starts on the Eastern side of the Xong River, with a new alignment through part government owned access corridor, part privately owned non-developed land plots. This section is 240m, and has three (3) land title holders.

34. On the Western side of the Xong River the road will follow a new alignment across a banana farm, partially crossing a rice field and a plot prepared for construction before reaching the village gravel road in Huay Yae village. The new alignment is about 250m, while the upgrading of the gravel village road will be about 300m.

35. Therefore, the access road and approach to the new bridge crossing will require land acquisition totaling 4,290m<sup>2</sup> comprising 3,167m<sup>2</sup> of “construction land” (9 AHs) and 1,017m<sup>2</sup> Agricultural Land (1 AH), and 105 m<sup>2</sup> of Garden Land field (1 AH).

36. The cut-off date for the Western Loop subproject was 5 August, 2017, however the alignment was changed during the detailed engineering design, reducing the total number of affected households on the western side, while affected households on the eastern side, along the approach road to the bridge have been reduced, hence a second cut-off date for the “new” AHs has been set at the end of the IOL on June 24, 2020.

37. Of the 11 AH, only one is operating businesses from the affected properties, and although there are businesses along the alignment which will be upgraded in Huay Yae village, access will be ensured by the contractor during the construction and these are therefore not affected.

38. The alignment that will impact on HHs is highlighted in figure 1 below. This figure shows which areas are expected to be needed for making way for the construction of the road. For further details on AHs (incl. Value of Affected Structures, Breakdown of Compensation, Composition and Type of Affected Households) see Annex 1, and summary in Table 3 below.

**Table 4: Affected AH and Type of Land**

Subproject	Construction Land	Agricultural Land	Garden Land	East Side of River	West Side of River

Affected Households	9	1	1	3	8
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**Figure 17: Affected Households - Western Loop**



Source: IOL PMCES, 2020

39. Of the 11 AHs, only 4 AHs live there, and only one operates a business (a small shop which will not be directly affected, since it is located at a safe distance from the edge of the upgraded road). DMS has determined the exact loss of land of all affected households, so appropriate compensation for the acquired land can be calculated. For details on the DMS/IOL results see Annex 1.

40. The 11 AHs have a total of 60 persons (36 women) at the Huay Yae village, giving an average household size of 5.42 persons. All AHs are from the Tai-Kadai ethnic group. Among the 11 AHs, 3 are female headed, and are therefore considered vulnerable households

**Table 5: Overview of Vulnerable AHs – Western Loop (V3)**

Subproject	Total AH	Female (owned)	Non-Tai-Kadai group	Poor	Disabled HH members
Western Loop	11	3	0	0	0

Source: IOL PMCES, 2020

41. None of the households on the Western Loop Rural Access Roads and Bridge Improvements are considered severely affected since no one is required to relocate as a result of the project interventions.



**Table 6: Affected Persons – Type of Land, Purpose and Area**

	Name/Household	Total m <sup>2</sup>	Category	Living	Required	% of plot
1	Mrs. Xone	529	Construction Land	No	156.94	29.7%
2	Mr. Visai Phanith	4,391	Construction Land	No	270.03	6.1%
3	Mr. Bounsou	2,625	Construction Land	No	425.65	16.2%
4	Mr. Keo	15,663	Agricultural Land	No	2,174.67	13.9%
5	Mr. Ham	13,114	Construction Land	No	1,017.61	7.8%
6	Mr. Chamtha	3,634	Garden land	No	104.88	2.9%
7	Mrs. Pom	568	Construction Land	No	26.67	4.7%
8	Mr. Kong	693	Construction Land	Yes	20.16	2.9%
9	Mr. Khiew	475	Construction Land	Yes	8.63	1.8%
10	Mrs. Bouavanh	839	Construction Land	Yes	13.25	1.6%
11	Mr. Champheng	717	Construction Land	Yes	71.4	10.0%
		43,248			3,799.9	8.8%

Source: IOL PMCES, 2020

42. The compensation rates will be following the official GoL categories of Residential Land, Construction Land and Agricultural land as defined in the land titles. Of the 11 AH, 1 is in the “agricultural land” category, and one in the “garden land” category, while the remaining (9) are categorized as “construction land”. Letter from the District Governor confirming the reference rates is enclosed in Annex 7.

43. The section on the western side of Xong river, passing through land categorized as agricultural land (rice field) has been kept in fallow for the past years, hence the average rice yield based on the highest value of the previous 3 years’ yield has not been possible to assess. Only one AP will lose agricultural land. Loss of banana trees (1 AHs) will be compensated based on a lumpsum per lost tree.

44. None of the AHs on the Western Loop Access Improvement will be severely affected. There are three (3) AHs defined as vulnerable based on the criteria that the land title holders are female. None of them are however defined as poor. They will lose parts of their currently non-productive land, which will increase substantially in value once the road bridge and road has been constructed. One of the AHs is government employee, the second works in the tourism sector (owns several guesthouses), and the third one works in “agriculture” (owns other land than the affected plot). All three vulnerable APs will be entitled to receive appropriate SME support under the Output 2, which is already targeting female business owners.

45. All affected households/persons were consulted about the impacts of resettlement during the project preparation phase in public consultations, IOL and SES. During the public consultations and IOL sessions, the consultants explained the proposed infrastructure improvements and the temporary and permanent resettlement impacts, the policies on entitlement and compensation, the objectives of the SES and IOL, and eligibility for compensation including the cut-off date for eligibility. For a full list of the subsequent consultation meetings from September 2019 to June 2020, see Annex 3.

46. Affected persons’ views have been gathered and documented on the subprojects along

with the perceived subprojects' benefits and negative impacts that will reduce AHs/APs' enjoyment of the benefits. Mitigating measures to avoid and/or minimize the perceived negative impacts were also generated from the consultations with AHs/APs. Below are the APs preferences and concerns with regards to resettlement and compensation.

1. AHs in Western Loop expressed the following concerns:
  - The design of the project must ensure that only minor portions of their lands will be acquired if necessary, so that they are still able to continue farming and other activities.
  - Compensation amounts for lands acquired must be based on actual current market values of residential and agricultural land.
  - Land tenants must also be involved during consultations so that they can give correct and adequate information to their landowners who are not residing in subproject areas.
  - AHs must be notified early before construction starts so that they will not plant rice and other crops anymore.
  - AHs must join the PIUs during the detailed measurement survey so that they will know and accept the correct measurements on affected portions of their land.
  - If ever there will be complaints, project authorities must act and resolve these immediately so that there will be no delays in compensation.

47. the participants in the consultations mentioned that they hoped that project will start soon. They were informed about the project implementation schedule and likely start of activities in Q1 2021

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

48. The first round of public consultations with affected persons were conducted in July 2017 under the project preparation TA. The Province's DICT, Keo Oudom OICT, DPWT and Village Authorities staffs were present to co-facilitate jointly with the PPTA consultants and ADB staff. A total of 28 participants attended the meetings and including 14 (50%) women.

49. A second round of public consultations was initiated in September 2019, and included nine main events from the review of the PPTA design, to developing conceptual and eventually detailed design. The Province's DICT, Vang Vieng OICT, DPWT and Village Authorities as well as local stakeholders and affected persons, have actively taken part in the process, receiving information on the scope and stages of the project while providing feedback on the sub-project components, big and small. The international and national social safeguard specialists under the PMCES team, has worked closely with the PIU and local stakeholders as well as the designers and the engineers and the institutional development specialists to reach solutions which are creating least disruption while generating potential positive impacts.

50. The public consultation meetings covered the following topics:
  - Project description and proposed subproject components;
  - Nature of affected assets and impacts;
  - Legal Framework for Resettlement;

- Eligibilities, entitlement and compensation;
- Objectives of the Socioeconomic survey (SES);
- Cut-off date for eligibility and entitlement;
- Grievance Redress Mechanism;
- Implementation arrangements for resettlement;
- Nature and extent of community participation in EGDRP preparation and implementation active participation of the community; and
- Need for cooperation and support to project and its resettlement activities.

51. All affected households/persons were consulted about the impacts of resettlement during the project preparation phase in public consultations, IOL and SES. During the public consultations and IOL sessions, consultants has explained the proposed infrastructure improvements and the temporary and permanent resettlement impacts, the policies on entitlement and compensation, the objectives of the SES and IOL, and eligibility for compensation including the cut-off date for eligibility which is 13 July 2017, the last day for the IOL. For a full list of the subsequent consultation meetings from September 2019 to June 2020, see Annex 3.

52. Feedback from the participating households included;

- Affected shop owners proposed that the project move them to a relocation site near the former site and near the landing site for the boats from the island population so that they can continue their regular business, serving customers on the boats.
- They want to know how, if, and how much they will have to pay rent for a new house at the resettlement site
- They request the District to not allow “outsiders” to occupy the new shophouses.
- The new shophouses must have basic amenities like potable domestic water supply and electricity. It also must have solid waste collection and sanitary facilities.
- They want to be informed early and given enough time to prepare for dismantling and moving to the new site when it is completed.
- Boat owners and drivers suggest that the project builds a temporary mooring place and pier so that they can continue their boating and transport services to tourists also during construction.
- AHs proposed that there should be regular meetings so that they are constantly aware of the status of resettlement activities during project implementation.
- They expressed willingness to do unskilled work during construction so that they can earn extra income.
- All participants unanimously agree to actively participate in all project-related activities during implementation phase.

53. The participants in the consultations have mentioned that they are willing to work as unskilled workers for the contractors and/or join the Community Tourism Group. They hope that the project will start soon, and have been informed about the project implementation schedule and the likely start of construction during Q1 2021.

54. Regular consultations with the AHs/APs, will be carried out as required during the project implementation cycle so that their emerging needs and preferences can be further included into the design and implementation arrangements. Affected households will also participate in the resettlement related activities such as recovery cost survey and updating of the Socioeconomic profile of AHs/APs, previously done during project preparation, payment of compensation based on their entitlement, monitoring of impacts and benefits, and in the deliberation and resolution of complaints and grievances. During EGDRP updating, public consultation have been conducted where information on the following topics has been disclosed: (i) overview of the project features and its implementation schedule; (ii) scope of the resettlement impacts to affected physical and economic assets; (ii) resettlement policy principles, eligibilities and entitlements and special provisions to affected vulnerable group; (iv) Grievance Redress Mechanism and the organizational levels of arbitration/mediation procedures, (v) schedule of compensation payments and relocation schedule, and (vi) institutional responsibilities.

55. A summary of the approved updated RP will be translated into Lao and distributed to the provincial and district authorities. The PIUs will be responsible for the disclosure of the EGDRP to AHs/APs, shop/business owners and land owners. A Public Information Booklet (PIB) has been prepared (Annex 2) and translated into Lao and distributed to the affected households and local communities during the implementation . After ADB’s approval of the updated EGDRP, a summary will be disclosed to the affected households and the updated EGDRP will be posted on ADB’s websites. It will also be provided as a reference to the civil works bid documents and the civil works contracts.

## **V. PROJECT ENTITLEMENTS**

56. All APs who are identified in the subproject-impacted areas on the cut-off date will be entitled to compensation for their affected assets, and rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and production levels.

57. Those who encroach into the subproject area after the cut-off date will not be entitled to compensation or any other assistance, unless there has been a change in subproject design. However, they may still be eligible for entitlement if there will be changes in the subproject design during project implementation or were inadvertently missed out during the census during the DMS time. These APs will be confirmed as entitled for compensation for affected assets and their compensation amount will be based on the Entitlement Matrix and updated Recovery Cost Survey.

58. Table 3 provides the compensation and benefits to which affected persons will be entitled. This entitlement covers all the compensation required based on the Inventory of Losses based on preliminary design.

**Table 7: Entitlement Matrix**

<b>Types of Affected Asset</b>	<b>Entitled Persons</b>	<b>Entitlements</b>	<b>Implementation Issues</b>
Agriculture Land	Owners with legal title (legal users are those with recognized land use rights such as registered	<ul style="list-style-type: none"> <li>• With less than 10% loss productive land, cash compensation for area of land acquired.</li> <li>• With more than 10% loss of</li> </ul>	

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<b>Types of Affected Asset</b>	<b>Entitled Persons</b>	<b>Entitlements</b>	<b>Implementation Issues</b>
	title, land certificate, survey certificate, tax receipts and including unregistered users as per Land Law)	productive land, but less than 50% cash compensation for area of land acquired. <ul style="list-style-type: none"> <li>For 50% or more loss of productive land, priority is for replacement land of equivalent productive value; if land is not available, cash compensation is paid.</li> </ul>	
Loss of structures, income and other assets	Owners with legal title (Legal users are those with recognized land use rights such as registered title, land certificate, survey certificate, tax receipts and including unregistered users as per Land Law) and displaced persons without legal titles (encroachers/ squatters).	<ul style="list-style-type: none"> <li>Cash compensation for structures and other assets based on prevailing market value;</li> <li>Provision of 6 months' notice to harvest crops;</li> <li>Cash compensation of houses to be permanently relocated and could not be restored or replacement housing;</li> <li>Replacement of income lost whether temporary or permanent</li> </ul>	
Temporary Use of Land	Legal owner or occupant	For land temporarily acquired by the project during construction: <ul style="list-style-type: none"> <li>60-day notice</li> <li>Cash compensation at replacement cost for affected fixed assets (e.g., structures, trees, crops); and</li> <li>Restoration of the temporarily used land within 1 month after closure of the by-pass route or removal of equipment and materials from contractor's working space subject to the conditions agreed between the landowner or tenant and the civil works contractor</li> </ul>	The construction supervision consultant will ensure that the (i) location and alignment of the by-pass route to be proposed by the civil works will have the least adverse social impacts; (ii) that the landowner is adequately informed of his/her rights and entitlements as per the project resettlement policy; and (iii) agreement reached between the landowner and the civil works contractor are carried out.
Loss of crops	All APs that grow and lose crops regardless of land use rights	Notice to harvest annual crops, if possible. <ul style="list-style-type: none"> <li>Provision of 6 months' notice to harvest crops;</li> <li>For annual crops that cannot be harvested, cash compensation equivalent to current market prices times the yield/crop calculated over the past three (3) years using the highest value of the three.</li> </ul>	To be reassessed during detailed design and updated for actual loss and actual income.

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<b>Types of Affected Asset</b>	<b>Entitled Persons</b>	<b>Entitlements</b>	<b>Implementation Issues</b>
Temporary loss of business income	Business owners/lease holders/tenants/employees/agricultural workers/vendors	<ul style="list-style-type: none"> <li>• For fruit and nut trees, cash compensation at replacement cost equal to current market prices given the type, age and productive capacity at the time of compensation. If at full maturity, compensation of productivity (5-7 years) is to be provided.</li> <li>• For timber trees, cash compensation at replacement cost equal to current market prices based on types, age and diameter at breast height of trees.</li> </ul> <p>In the case of sharecropping or concession arrangements, the compensation will be paid to each of the parties in accordance with previous agreements.</p> <ul style="list-style-type: none"> <li>• Cash compensation for lost income based on 3 months of actual income (as determined through interviews, consultations and tax declarations) or minimum wage rates.</li> <li>• Participation in income restoration program as provided for in the subproject, including provision of skills training where requested, and priority to participate in project employment opportunities.</li> </ul> <p>Additional assistance for vulnerable households as below.</p>	To be reassessed during detailed design and updated for actual loss and actual income.

<b>Types of Affected Asset</b>	<b>Entitled Persons</b>	<b>Entitlements</b>	<b>Implementation Issues</b>
Vulnerable APs who are severely affected	Vulnerable APs such as the poor households <sup>8</sup> , ethnic group members or households headed by women, the elderly, or disabled, if severely affected.	<ul style="list-style-type: none"> <li>• An additional allowance of 1-month wages (50,000/day) per factor of vulnerability per HH</li> <li>• The contractors will make all reasonable efforts to employ vulnerable APs for construction especially from non-Tai-Kadai and female headed households.</li> <li>• Entitled to participate in income restoration program to improve their standards of living</li> </ul>	<p>The poorest will be those below the national poverty line.</p> <p>Vulnerability factors are: female headed, non-Tai-Kadai ethnic group, disabled, poor, older than 65</p>
Transition Allowance	APs that relocate and rebuild shophouse and/or shop on residual or new land; APs that lose 10% or more of their productive land/business	<ul style="list-style-type: none"> <li>• Relocating APs with <u>no impact (or less than 10% loss) on business or main source of income</u>: a cash allowance and/or in-kind assistance equal to 16 kg of rice per household member for three (3) months.</li> <li>• Relocating APs with <u>main income source affected</u> OR APs losing 10% or more of productive land: a cash allowance and/or in-kind assistance equal to 16 kg of rice per household member for six (6) months.</li> </ul>	
Transport Allowance	APs that relocate to new land to rebuild shophouse and/or shop	<ul style="list-style-type: none"> <li>• Assistance in cash or in-kind to move structures, salvaged materials, new building materials and personal possessions to new site. For small shops this would amount to 100,000 LAK/business</li> </ul>	
Temporary loss of access	Temporary loss of access to land, structure, common property resources (Owners, tenants, squatters, etc.)	<ul style="list-style-type: none"> <li>• Provision of 60 days' notice</li> <li>• Provision of temporary access</li> <li>• Restoration of affected land area, structure, utilities and common property resources.</li> </ul>	

Source: PMCES, 2020

## VI. MITIGATIVE MEASURES

### A. Compensation Arrangements

59. Mitigation of these risks will be a mix of transitional allowances, and monitoring to ensure employment opportunities are offered and that there is no economic displacement.

60. During the construction of the road and the upgrading of the new site visitors will continue to arrive to waterwall. The waterfall site will therefore be kept open during the construction, although it is expected that the revenue from the site during periods will reduced or

<sup>8</sup> 5,600,000LAK/ year and person, or 466,666LAK/ month and person

at least be maintained at COVID-19 levels, during parts of the 24 months of construction period.

61. In the Bidding Documents it will be specified that specific tasks should be prioritized for the community members of the Nadouang Village, and especially members on the households scheduled for the 2021 rotation priority, as day labor for the contractor at the contractor camp, the road construction and the water fall site, for the following potential tasks:

- Cooking at contractor camp
- General cleaning/ brushing of construction site and contractor camp
- Cleaning of toilets at contractor camp/ office and construction site
- Watering of construction site to limit amount of dust from non-paved surfaces
- Cleaning inlet and outlet of drain
- Controlling and recording traffic movement at site
- Security guard at the camp and the site

62. The contractor would be responsible for the training of the community members for these tasks, and be required to pay at least minimum wage<sup>9</sup> as per the Lao labor Law, pro rata for daily labor.

63. It is also expected that part of the work related to the 300m walking track, bridges and steps from the marketplace to the waterfall viewpoint will require a substantial amount of manual labor, since heavy machines would not be able access the site. Moreover, it is emphasized in the design documents that the local knowledge and construction techniques should be used for the construction of particularly the walking track and the steps. This would also increase the sense of ownership among the TCG, which will also increase the potential for improved future operation and maintenance of the site. The bidding documents specifies that these specific tasks should be prioritized for the community members of the Nadouang Village, and especially members on the households scheduled for the 2021 rotation priority, including:

- Clearing of ground
- Transportation of construction material – sand, gravel, stones and water
- Transportation of construction equipment/ tools
- Manual labor for masonry works
- Selection and placing of stones for steps and viewpoints

64. The subproject does not require relocation therefore no special relocation strategies are required. Nevertheless, the PIU and DCR will closely monitor the general process and the work on the waste pickers with the contractor, and the outcomes, addressing issues such as the extent to which AP needs and preferences are considered, their levels of participation in and satisfaction with decision-making on compensation for temporary losses.

65. Following the completion of the construction, the TCG is expected to manage and operate the new site could potentially include some of the villagers into formal employment either into the site operation, or engagement in other temporary low and semi-skilled tasks. It is furthermore expected that with the training program which has been outlined above, the villagers would during the construction period also gained skills, which would possibly qualify them as skilled labor for the maintenance of the site, and at other similar construction projects.

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<sup>9</sup> Minimum wage as per the Lao Labor Law is 1,100,000LAK/ month



66. The project will as a disruption allowance for the TCG provide the leasing fee for the duration of the two-year construction period. In addition, the project will also provide compensation for potential reduced income from the entrance fees as presented in Section I. A. Both these items are currently either used to pay fees to the district for the usage of the site, to operate the TCG, the village development fund, and with a balance re-distributed to the households in the Nadouang village, as per their current practices.

**Table 8: Indicative Costs of Resettlement Impacts and Compensation – Keang Yui**

Type of Land	Category	Unit Cost in LAK	Period	Compensation in LAK	Compensation in US \$*
TCG lease fee	Annual fee for two years	10,000,000	2	20,000,000	2,222
Entrance fee**	Monthly for two years	800,000	24	19,200,000	2,133
<b>Sub-Total</b>				<b>39,200,000</b>	<b>4,355</b>

\* 1 US\$ = 9,000 LAK at 30 June 2020

## B. Land Acquisition

67. Land acquisition will happen exclusively along the 550m of access roads to the new bridge under the Western Loop Access Improvement subproject.

68. The Western Loop Rural Access Roads and Bridge Improvements subproject will acquire 4,298.83m<sup>2</sup> of land of which 1,017.61m<sup>2</sup> Agricultural Land and 3,167.34m<sup>2</sup> is Construction Land out of which 297.06m<sup>2</sup> is adjacent to an access road, while 2,870.28m<sup>2</sup> is not adjacent to any roads, and 104.88m<sup>2</sup> as Garden Land. Costs of the Construction Land is 663,174,000 LAK (\$73,686) and for the Agricultural Land, 20,352,200 LAK (\$2,261) and will be given as compensation to the landowners. The costs for the loss of the 25 banana trees are 3,750,000 LAK (\$416.67). And the costs for updating and replacing new land titles will be 55,000,000 (\$6,111,11).

69. The total cost of land acquisition for the subproject is \$82,766. During June 2020, it was agreed that the funds for this would be sourced from the grant proceeds of the project. Detailed breakdown of the costs are indicated in Table 9 below, and in Annex 1.

**Table 9: Indicative Costs of Resettlement Impacts and Compensation – Western Loop**

Type of Land	Category	Unit Cost in LAK	m2	Compensation in LAK	Compensation in US \$*
Agricultural Land	Not adjacent to Road	20,000	1,017.61	20,352,200	2,261
Construction Land	Adjacent to Access Road	300,000	297.06	89,118,000	9,902
Construction Land	Not adjacent to Road	200,000	2,870.28	574,056,000	63,784
Garden Land	Adjacent to Access Road	25,000	104.88	2,622,000	291
Land Title Renewal		5,000,000		55,000,000	6,111
Fruit Trees	Bananas	150,000		3,750,000	417
<b>Sub-Total</b>				<b>744,898,200</b>	<b>82,766</b>

\* 1 US\$ = 9,000 LAK at 30 June 2020

70. Any unforeseen impacts that may arise during project implementation will be handled in accordance with the requirements of ADB's SPS and the Entitlement Matrix and Principles of this EGDRP.

71. Although the upgrading of the roads to DBST surfacing and appropriate drainage structure to reduce flooding will take place within the existing road alignment and corridor, there are passages along the 26km road which are relatively narrow, and where extra precautions need to be considered during the construction. In cases where construction machines require more space for compaction or preparing drains, fences will be moved and reinstated at the exact same location.

72. In the situation where the present road corridor is narrower than the 8m allocated for road surface and drains, which is the case at short section in two of the villages along the Western Loop road, the contractor will be required to make the width of the roadless wide to accommodate sufficient space for the drains without interfering with peoples' fences and properties. Provision for this process is also included in the bidding documents.

73. An additional due diligence mission was carried out by an ADB staff consultant to confirm the assessment that the present road alignment is wide enough to accommodate the upgrading of the road.

### **C. Ethnic Group and Gender Arrangements**

74. Summary of the main potential impacts identified during the consultations with non-Tai-Kadai ethnic groups are presented in the table below. Most of the villagers in Nadouang village belong to Non-TaiKadai groups Keang Yui Waterfall Access Improvement subproject as are many of the people living in the 11 villages along the Western Loop Road (see Table 3).

**Table 10: Potential Impacts and Mitigating Measures**

<b>Potential Negative Impacts</b>	<b>Mitigating Measures to Address Negative Impacts</b>
<p><b>During Construction:</b></p> <ul style="list-style-type: none"> <li>- Possible higher incidence of HIV/AIDS, Human Trafficking and STIs; also, core labor issues like child labor and exploitation because of the presence of construction workers coming from other areas who maybe carriers of the virus and diseases and contractors may hire child laborers to reduce labor cost;</li> <li>- Subproject beneficiaries may have limited awareness or are unaware about progress of project implementation resulting in lackluster or inactive participation in project activities.</li> </ul> <p><b>During Operation and Maintenance (O&amp;M)</b></p>	<ul style="list-style-type: none"> <li>- An environmental management plan (EMP) is prepared and mitigating measures will be observed by the civil works contractors in their road safety and occupational safety plans (contractor's environmental management plans) to be attached to the program of works (POW) and monitored by the TCGs in tandem with the PIU's safeguards staff;</li> <li>- As part of the GAP, a community awareness and information dissemination activity on HIV/AIDS, STIs, human trafficking prevention and core labor issues will be conducted in the communes with the active involvement of the LWU members in TCGs. The cost of these activities will be borne by the project and contractors and included in civil works contracts;</li> <li>- Women, especially households headed by women ethnic households whose business maybe temporarily impacted will be compensated as part of the EGDRP provisions or as per the GAP, they may be hired by contractors as unskilled workers during construction phase. The latter measure will be included as a civil works contract requirement and monitored as one of the gender performance indicators;</li> </ul>

<b>Potential Negative Impacts</b>	<b>Mitigating Measures to Address Negative Impacts</b>
<p>- There could be transmission of HIV/AIDS, Human Trafficking, Prostitution and Child Exploitation and mendicancy;</p>	<p>- Project beneficiaries will be regularly consulted and informed through meaningful consultation during project implementation to keep them up to date with project implementation progress and give them the opportunity to express their views and opinions on project implementation. The consultations will be culturally appropriate and using the Lao language and/or the local language spoken by non-Tai-Kadai ethnic groups;</p> <p>- Training will be mostly experiential and hands-on, supported by learning tools and aids which are sensitive to the local context and culture, using Lao language as medium of instruction;</p> <p>- OICT and village leaders will support the TCGs and the PIUs to conduct information dissemination campaigns and use IEC tools to communicate information to tourists and local people to promote mutual understanding among local people and tourists;</p> <p>- Signs/posters promoting appropriate behavior while in the tourism site will be developed and posted in strategic tourists' sites where most tourists converge;</p>

Source: PMCES, 2020

#### **D. Beneficial Measures**

75. Measures to ensure beneficial results for all stakeholders, both AHs under the Western Loop Access Improvement subproject and the KeangYui Waterfall Access Improvement subproject are further grouped in the actions below.

##### **Action 1: Support to Community Tourism Group Members**

76. The TCG members will receive training as part of Output 2 of the project to assume certain O&M responsibilities at the waterfall site and in villages along the Western Loop road after the construction is completed. These responsibilities will be formally agreed with Vang Vieng district and village authorities, once the operation modality for the waterfall site has been agreed and confirmed.

77. Consultation meetings will be conducted by the PIU director and safeguards focal point, supported by the PIU's social safeguards specialists, the village leaders of Nadouang village (Keang Yui access road) and the 11 villages along the Western Loop road, where the TCG members reside and the district LWU and LFNC coordinators. The following steps will be taken by the responsible units:

- PIU will prepare its O&M plan and budget and specifically identify O&M activities where the TCG members can assume some O&M responsibilities. The plan and budget approved will be approved by Vang Vieng PIU.
- Organize the TCG members into an O&M group and agree group rules.
- Khmu women will be included and occupy leadership positions.
- Prepare TOR and sign an agreement between the PIU and the organized TCG members for O&M, by consulting all parties involved.

- Prepare and conduct capacity building and O&M training for the TCG group according to their O&M plan and UDAA budget.
- PIU with support of the TCG will monitor and assess O&M performance activities at the upgraded site.

78. Responsible Project Staff/ Unit, and in particularly the PIU Director and safeguards focal will prepare the O&M plan and budget and TOR in consultation with TCG members, PIU safeguards staff, and social development specialists. Activities for this has been proposed in the EGDRP, but budget allocated through Output 3 of the project.

## **Action 2: Involvement of Ethnic Groups in Capacity Building**

79. During project design the non-TaiKadai villagers requested support to improve handicraft production, home-processed and cooked food, English language skills, housekeeping and hospitality and marketing. The end results envisaged are quality services and local tourist products. Actions to support their interests, include:

- Define specific non-Tai-Kadai ethnic groups' preferences of the types of training and capacity building.
- Prepare a comprehensive training and capacity building plan for the confirmed training and capacity building activities proposed.
- Implement the training and capacity building activities as per the comprehensive plan developed for Output 2 of the project, where there will be separate training opportunities for women with targeted participation of Khmu and Hmong. This could include training in hospitality, how to sell and interact with tourists, and basic English and other languages of key tourist groups (Korean, Thai, Chinese), but also on taking advantage on the new opportunities and income generating activities relating to the management of the upgraded site.
- Prepare culturally appropriate training materials, and use local languages understood by non-TaiKadai ethnic groups as medium of instruction if necessary.
- Monitor capacity building progress as part of EGDRP implementation, to be included in the PPMS.

80. Responsible Project Staff/Unit. PCU/PIU staff will develop and implement training programs in these areas in cooperation with the Lao Women's Union. The consultants will assist the PCU and PIUs prepare, implement, monitor and report on the comprehensive training and capacity building plan. The PCU safeguards officer will ensure: (i) training materials and handouts are culturally appropriate and use local languages when necessary; (ii) community facilitators from non-TaiKadai ethnic groups are trained to coach women in microenterprise development after training; and, (iii) strengthen small revolving village funds to provide start-up capital for ethnic households that are ready to open a tourism-related business. Activities for this has been proposed in the EGDRP, but budget allocated through Output 2 and 3 of the project.

81. To avoid adverse impacts, attention will be given to community awareness and a participatory scheme to promote sound management and environmental practices, road safety and traffic safety practices among community members and tourists;

**Action 3: Promotion of Responsible Tourism and Regular Consultation to Avoid Adverse Impacts**

82. Actions to promote responsible tourism will address concerns related to the loss of culture and traditions that could arise from increased dependence on tourism. To ensure that ethnic groups are not negatively impacted by the project, and to monitor risks associated with growth in tourism, a process of regular consultation will be integrated into project activities throughout implementation. The PIU will ensure ongoing consultation and participation with ethnic groups, their leaders, and mass organizations working in concerned villages. The following activities will be implemented:

- Designated TCG members will regularly coordinate with the PIUs to share their views regarding the status of training and community awareness activities in their villages.
- PIU will organize regular coordination meetings with the TCGs to review and assess civil works status, including compliance of the contractors with the EMP mitigating measures and GAP performance targets; HIV/AIDS, human trafficking and child labor prevention; hiring women as unskilled construction workers; and on the road safety awareness activities with school children, youth, women, elderly and the public.
- The PIU and TCG will organize meetings between village Leaders and LWU, LFNC, DPWT and OPWT, among others. The meetings will commence during project inception and will be held on a semi-annual basis to review project progress and ensure that all local officials, village leaders and implementing agencies are fully aware and understand the project and its objectives; and ensure that they are updated on project's progress and help resolve issues affecting implementation.
- Meetings will review EGDRP, GAP and EMP implementation and decide how to resolve issues.

83. PIUs will review and assess with village leaders, mass organization representatives, TCGs and organized beneficiary groups which perform some O&M responsibilities tourism growth in project areas, whether the intended subprojects benefits are equally enjoyed by local people especially poor households, women, non-Tai-Kadai ethnic groups and other vulnerable groups. The review and assessment will also identify if there are emerging negative impacts from tourism in terms of health, safety and culture-based issues which need to be responded to with measures that will eliminate or alleviate negative impacts. Law enforcement officials from the police, Department of Labor and Social Welfare (DLSW) and the Department of Health (DOH) will be invited to the consultation meetings if negative impacts such as incidence of HIV/AIDS, STIs, human trafficking, child exploitation, or other illegal and criminal activities arise. Positive impacts will also be identified to serve as good practice models which can be sustained and replicated in future tourism projects.

84. The PCU will organize semi-annual reviews with stakeholder group representatives, including non-Tai-Kadai ethnic groups, following the PPMS. The emphasis will be on project effectiveness implementing the EGDRP, other safeguards measures, and the outcome and output targets in the DMF. The meeting will be supported by the PIUs, project implementation consultants, and TCG representatives.

85. Capacity building planned, carried out and budgeted under the project Output 2 and 3 for PIUs, Women's Union, members of the Lao National Front in the project areas is crucial for successful EGDRP implementation, monitoring and reporting. The PCU, with support from

social safeguards specialists will be responsible for undertaking necessary measures to strengthen PIU staff and concerned local officials capacity to implement the EGDRP and EMP. Capacity building will focus on implementation strategies, data collection, analysis, and progress reporting.

86. Capacity building for local officials will also focus on increasing their understanding of the legal framework for ethnic participation and strengthening their technical capabilities to implement the EGDRP. Information and awareness campaigns aim to positively influence knowledge, attitudes and practice to promote social inclusion and cultural diversity, and heritage protection as key assets for sustainable tourism development.

87. Capacity development activities will be planned for village leaders from all ethnic groups, the ethnic group representatives. Capacity building for project beneficiaries, e.g. local officials, beneficiary O&M organizations will enhance their competencies as they are the target recipients of the identified beneficial measures indicated in the EGDRP. Capacity building for community members and village leaders will focus on building their skills in project management, facilitating community meetings, and preparing brief verbal and written reports to document issues and other concerns of the communities. Local authorities in the district and villages will be familiarized with the project, its objectives and components, and the various safeguards requirements especially the EGDRP to ensure that the concerns of the non-Tai-Kadai ethnic groups are not neglected and given due attention in their decision-making.

88. A detailed comprehensive capacity building program for project management and staff involved in EGDRP and safeguards plans implementation as well as training of project stakeholders will be prepared early. It will be based on Training Need Assessment (TNA) results as well as project beneficiaries expressed needs and aspirations, particularly non-Tai-Kadai living in subproject areas. Capacity building programs will begin at project inception and continue throughout the project cycle.

89. Similarly, capacity building for project beneficiaries especially non-TaiKadai ethnic women will develop and/or enhance their business management and functional numeracy skills, foreign language ability, and tourism-related skills through, O&M technical training, services and products in partnership with MICT. These are the subjects that ethnic women prefer to help them improve tourism service delivery and quality.

## **VII. PROJECT PRINCIPLES**

90. The main principles that guide the implementation of this EGDRP are the following:
- Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations.
  - Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and

resettlement decisions should be preceded by a social preparation phase.

- Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land-based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, social and economic integration of resettled persons into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas, provide them with legal and affordable access to land and resources, and in urban areas, provide them with appropriate income sources and legal and affordable access to adequate housing.
- Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain an equal or better income and livelihood status.
- Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- Prepare a resettlement plan elaborating displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- Disclose the draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
- Conceive and execute involuntary resettlement as part of a development project program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by considering the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

91. Mass organizations such as the Lao Women's Union (LWU) and the Lao Front for National Construction (LFNC) and other community organizations that represent the interests of women, non-Tai-Kadai ethnic groups and poor households will participate as members of the District Resettlement Committee (DRC) and in the village resettlement committee (VRC) involved in the planning and implementation of resettlement activities. Specific methods will be employed to (i) ensure data collection and analysis disaggregated by gender and ethnicity, (ii) encourage the participation of women, ethnic groups and other vulnerable groups and (iii) provide appropriate rehabilitation measures for vulnerable APs as required.

## **VIII. GRIEVANCE REDRESS MECHANISM**

### **The process of the Grievance Redress Mechanism**

92. A Grievance Redress Mechanism will be put in place to ensure that potentially affected persons can (i) communicate their information needs concerning project activities and anticipated impacts; (ii) report any negative impacts; and, (iii) inform project implementers about any gaps in their inclusion in project benefits. The grievance process should be culturally sensitive and designed to work with existing practices of the ethnic community. Affected persons will be informed that they can always communicate with the project management and staff to air their complaints or report any negative project impacts which are not acted upon, per agreed mitigating measures affected persons will also be informed that access to the GRM is free of charge.

93. Acting on and resolving complaints and issues raised by project beneficiaries is a collective responsibility of the PIU head and the village and district authorities in Keo Oudom District, as well as Vientiane Provincial authorities. They are to act on and facilitate any resolution of complaints and grievances, confusion and any misunderstanding about project policies and implementation plans. To ensure that any grievances of those affected by resettlement or any project related actions are resolved timely and in a manner satisfactory to the aggrieved affected household or person, detailed procedures for receiving and redressing grievances, including appeal processes, are as follows.

- **Level 1: Village Grievance Committee.** The complainant will initially formally lodge his/her complaint to the village officials (Form 1). The complaint is registered in the record book of the village (Form 2). The Village Grievance Committee will deliberate and resolve the complaint within 15 days and consultations with the complainant are done within this time frame in a transparent and non-coercive manner (Form 3). If, and when the complaint is not acted upon within the set time frame or if complainant is dissatisfied with the decision of the village grievance committee, he or she elevates the complaints to the District grievance committee. The decision reached on the complaint is documented and kept in the village files (Form 4).
- **Level 2: District Grievance Committee.** Complainants formally elevate their complaints to the District Grievance Committee in writing (Form 1). If complainant cannot write, then any family member or concerned parties may prepare the written complaint on behalf of the APs. The District office formally receives and acknowledges receipt of the complaint and registers this in their record book (Form 2). The District Grievance Committee has 15 days to deliberate and resolve this in consultation with aggrieved parties (Form 3). If within 15 days, this is not responded to and no decision reached or when the APs are dissatisfied with the decision, they can elevate the complaint to the province level through the provincial grievance



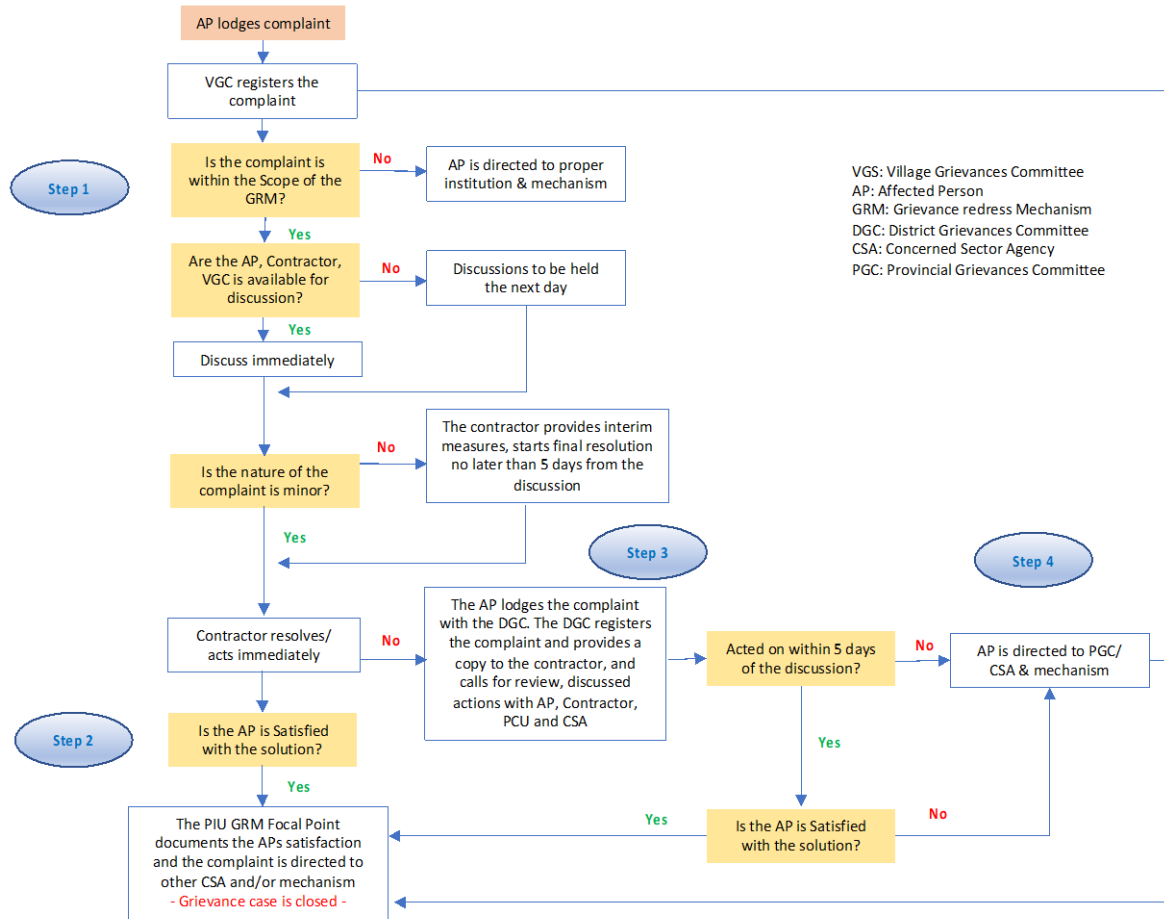
committee. The District will maintain a record of the proceedings in addressing the complaint (Form 4).

- **Level 3: Provincial Grievance Committee.** The complaint is formally lodged with the Provincial Grievance Committee (Form 1) which has 15 days to deliberate and act on it to resolve the complaint (Form 2). But if within 15 days, these remain not acted upon or if the complainants are dissatisfied with the decisions (Form 3), then the complaints will be forwarded to the DICT for formal transmittal to the MICT for action and resolution (form 4)
- **Level 4: MICT/PCU.** Again, the MICT must act within 15 days in response to the complaint aimed at its immediate resolution.
- **Court of Law:** As a last resort, the complaint will be lodged with the appropriate Court of Law for litigation and its decision will be final. The project will comply with the verdict of the Court. All legal and administrative costs incurred by complainants and their representatives are to be paid by MICT.
- **ADB Accountability Mechanism.** If all efforts to resolve complaints or disputes remain futile following the project's grievance redress mechanism, the APs have the right to directly send their concerns or problems to ADB's Southeast Asia Department (SERD) through ADB's Lao PDR Resident Mission. If SERD's response to their complaints is still not accepted or are dissatisfied with it, then they can directly contact the ADB's Office of the Special Project Facilitator as outlined in the Information Guide to the Consultation Phase of the ADB Accountability Mechanism.

94. Records of meetings to air grievances will be sent to the PIU Director, the Lao National Front, and the PCU for follow-up action. The TCGs will have the contact information of the PIU Director responsible for IPP implementation and PCU Director responsible for IPP oversight. Grievances related to project implementation activities will be handled through negotiation aimed at achieving consensus. MICT shall provide aggrieved household with assistance to lodge and resolve complaints free of charge.

95. It is expected that at any levels of the grievance redress mechanism, the project staff particularly the focal point staff on resettlement will regularly monitor updates on grievances issues. The Grievance Committees at district and province levels will gather data from the respective grievance committees at all levels and record these in the quarterly internal monitoring reports on grievances received, which are provided to the DICT (PIU) and the MICT (PCU), including names and pertinent information about the aggrieved individual, nature of complaint, dates the complaints are lodged, and resolutions. Grievances not resolved will also be recorded, detailing deliberations and proposals which could not be agreed upon, and the date in which these were acted and/or deliberated by the committees.

**Figure 18: Grievance Redress Mechanism**



## IX. LEGAL AND POLICY FRAMEWORK

96. This EGDRP is guided by the legal framework of the Government of Lao PDR (GoL) and Asian Development Bank (ADB) relevant policies and guidelines. The latest being ADB's Safeguard Policy Statement (June 2009, approved by ADB' Board July 2009 and detailed in the OM Section F1/OP issued on 4 March 2010, updated 2012) and the Lao Government's Law on the Protection of the Environmental, 18 December 2012 (No. 29) and the Decree on Compensation and Resettlement Management in Development Projects, 5<sup>th</sup> of April 2016 (84/PM) and the precedents established on Lao government-approved EGDRP s for other ADB projects in Lao PDR. Provisions and principles adopted in the current EGDRP supplement the provisions of relevant decrees currently in force in Lao PDR. Wherever a gap exists between Government's laws/policies and ADB's policies, ADB policies will prevail.

97. In particular, the EGDRP and entitlements have been built upon the laws of the Government of Lao PDR, principally the Constitution (1991 with endorsed amendments through 2003) and the Land Law<sup>5</sup> (1997, 2003), the Road Law (1999), Advise mandate No 20 by the

<sup>5</sup> The Land Law provides the issuance of a Land Title, which attests provisional ownership rights to use agricultural as well as forestland (Articles 17-18 and 21-22). Land titling is gradually being undertaken in all towns of Lao PDR. If APs only have Land Use Rights Certificates (Form 01), Land Tax Payment Receipts and/or Residency Certificates. Form 01 are certificates of land use for taxation and are considered evidence of land use but not as full legal title.

Secretariat of the Lao Revolutionary Party Committee (dated May 29, 2009, updated 2012), Decree 192/PM on Compensation and Resettlement (July 2005) (now replaced by the Decree on Compensation and Resettlement Management in Development Projects, 5<sup>th</sup> of April 2016 (84/PM), the Regulations for Implementing Decree 192/PM issued by the Science Technology and Environment Agency and Technical Guidelines for Compensation and Resettlement of People Affected by Development Projects (November 2005). Asian Development Bank's (ADB) Safeguard Policy Statement (SPS), Policy on Gender and Development (updated in 2006), the Policy on Indigenous Peoples (ADB, 1998), the Public Communications Policy (updated in 2011) and the Accountability Mechanism (2012).

98. The overall aim of the above policies is to avoid or minimize the negative impacts on people, households, businesses and others affected by the land acquisition required by a project. Where resettlement is not avoidable, the overall goal is to compensate and assist affected people to restore their living standards to levels equal to, if not better than, that they had before the Project. The policy sets out principles for land acquisition, compensation and resettlement. The relevant Lao laws and decrees and ADB policy and guidelines are discussed in Annex 8.

## **X. INSTITUTIONAL ARRANGEMENTS**

99. Planning and implementation of the resettlement plan requires the involvement of various government agencies at national, provincial and district levels that will be responsible to ensure that the EGDRP will be prepared and updated according ADB's Safeguard Policy Statement (SPS, 2009, updated 2012). Involvement of local organizations like the village and district coordinators of the Lao Women's Union (LWU) and Lao Front for National Construction (LFNC) and the resettlement committees will also be required. The project will engage the services of a Project Implementation Consultant (PIC) to provide technical advice to project management and implementers on resettlement planning, implementation and monitoring. These agencies and actors are discussed below. Detailed implementation arrangements are in the project administration manual (PAM).

### **A. Ministry of Information, Culture and Tourism (MICT)**

100. MICT is the Project Owner and the Executing Agency (EA) for the Project. As EA, its responsibilities include: (i) over-all management of the project; ii) establishment of the National Project Steering Committee (NSPC) headed by the Minister and/or the Vice-Minister with representatives from MPI, MPWT, MONRE, LWU, MOF, LFNC; iii) establishment of the PCU at the Tourism Development Department; iv) recruitment of the project implementation consultant; v) approval of the project's annual implementation plans and other related project plans and budget; and, vi) reporting to ADB and Lao Government on project status.

### **B. Tourism Development Department as PCU**

101. As PCU, its responsibilities include: (i) day-to-day coordination and implementation of the project as well as coordinate EGDRP updating, implementation and monitoring of updated EGDRP ; ii) acts as secretariat to the NSPC by preparing reports to NSPC on status of project implementation and coordinates NSPCs meetings and the annual project review and planning; iii) prepare project's progress reports on behalf of EA and submit these to ADB and Lao Government; iv) coordinate with the PIUs in Vientiane Province; and, v) designate its safeguards focal point staff to implement and monitor the progress of the safeguards plans (EGDRP , EMP, IPP).

**C. Resettlement Committees (RCs)**

102. Local authorities will assist the project in all activities concerning EGDRP updating, its implementation and monitoring. In Vientiane province, Resettlement Committees will be established at province and district levels. Thus, there will be one Provincial Resettlement Committee (PRC) in Vientiane Province, one District Resettlement Committee (DRC) for Keo Oudom. The safeguards staffs of the PIU in Keo Odom will be members of their respective DRCs.

103. The Provincial Resettlement Committee (PRC) will have the following functions: (i) facilitate consultation meetings with APs/AHs, (ii) prepare compensation plans based on RCS results as basis for compensation payments of affected assets and submit this to Provincial Department of Finance for budget allocation; (iii) review and confirmation of final DMS data; (iv) undertake negotiations and final agreement with APs on compensation; and (v) conduct actual compensation payments to APs and prepare disbursement report to be submitted to the Provincial Department of Finance (v) monitor and report on all EGDRP implementation activities; (v) act as grievance officers to deliberate and resolve resettlement-related complaints of APs/AHs and recommend to the EA through its PCU the issuance of a notice-to-proceed (NTP) to civil works contractors when full compensation and relocation activities will have been completed as indicated in a monitoring report so that site clearance activities can be undertaken. The PRCs will be supported by the District (DRC) and Village Resettlement Committees (VRCs) which will assist in all local activities.

104. The District Resettlement Committee (DRCs) will comprise of local authorities headed by the deputy District Governor with members from the district LWU and LFNC and village elders/traditional leaders. The DRC will support the PRC in all the above-mentioned functions.

105. Likewise, Village Resettlement Committees will be composed of the Village Chief, the village coordinators of the LWU and LFNC and village elders/traditional leaders. To ensure that the DRCs and VRCs will efficiently perform their functions in resettlement, they will be afforded a training activity to be designed and implemented by the PIC with the support of the safeguards focal point staffs of the province and the districts.

**D. DICT and UDAA as Project Implementing Units (PIUs)**

106. DICT will coordinate the day-to-day project activities related to Output 2 and 3 of the Design Monitoring Framework (DMF) as well as the infrastructure works in Nam Ngum Reservoir Access Improvements with the technical support of the DPWT. As the PIU in Keo Oudom, it will designate a safeguards' focal person to implement and monitor the resettlement process and monitor the EMP and the IPP. It will also designate a gender focal person to implement and monitor the gender action targets in the GAP. DICT will prepare progress reports of project implementation and submit those to PCU for project-wide preparation of reports for submission to ADB and Lao Government. DICT will coordinate with the district level resettlement committees and Community Tourist Groups in Nam Ngum and Western Loop regarding activities related to resettlement updating, implementation and monitoring and acts as technical secretariat to the PPSC.

107. OICT will be the PIU for the infrastructure subprojects in KeoOudom District and will coordinate with DPWT on technical aspects of infrastructure works and with DICT on activities related with Output 2 and 3 of the DMF. It will perform the same functions as that of DICT in Nam Ngum, Keo Oudom.

**E. Village Resettlement Committee (VRC)**

108. The VRC will assist the DRC in their resettlement tasks. Specifically, the VPC will be responsible for the following:

- Assign village officials to assist the DRC in the updating of the EGDRP and implementation of resettlement activities;
- Cooperate with District level and with village level LWU and LFNC in the mobilization of people who will be tasked to implement the compensation, assistance and resettlement policy according to the approved EGDRP ;
- Assist the PIU and DRC in conducting public consultations, DMS and update the SES amongst AHs;
- Assist in conducting the participatory RCS in their commune;
- Mobilize AHs/APs to actively participate in the resettlement updating process;
- Identify replacement land for affected households in consultation with DICT (in Nam Ngum subproject);
- Sign the Agreement Compensation Forms along with the affected households;
- Attend to the resolution of grievances lodged at their level.

**F. Lao Women's Union as member of the Community Tourism Group**

109. The LWU will be responsible for the following primary tasks:

- Support to PIU and DRC in information dissemination and community consultation activities;
- Document information gathered during the consultations;
- On behalf of VPC, mobilize women and other vulnerable groups in project implementation;
- Participate in coordination meetings with PIU, DRC and VPC.

**G. Community Tourism Group (TCG)**

110. The project will organize and train a village level TCG headed by the deputy VRC Chairman and with representatives from the Lao Women's Union, LFNC and village leaders. They will be tasked to disseminate information and conduct consultations with project stakeholders as well as perform simple field monitoring of the status of civil works' implementation as well as the status of EGDRP , EMP and GAP implementation. They will be trained to ensure that they efficiently perform their responsibilities. Likewise, they will assist the PIU in preparing monitoring progress reports as well as participate in coordination meetings with contractors, construction supervisor consultants and the PIU.

**H. Project Implementation Consultants (PIC)**

111. The project will engage consultants to support the PCU and PIUs in implementing the EGDRP and other safeguards plans. The Consultants will comprise of an International Social Safeguards Specialist (6 months), International Gender Specialist (2 months), National Social Safeguards Specialist (12 months) and a National Gender Specialist (12 months).

112. The specific tasks of the international social safeguards include:

- Ensuring that due diligence is carried out in implementing the Resettlement Plans for all subprojects;
  - As per provisions in the social safeguard plans, consultation and participation plan and the stakeholder communication strategy, assist in the preparation of materials and strategy for information campaigns, public consultation and community participation;
  - Review the SES materials and method to complete the detailed measurement survey (DMS) after completion and approval of the detailed design and recommend improvements as required;
  - Update the Resettlement Plan, and follow-up to ensure MICT and ADB's approval of the EGDRP
  - Brief officials at all levels on the content and procedures for implementing the EGDRP improve, if necessary, procedures for the coordination of resettlement, compensation and implementation;
  - Ensure that grievance redress mechanisms are promptly and timely addressed and efficiently functioning;
  - Establish and implement procedures for ongoing internal monitoring of EGDRP implementation;
  - Design and conduct capacity development activities for all relevant agencies, as needed, in the areas of ADB resettlement, participation and communication, and grievance procedures;
  - Train PCU and PIUs' assigned social safeguard focal staffs to carry out internal monitoring and reporting of social safeguards plans.
113. The specific tasks of the gender specialist include:
- Ensuring that due diligence is carried out in implementing the Gender Action Plan for all subprojects;
  - assist in the preparation of materials and strategy for information campaigns, public consultation and community participation in relation to gender;
  - Implement and monitor progress against the Gender Action Plan
  - Design and conduct capacity development activities for all relevant agencies, as needed, in the areas of gender;
  - Train PCU and PIUs' assigned social safeguard focal staffs to carry out internal monitoring and reporting of gender action plans.
  -
114. The national social safeguards specialist will:
- Support the PIA's PMU in implementing the Resettlement Plans for all subprojects;
  - Assist in the conduct of the information campaigns, public consultation and community participation on social safeguards;
  - Coordinate the detailed measurement survey with district officials after approval of detailed design by MICT; and update the list of affected households/ persons;
  - Assist the international social safeguards specialist in the update of the Resettlement Plan;
  - Advise PCU and PIU and international social safeguards specialist on how to

improve procedures for the coordination of resettlement, compensation and implementation of actions based on local context in subproject areas;

- Verify the calculations of compensation made by the Provincial and District Resettlement Committee in relation to the provisions of the EGDRP entitlement matrix, and advise the PCU and PIUs on any required measures to ensure compensation payments are made in accordance with the EGDRP provisions;
- Monitor compensation payment and advise the PIU on actions to take to ensure compensation is paid in full and in a timely and transparent manner;
- Ensure that grievances are addressed promptly and properly and that the grievance redress mechanism is functioning well;
- Conduct periodic mentoring on grievance redress if needed;
- Establish and implement liaison mechanisms to ensure proper technical and logistics support to the PIU, local administrative authorities, resettlement committees and concerned government departments;
- Establish and implement procedures for ongoing internal monitoring of EGDRP ;
- Design and conduct capacity development activities on ADB social safeguard policies for all relevant agencies, as needed, including requirements for participation, communication and gender mainstreaming;
- Train PCU and PIUs' designated social safeguards focal person staffs to carry out internal monitoring and reporting on EGDRP implementation;
- Monitor grievance process of affected households/persons who have lodged complaints with relevant levels of grievance redress.

## **XI. MONITORING, REPORTING AND EVALUATION**

115. Regular and timely monitoring and assessment of the progress of EGDRP implementation will take place to ensure that the approved EGDRP is implemented as planned and that mitigating measures designed to address adverse social impacts are adequate and effective. Likewise, through regular and focused monitoring of EGDRP implementation, issues are immediately captured so that appropriate management decisions can be promptly taken and implemented to resolve the issues. Towards this end, internal resettlement monitoring will be carried out which is in line with a Category B project.

116. MICT as the project EA is primarily responsible for internal monitoring. Monitoring will be conducted by designated provincial and district safeguard focal point staffs with technical support from the International and National Social Safeguards Resettlement Specialists. MICT will be responsible for overseeing the entire EGDRP implementation and monitoring by establishing PCUs, PIUs and resettlement committees at provincial and district levels to internally monitor EGDRP implementation. MICT will ensure that the designated staffs will efficiently perform their authorized functions through training and capacity building, smooth coordination among implementing agencies and providing adequate and timely logistical support.

117. The project implementation consultants will provide technical assistance and support to the PCU and PIUs. The EGDRP monitors will prepare semi-annual safeguards monitoring reports that highlight: i) accomplishments in relation to targets; ii) EGDRP implementation issues and actions taken to resolve issues and/or policy issues for EA's action/decision. An ADB

safeguards monitoring format will be used in report preparation. MICT will submit the semi-annual monitoring report to ADB. All monitoring data will be disaggregated by sex and ethnicity. Resettlement monitoring reports will be shared to village leaders. The reports will also be posted in accessible public places and uploaded to the ADB website. Table 7 indicates suggested monitoring indicators for this EGDRP.

118. Monitoring, reporting and evaluation of the EGDRP will be built into the PPMS, to be developed during the first year of project implementation. EGDRP monitoring will (i) ensure that the ethnic groups have been engaged in the project activities; (ii) assess the quality and timeliness of ethnic group support programs; (iii) identify problems; and (iv) map out plans to redirect EGDRP implementation based on problem analysis and solutions formulated. The framework for monitoring the EGDRP is summarized below in Table 6.

**Table 11: Monitoring Framework**

<b>Project Activities</b>	<b>Objectives</b>	<b>Location</b>	<b>Time Frame</b>	<b>Responsible Project Units</b>
Inception workshops	Disseminate the EGDRP to all project stakeholders. Generate views, comments of project beneficiaries for EGDRP updating.	All target villages in Vang Vieng	Q4 2020.	PIU
Village level public consultations	Disclose and disseminate the updated EGDRP. Generate community feedbacks on updated EGDRP implementation.	At least the villages in Vang Vieng impacted by the project	As required.	PIU safeguards staff.
Quarterly and annual reports on EGDRP implementation	Assess compliance with the EGDRP's mitigating measures and interventions in terms of its responsiveness to stakeholders' needs and preferences, timeliness and efficiency in its implementation; and recommendations to address emerging issues and concerns of ethnic minorities.	Field data gathered analyzed and indicated in progress reports as part of PPMS prepared in PIU offices and submitted to PCU for project-wide consolidation and submission to Lao government and ADB	PIU submits it to PCU by 2nd weeks of the end of the quarter, and PCU sends as part of Q report to ADB by 4 <sup>th</sup> week of the end of the quarter.	PIUs at District level and PCU at national/project-wide level.
Semi-annual monitoring missions and safeguards monitoring	Assess compliance with EGDRP. Provide guidance to resolve any implementation or compliance issues.	Field visits to project sites with non-Tai-Kadai ethnic groups. Meetings, PCU, PIU.	Two missions and safeguards monitoring reports per	ADB, PCU and PIUs supported by PMCES



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<b>Project Activities</b>	<b>Objectives</b>	<b>Location</b>	<b>Time Frame</b>	<b>Responsible Project Units</b>
reports			year.	
Annual NPSC meetings	Assess progress and compliance with the EGDRP. Provide policy guidance and advice on EGDRP implementation issues.	At MICT (national level) with NSPC members acting as policy-making body for the project	Annually or ad-hoc basis if project is not complying with EGDRP provisions.	PCU and PIUs with PMCES
Project completion report	Assess compliance with EGDRP. Assess achievements and lessons from EDGRP implementation.	Field visits and meetings	Within 6 months of physical completion of the project	PCU and PIUs

ADB= Asian Development Bank, CPP = consultation and participation plan; TCG = community tourism group; EA=executing agency, EGDRP = Ethnic Group Development Resettlement Plan Committee, PCU = project coordination unit; PIC= Project Implementation Consultant; PIU = project implementation unit; Q4= Quarter 4.

119. EGDRP implementation progress will be reported as part of PPMS. Quarterly progress reports will provide periodic updates on EGDRP implementation and the impact of the project on non-Tai-Kadai ethnic groups. A midterm review of the project which includes a review of EGDRP implementation will be conducted by ADB with the PCU, PIU, project beneficiaries, and consultants. The midterm evaluation will consider past updates and make adjustments to the PPMS, as required. EGDRP compliance, achievements and lessons will be reported in the project completion report, which will be prepared within 6 months of the physical completion of the project. All monitoring data and reports will be disaggregated by gender and ethnicity.

**Table 12: Monitoring and Evaluation Indicators**

<b>Type</b>	<b>Indicator</b>	<b>Examples of Variables</b>
<b>Inputs Indicators</b>	Staffing and Equipment	<ul style="list-style-type: none"> <li>• Number of local people that take up employment opportunities</li> <li>• Capacity-building and other training undertaken</li> <li>• Civil works contractor hire the agreed number of men and women laborers as per civil works contract;</li> <li>• Budget and logistics support to resettlement committees allocated and disbursed as per budget;</li> <li>• Number of local focal points at villages e.g. LWU and LFNC established and mobilized</li> </ul>

<b>Type</b>	<b>Indicator</b>	<b>Examples of Variables</b>
<b>Process Indicators</b>	Consultation, Participation, and Grievance Resolution	<ul style="list-style-type: none"> <li>• Lao version of PIB distributed to all APs/AHs</li> <li>• Lao version of summary of update EGDRP available in the villages</li> <li>• Translated materials in local dialects spoken by non-Tai-Kadai peoples in their villages prepared and distributed if they don't understand Lao language</li> <li>• Number of consultations (meetings/individual) undertaken as per EGDRP and stakeholder communication plan</li> <li>• Number of Grievances by nature resolved and mediated and kept in files of resettlement committees;</li> <li>• Number of locally based organizations involved in project implementation</li> </ul>
<b>Output Indicators</b>	Compensation and Rehabilitation	<ul style="list-style-type: none"> <li>• Number of owners compensated by type of losses</li> <li>• Compensation completion reports submitted</li> <li>• Compensation payments made on time and to agreed rates</li> <li>• Monthly monitoring of AHs activities and income</li> <li>• Number of AHs with restored income</li> </ul>

## **XII. IMPLEMENTATION SCHEDULE**

120. The project will be implemented in six years beginning on the 4<sup>th</sup> quarter of 2018 until the 3<sup>rd</sup> quarter of 2024. The implementation schedule for the resettlement plan is aligned with the key dates in the project implementation plan. Table 8 lists the scheduled detailed activities with regards to resettlement.

**Table 13: Implementation Schedule**

<b>Activities</b>	<b>Schedule</b>
Establish PCU/PIUs	Q4 2018
Orient PCU/PIUs and other implementing agencies on the EGDRP	Q1 2020
Establish and train Resettlement committees at all levels	Q1 2020
Completion and Approval of detailed designs of the sub-project	Q3 2020
Update EGDRP (DMS, RCS, Census of AHs/APs)	Q2 2019 - Q2 2020
Submit to ADB updated EGDRP for issuance of “no objection”	Q3 2020
Translate ADB and Government approved EGDRP to Lao and distribute to province, districts and to the AHs/APs	Q3 2020
Upload approved EGDRP to ADB website and distribute this to AHs/APs, village, district authorities and other project partners	Q3 2020
Actual payments of compensation to APs/AHs and temporary relocation of affected structures, land acquisition; resolve grievances of AHs/APs	Q3-4 2020

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<b>Activities</b>	<b>Schedule</b>
Site clearance	Q1 2021-Q4 2021
Issuance of notice-to-proceed to civil works contractors	Q1 2021
Start of civil works/construction	Q1 2021
Livelihood restoration activities, resolve grievances of AHs/APs and Internal monitoring	Continuous until project closing in 2025

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## Annex 1: IOL Western Loop Urban-Rural Access Improvements

### a. Breakdown of Compensation

No	Name	Category	m2	Cost per m2 LAK	Total Cost LAK*
1	Mrs. Xone	Construction Land Adjacent to Road	156.94	300,000	47,082,000
2	Mr. Visai Phanith	Construction Land Not Adjacent to Road	270.03	200,000	54,006,000
3	Mr. Bounsou	Construction Land Not Adjacent to Road	425.65	200,000	85,130,000
4	Mr. Keo	Agricultural Land Not Adjacent to Road	1017.6	20,000	20,352,200
5	Mr. Ham	Construction Land Not Adjacent to Road	2174.6	200,000	434,920,000
6	Mr. Chamtha	Garden Land Adjacent to Road	104.88	25,000	2,097,600
7	Mrs. Pom	Construction Land Adjacent to Road	26.68	300,000	8,002,500
8	Mr. Kong	Construction Land Adjacent to Road	20.16	300,000	6,048,000
9	Mr. Khiew (Pho Noy)	Construction Land Adjacent to Road	8.63	300,000	2,590,500
10	Mrs. Bouavanh	Construction Land Adjacent to Road	13.25	300,000	3,975,000
11	Mr Champheng	Construction Land Adjacent to Road	71.4	300,000	21,420,000
			4289.8		685,623,800

### b. Composition and Type of Affected Households

No	Name	Gender of HH	Ethnicity	Vulnerable *	Permanent Stay	Type of AH
1	Mrs. Xone	Female	Lao-Tai	Yes	No	Land only
2	Mr. Visai Phanith	Male	Lao-Tai	No	No	Land only
3	Mr. Bounsou	Male	Lao-Tai	No	No	Land only
4	Mr. Keo	Male	Lao-Tai	No	No	Land only
5	Mr. Ham	Male	Lao-Tai	No	No	Land only
6	Mr. Chamtha	Male	Lao-Tai	No	No	Land only
7	Mrs. Pom	Female	Lao-Tai	Yes	No	Land only
8	Mr. Kong	Male	Lao-Tai	No	Yes	Land + house
9	Mr. Khiew (Pho Noy)	Male	Lao-Tai	No	Yes	Land + house
10	Mrs. Bouavanh	Female	Lao-Tai	Yes	Yes	Land + house
11	Mr Champheng	Male	Lao-Tai	No	Yes	Land + house

## **Annex 2: Sample Project Implementation Booklet**

### **Second GMS Tourism Infrastructure for Inclusive Growth Project Project Information Booklet (PIB)**

#### **1. What is the Project?**

The proposed project will improve urban-rural transport infrastructure, urban environmental services, strengthen capacity to implement regional tourism standards, and strengthen tourism destination management in Cambodia, the Lao PDR and Viet Nam (CLV). The project will build on the ongoing GMS Tourism Infrastructure for Inclusive Growth Project, implemented in Cambodia, the Lao PDR, and Viet Nam (2014–2019).

The expected impact is sustainable, inclusive, and more balanced tourism development, as envisaged in the ASEAN Tourism Strategic Plan 2016–2025. The expected outcome is to increase the tourism competitiveness of secondary towns in Cambodia, Lao PDR and Viet Nam. Outputs include: (i) urban-rural access infrastructure and urban environmental services improved, (ii) capacity to implement ASEAN tourism standards strengthened, and (iii) institutional arrangements for tourism destination management and infrastructure operations and maintenance (O&M) is strengthened.

In Lao PDR, the project will work in Vang Vieng and Champasak Province. In Vang Vieng Province there will be 5 subprojects.

#### **2. What are the features of the five (5) subprojects in Vang Vieng Province?**

##### **2.1 Nam Ngum Reservoir Access Improvements:**

The subproject will work on (i) improving the existing public marina to safely accommodate 50-60 local tour boats and launch small recreational vessels, e.g. kayaks and sailboats; (ii) construct a 5.9 km, 6m wide loop road linked to National Road 10 to DBST paving, and 1,200 m<sup>2</sup> parking area; (iii) redevelop unsanitary and poorly constructed market stalls into a new 3,200 m<sup>2</sup> public market that incorporates traditional Lao architectural design; (iv) install septic tanks in all public buildings and a wastewater pump-out station/holding tank at the marina; (v) replace abandoned, unsafe public buildings and piers with new public green space; and (vi) renovate the tourist information center. The subproject will supply electric vehicles for transfers from the parking area to the marina, to be operated under a private management contract.

##### **2.2 Kaeng Yui Waterfall Access Improvements**

The subproject will (i) upgrade the 6-km waterfall access road to concrete pavement, with a 6m carriageway and drainage; (ii) level and pave the 875 m<sup>2</sup> parking area with gravel; (iii) improve surfacing and drainage in the waterfall market area; and (iv) improve 300m footpaths, including rehabilitation of steps, small suspension bridges, and signage.

##### **2.3 Western Loop Rural Access Roads and Bridge Improvements**

The subproject will (i) upgrade the 26 km “Western Loop Road” to DBST paving, with 6m carriageway and drainage in village areas; (ii) construct a new 2-lane 80m road bridge across the Xong River, with 2.9 km concrete feeder road connecting it to the Western Loop Road and national road 13N; and (iii) provide bio-engineered river bank protection and improve the 1,100m footpath/cycle track between the new bridge and Huay Yae village.

##### **2.4 Vang Vieng Urban Renewal**

The subproject will work on (i) rehabilitating 4.0 km of footpaths with suitable surfaces, street lighting, seating and soft landscaping; (ii) installing traffic calming measures in streets with high concentrations of tourists; (iii) improving traffic management, including one-way traffic flows and shared surface concepts (1.5 km); and (iv) resurfacing roads and improving drains in residential areas (0.98 km).

## **2.5 Vang Vieng Solid Waste Management Improvements.**

Subproject components include: (i) preparatory earthworks and installation of a perimeter runoff interceptor drainage system; (ii) construction of an impermeable liner, leachate collection/treatment system, and a landfill gas recovery system; (iii) construction of a small materials recovery facility for waste separation and recycling; (iv) construction of a medical waste treatment area; (v) construction of a septage treatment facility (0.5 ha); and (vi) construction of site office, toilets, and fencing. The landfill access road (0.8 km) will be paved with concrete (6m carriageway and verges) to accommodate collection trucks and other vehicles. On-site equipment will include 3 new 10 cubic meter collection trucks, bulldozer, and two vacuum trucks to support septage collection. Sanitation and waste management awareness programs will be supported under output 3 capacity building programs.

## **3. Who are eligible for entitlements?**

All affected people, households, and institutions/organizations that have affected assets previously to the cut-off date are eligible to be compensated and assisted under the project. The cut-off date coincides with the completion of the period the census of affected persons (regardless of tenure status) and the inventory of losses (IOL). This is 13 July for Nam Ngum and 5 August for Western Loop subprojects. These are the only subprojects where resettlement impacts are expected. The information in the IOL and Census will be validated and updated later during the detailed measurement survey (DMS) at project implementation time when this Resettlement Plan (RP) will be updated. Persons not covered in the census are not eligible for compensation and other entitlements, unless they can show proof that (i) they have been inadvertently missed out during the census and the IOL; or (ii) they have been included among the affected due to changes in project design.

## **4. What legal documents will prove eligibility?**

Eligibility is proven by legal documents such as land titles, business permits from district authorities, property tax and other taxes paid to government authorities amongst others.

## **5. How much should we be compensated for lost assets due to resettlement? What is the legal basis for entitlement for compensation of lost assets?**

Compensation costs and payments are legally guided by the laws and decrees of the Government of the Lao People's Democratic Republic (PDR) and Asian Development Bank's (ADB's) policies. These policies include ADB's Safeguard Policy Statement (SPS) 2009 (updated 2012) and the Lao Government's laws and regulations related to land and resettlement, including Decree 192 with latest amendments to some articles of the law related to compensation and the Technical Guidelines for Compensation and Resettlement issued in March 2010. Land compensation will be based on prevailing current market values per land type/classification based on results of replacement cost survey (RCS) done during EGDRP updating among others.

## **6. When is the cut-off date for eligibility?**

The cut-off date is the final day of the Inventory of Losses (IOL) in each subproject. In the subproject areas this is 13 July for Nam Ngum and 5 August for Western Loop subprojects. These are the only subprojects where resettlement impacts are expected. After cut-off date, all

assets newly constructed, planted and acquired will not be eligible for compensation.

#### **7. If we have complaints where and to whom should be send these?**

A grievance redress mechanism will be in place that starts at village level through the village grievance committee where complaints are lodged and resolved. If not resolved, or when an Affected Household is still dissatisfied, the complaint will go to the District Grievance Committee which will act to resolve complaint; if not acted upon or when AH is not satisfied with the decision, then the complaint is lodged with the Provincial Grievance Committee for resolution. If not acted upon by the province or if AH is still dissatisfied, the complaint will be litigated at the proper local court that will act on the complaint. If the court rules in favor of the AH, then the executing agency (EA) which is MICT or its PMU, DICT, will pay the compensation amount set by the court, but if court rules in favor of the EA/PMU, then the approved amount set by EA will be paid to complainant. In any case, the EA is responsible for paying the legal fees in this process.

#### **8. Institutional Arrangements**

The Ministry of Information, Culture and Tourism is the project Owner and Executing Agency (EA). The Tourism Development Department is the EA's Project Coordination Unit (PCU); and secretariat to the NSPC: The National Project Steering Committee (NPSC) will be established and chaired by the Minister or the Vice-Minister and its members will include representatives from the Ministry of Planning and Investment (MPI), MONRE, Lao Women's Union and Vice-Governors of the project participating provinces. The NSPC is the policy-making body of the project.

The MICT's Tourism Development Department (TDD) will be the Project Coordination Unit that will act as NPSC's secretariat and will be tasked with over-all coordination of the project-wide day-to-day implementation as well as liaisons with ADB and other project partners. A Provincial Project Steering Committee (PPSC) will be established and shall be chaired by a Vice-Governor. The PIU will be the secretariat to the PPSC.

The Project Implementing Units (PIUs) in Vientiane Province will be the District Information, Culture and Tourist Office (DICT) and District Public Works and Transport (DPWT). So, there will be two PIUs in Vientiane Province: one PIU embedded in DICT to oversee Nam Ngum Reservoir Access Improvements with the support from Vientiane DPWT as needed while the other PIU will be embedded in Vang Vieng's Urban Development Administration Agency which will be responsible for implementing the infrastructure works in Vang Vieng on all 4 subprojects with members from Vang Vieng Office of Public Works and Transport and Office of Information, Culture and Tourism.

If you want any information, contact the PIU in the DICT or DPWT.

### **Annex 3: Sex and Ethnic Disaggregated Participants' Attendance to the Public Consultation Meetings**

# 1

Province: Vientiane Province

District: VangVieng

Name of Subproject: Western Loop Road and Bridge Improvements

Date and Time of Conduct: 19 June, 2020

Scope: Conclusion of DMS at UDAA Office

Participants: 5

Women: 0

Ethnic: 0

# 2

Province: Vientiane Province

District: VangVieng

Name of Subproject: Western Loop Road and Bridge Improvements

Date and Time of Conduct: 17 June, 2020

Scope: Meeting for Social Safeguard/Resettlement on V3 at UDAA Office

Participants: 20

Women: 3

Ethnic: 0

# 3

Province: Vientiane Province

District: VangVieng

Name of Subproject: Western Loop Road and Bridge Improvements

Date and Time of Conduct: 4 June, 2020

Scope: Meeting with head of village, villagers, PIU, PMCES at Village Office of Ban Mouang xong

Participants: 13

Women: 1

Ethnic: 1

# 4

Province: Vientiane Province

District: VangVieng

Name of Subproject: Western Loop Road and Bridge Improvements

Date and Time of Conduct: 2-5 June, 2020

Scope: Consultation, DMS/IOL of Affected Households on Western Loop sub-project

Participants: 11

Women: 3

Ethnic: 0

# 5

Province: Vientiane Province

District: VangVieng

Name of Subproject: Western Loop Road and Bridge Improvements

Date and Time of Conduct: 28 May, 2020



Scope: Detailed Engineering Design (DED) for V2, V3 and V4 at Crowne Plaza Hotel  
Participants: 43  
Women: 12  
Ethnic: 0

# 6

Province: Vientiane Province  
District: VangVieng  
Name of Subproject: Western Loop Road and Bridge Improvements  
Date and Time of Conduct: 16 Aug, 2019  
Scope: Meeting at PIU/UDAA Vang Vieng on conceptual design  
Participants: 17  
Women: 2  
Ethnic: 1

# 7

Province: Vientiane Province  
District: VangVieng  
Name of Subproject: Western Loop Road and Bridge Improvements  
Date and Time of Conduct: 17 Sep, 2019  
Scope: Conceptual Design meeting with PIU/UDAA at UDAA Office  
Participants: 33  
Women: 5  
Ethnic: 0

# 8

Province: Vientiane Province  
District: VangVieng  
Name of Subproject: Western Loop Road and Bridge Improvements  
Date and Time of Conduct: 19 December, 2019  
Scope: Meeting for Topographical and Geotechnical Survey at UDAA Office  
Participants: 7  
Women: 0  
Ethnic: 0

# 9

Province: Vientiane Province  
District: Vang Vieng  
Village: Houay Sangoa  
Name of Subproject: Western Loop Road and Bridge Improvements  
Date and Time of Meeting: 15 December, 2017  
Participants: 6  
Women: 0  
Ethnic: 0

#10

Province: Vientiane Province  
District: Vang Vieng  
Village: Houay Yae  
Name of Subproject: Western Loop Road and Bridge Improvements  
Date and Time of Meeting: 16 December, 2017

Participants: 10  
Women: 0  
Ethnic: 0

#11

Province: Vientiane Province  
District: Vang Vieng  
Village: Houay Nathong  
Name of Subproject: Western Loop Road and Bridge Improvements  
Date and Time of Meeting: 02 November, 2017  
Participants: 12  
Women: 1  
Ethnic: 0

#12

Province: Vientiane Province  
District: Vang Vieng  
Village: Houay Nadouang  
Name of Subproject: Western Loop Road and Bridge Improvements  
Date and Time of Meeting: 15 July 2017  
Participants: 23  
Women: 7  
Ethnic: 0

#13

Province: Vientiane Province  
District: Vang Vieng  
Village: Houay Sangoa  
Name of Subproject: Western Loop Road and Bridge Improvements  
Date and Time of Meeting: 10 July 2017  
Participants: 12  
Women: 4  
Ethnic: 4

#14

Province: Vientiane Province  
District: Vang Vieng  
Village: Houay Nadouang  
Name of Subproject: Western Loop Road and Bridge Improvements  
Date and Time of Meeting: 10 July 2017  
Participants: 20  
Women: 7  
Ethnic: 0

## **Annex 4: Legal Framework for Resettlement**

### **A. Lao PDR Laws and Regulations**

1. The Constitution (1991 with endorsed amendments through 2003)) provides the following relevant articles:

Article 14. The State protects and promotes all forms of state, collective, and individual ownership.

Article 15. Land in Lao PDR is owned by the national community. The State ensures the right to use, transfer, and inherit it in accordance with the law.

Article 8. Establishes the right of all ethnic groups to protect, preserve and promote their customs and heritage. All acts of division and discrimination among ethnic groups are prohibited.

2. The 1997 Land Law (No. 01/97) is the principal legislation by which the State exercises its constitutional responsibility for the management, preservation, and use of land. In relation to project resettlement, this law allows for expropriation of land by the state when this is in the public interest. Importantly, the Land Law requires the land user to be compensated, and this compensation is determined by an inter-agency committee. The articles of importance to resettlement are summarized below:

- Article 5 - provides for protection of the rights of efficient, regular and long-term land users.
- Article 43 – rights to use of land can be achieved through delegation by the state, inheritance of through transfer of rights.
- Article 54 – termination of land use rights can be affected by voluntary liberation of rights by possessor, or through expropriation by the state for use of the land in the interests of the public.
- Article 61 – when land is required to be expropriated by the government for use in the public interest, the relevant authorities are required to compensate the land use possessor for their losses.
- Article 62 – determination of assessed losses should be undertaken by a committee comprising representatives of all concerned agencies.

3. The Land Law (No. 04/NA) of 21 October 2003, supersedes the previous Land Law (1997), which outlines land definitions, land titles and the responsible authorities that vary for each category of land use or administration. The Law makes some reference to the compensation entitlement for land in Article 67-70 but not to structures. The Land Law provides the issuance of a Land Title, which attests provisional ownership rights to use agricultural as well as forestland (Articles 17-18 and 21-22). Land titling is being undertaken under the AusAid/World Bank project in many towns. Under this project Land Titles and Land Survey Certificates are issued. In places where Land Titling has not been done yet, most APs will only have Land Use Rights Certificates (Form 01), Land Tax Payment Receipts and/or Residency Certificates. Form 01 are certificates of land use for taxation and are considered evidence of land use but not as legal title. For agricultural and forest land the District Agricultural and Forestry Extension Office (DAFEO) issues Temporary Use Certificates. People without proof of ownership and/or certificates are considered “unregistered” users. These users differ from “illegal” users. In case of acquisition, APs who hold the above documents but also those who

are granted customary land use rights<sup>17</sup> or are considered unregistered users since before the cut-off date, receive compensation under the Land Law.

4. The Road Law (1999) requires “reasonable” compensation to the owner whose land will be acquired for the right-of-way (ROW), relocation and replacement structures and loss of trees and crops (Article 19). In the Decree and ADB regulations it is stated that privately owned land or land under permitted land use within the agreed ROW used for road construction will be expropriated, and the owner will receive reasonable compensation. However, in Laos it often is the case that structures and even part of housing are constructed within the ROW after the ROW has been announced. In this case in the project compensation will be restricted for loss of materials of structures, repair costs and loss of trees. The Road law also states that the ROW within urban settings (built-up areas), is defined by the local authorities. Hence the definition of meters for ROW does not apply, but should be applied as most appropriate.

5. While both the Land Law and the Road Law ensure compensation for legal owners of properties under acquisition, they do not guarantee either replacement value of the acquired properties or restoration of income, or indeed provide for compensation to nonlegal (but not illegal) users.

6. The Decree 192/PM on Compensation and Resettlement (July 2005) rectifies key areas of the Land and Road Laws which would prevent informal land users from any eligibility, and sets a clear definition of the “reasonable compensation” mentioned in the Land and Road Laws and determines these as replacement cost. It supplements the Land and Road Laws in that it provides processes and mechanisms for acquiring and removal of structures and not just land and for determining entitlement, with community participation. Along with the decree’s Regulation on Implementation (November 2005) and Technical Guidelines (November 2005), it provides a comprehensive framework on resettlement planning in Lao PDR. The Decree recognizes the rights of vulnerable groups (i.e. households headed by women, disabled, elderly or very poor) and ethnic groups.

7. In March 2010, an update on the Technical Guidelines for Compensation and Resettlement issued in November 2005 was published. The update was prepared in accordance with the provisions of Decree 192, its Implementing Regulations, and National Policy No. 561 CPI on Environmental and Social Sustainability of the Hydropower Sector in Lao PDR issued on 7 June 2005. The Guidelines explain in detail the processes and procedures to be necessarily adopted in data collection, conduct of surveys and in the preparation of various documents in accordance with the provisions of Decree 192 on Resettlement and Compensation.

8. The Lao Government issued a Decree on Environmental Assessment (112/PM 2010) in February 2010 which stipulates that a social management and monitoring plan (SMMP) shall be a part of Environmental Assessment. The SMMP defines the main social activities, measures to avoid, minimize and mitigate the adverse social impacts. It also highlights measures on compensation, resettlement and restoration of living conditions of the people who are and/or will be affected by an investment project.

9. The above Decrees and regulations are improved upon by the Lao Government’s Law on the Protection of the Environmental, 18 December 2012 (No. 29) and Decree on Compensation and Resettlement Management in Development Projects, 5<sup>th</sup> of April 2016

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<sup>17</sup> These certificates are issued at the District level.

(84/PM) confirm the above Decree in more detail and emphasize the responsibility by development project owners for compliance with LAR procedures.

## **B. ADB Policy on Involuntary Resettlement**

10. The objectives of ADB's *Policy on Involuntary Resettlement* (1995) and its Safeguard Policy Statement (SPS, June 2009, updated 2012) and detailed in the OM Section F1/OP issued on 4 March 2010 are to avoid and/ or minimize impacts to people particularly the poor and the vulnerable group, their property and businesses affected by land acquisition and other impacts of the project, including impacts to livelihood and income that arise during project implementation. The policy stipulates three important elements in involuntary resettlement: (i) compensation for lost assets and loss of livelihood and income, (ii) assistance in relocation including provision of relocation sites with appropriate facilities and services, and (iii) assistance with rehabilitation to achieve at least the same level of well-being with the project as before. The policy further specifies that the absence of legal title (Form 01) to land cannot be considered an obstacle to compensation and rehabilitation privileges. All persons affected by the project, especially the poor, landless, vulnerable, and disadvantaged households should be included in the compensation, transition allowance, and rehabilitation package. Where involuntary resettlement is unavoidable, it must be minimized either by exploring project alternatives, or by providing specific mitigation measures to enhance and/ or at least restore the living standards of the affected people to their pre-project levels. ADB's SPS 2009 (updated 2012) stresses that the living standards of people affected by resettlement should be improved.

11. ADB's Policy on Gender and Development (2006) is an appropriate guiding document to ensure that their needs and concerns are addressed and that gender issues in resettlement are mitigated. This policy adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring that women participate and that their needs are explicitly addressed in the decision-making process. For projects that have the potential to cause substantial gender impacts, a gender action plan (GAP) is prepared to identify strategies to address gender concerns and the involvement of women in the design, implementation and monitoring of the project. The category for gender in this project is effective gender mainstreaming.

12. ADB's Policy on Indigenous Peoples (1998) states that the borrower/client will ensure (i) that affected Indigenous Peoples receive culturally appropriate social and economic benefits; and (ii) that when potential adverse impacts on Indigenous Peoples are identified, these will be avoided to the maximum extent possible. Where this avoidance is proven to be impossible, based on meaningful consultation with indigenous communities, the Indigenous Peoples Plan (IPP) will outline measures to minimize, mitigate, and compensate for the adverse impacts<sup>10</sup>.

13. Other policies of the ADB which are relevant to resettlement planning and implementation are: (i) Public Communications Policy (2011); and (ii) Accountability Mechanism (2012). As per these policies, Project Coordination Units (PCUs) and PIUs are required to proactively share and disclose project information with stakeholders and the public at large. Affected people should have easy access to the project information. A grievance redress mechanism, therefore, must be included in the resettlement plans and disclosed to the affected people. The EGDRP must be uploaded in the ADB website after its approval by ADB and disclosure to project beneficiaries.

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<sup>10</sup> An Indigenous People's Plan has been prepared for this subproject that sets out actions to address how ethnic minority groups will benefit from this subproject and negative impacts will be avoided/mitigated.

14. Table 1 presents the gaps between the Lao Government Policies and ADB resettlement policies

**Table 1: Gaps Between Lao PDR and ADB Resettlement Policies**

<b>Decree 192 Requirements</b>	<b>ADB SPS Requirements</b>	<b>Project measures</b>
Severely affected APs defined under Article 8 are those that will lose 20% or more of their affected productive and/or income generating assets.	Severely- affected APs are those that will lose 10% or more of their affected productive assets	ADB's definition will be adopted and applied in the project's entitlement matrix.
Requires consultation with AHs and stakeholders during EGDRP preparation.	Requires consultation with AHs and stakeholders during EGDRP preparation and ongoing during implementation and monitoring.	Project's Community Participation and Communication Strategy will ensure that adequate and meaningful consultations with project stakeholders will continue throughout the entire project implementation cycle.
Vulnerable groups: (i) divorced, separated, single or widowed female headed households with dependents and have low income; (ii) households with disabled or invalid persons; (iii) poor or landless households; (iv) elderly households with no means of support.	Vulnerable groups: those who are below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples (ethnic minority), and those without legal title to land.	Vulnerable groups: (i) Female- headed households with dependents; (ii) disabled household heads; (iii) poor households; (iv) children and the elderly households who are landless and with no other means of support; (v) landless households; (vi) Indigenous people.
Voluntary contributions: Only if marginal impacts (less than 20% of productive assets) and do not result in displacement. APs aware of entitlements.	ADB SPS is limited to involuntary resettlement. However, the sourcebook does inform that voluntary contributions are only allowed for specific types of projects with direct community benefits - generally applies where land is used for community social services (e.g. Health post, primary school). By and large ADB does not allow voluntary conditions. However, there are exceptional cases where in this is allowed following these conditions: (i) voluntary donations do not severely affect the living standards of affected people; (ii) voluntary donations are linked directly to benefits for the affected people; (iii) there is an adequate grievance process; (iv) no affected household will be displaced from housing and severely affected; and (v) no affected household is vulnerable.	No voluntary contributions will be allowed.

Source: PPTA Consultants

## Annex 5: Western Loop Rural Access Road and Bridge Improvement Screening Form

### Second Greater Mekong Subregion Tourism Infrastructure for Inclusive Growth Project

#### LAND ACQUISITION AND RESETTLEMENT CATEGORIZATION

##### A. Introduction

Each subproject of the Second Greater Mekong Subregion Tourism Infrastructure for Inclusive Growth Projects assigned an involuntary resettlement category depending on the significance of the probable involuntary resettlement impacts.

##### B. Information on Western Loop Rural Access Road and Bridge Improvements' subproject

<b>Subproject town / district</b>	Western Loop Rural Access Road and Bridge Improvements, Vang Vieng District
<b>Province</b>	Vientiane Province
<b>Scope of subproject (description of the nature and scope of works)</b>	
<b>a) Construction and Renovation</b>	The subproject will (i) upgrade the 26 km "Western Loop Road" to DBST paving, with 6m carriageway and drainage in village areas; (ii) construct a new 2-lane 80m road bridge across the Xong River south of town, with 2 km concrete feeder road connecting it to the Western Loop Road and the town center; and (iii) provide bio-engineered river bank protection and improve the footpath/cycle track along the west bank of the Xong River. The subproject will benefit about 9,500 people living in 11 villages alongside the road and relieve urban congestion for 59,661 Vang Vieng residents. Part of the feeder road follows an existing unpaved road through Huay Yae village. An alternative alignment bypassing the village on its northwestern will be explored during detailed design.
<b>b) Other</b>	N/A

##### C. Screening Questions for Resettlement Categorization

Initial screening for involuntary resettlement is to be conducted during preparation of the Projects' Feasibility Study for the subproject.

<b>Involuntary Resettlement Effects</b>	<b>Yes</b>	<b>No</b>	<b>Extent of Impacts And Other Remarks</b>
Does the subproject include upgrading or rehabilitation of existing physical facilities?	x		Upgrading and improvement of existing access road to the proposed bridge; upgrading of Western Loop road
Does the subproject include the construction of new physical facilities?	x		Bridge, 2km Access road to the Western Loop road
Will it require permanent land acquisition?	x		4289m <sup>2</sup> of land will be needed (3,167.5m <sup>2</sup> construction and 1,017.5m <sup>2</sup> agricultural land, and 104m <sup>2</sup> of garden land)
Is the ownership status and current usage of the land known?	x		11 AHs were interviewed for IOL; DMS will have to determine some details of usage and land tenure more exact
Are there any non-titled people who live or earn their livelihood on affected land?		x	

Involuntary Resettlement Effects	Yes	No	Extent of Impacts And Other Remarks
Will there be loss of housing?		x	
Will there be loss of agricultural plots?	x		1,017.5m2
Will there be losses of crops, trees and fixed assets?	x		25 Trees will be lost for 3 AHs.
Will there be loss of businesses or enterprises?		x	
Will there be loss of incomes and livelihoods?		x	
Will people lose access to facilities, services, or natural resources?		x	
Will any social or economic activities be affected by land use-related changes?	x		The improvements will have positive impacts for tourism related businesses.

#### D. Involuntary Resettlement Category

After reviewing the answers above, the PIU and DICT agree subject to confirmation, that the subproject is a:

<b>[ X ]</b>	<b>Category B</b> , not significant* land acquisition and resettlement impacts: A Land Acquisition and Compensation Plan (LACP) is required.
	Screening form updated June-July 2020 EGDRP to be submitted to ADB in July 2020
	* Not significant: Less than 200 people will experience major impacts that are defined as (i) being physically displaced from housing and/or shops or (ii) losing 10% or more of productive land or other income-generating assets.

#### If Category B, please provide information on affected people (APs):

Affected Persons	Yes	No	Description (Numbers of APs, current situation)
Any estimate of the likely number of households that will be affected by the subproject?	X		11 AHs (60 persons incl 36 women)
Are any of them designated poor households?		X	
Are any of them households that belong to ethnic groups other than Tai-Kadai?		X	
Are any of them households headed by women, elderly or disabled persons?	X		3 AHs are female headed



## Annex 6: Kaeng Yui Waterfall Reservoir Screening Form

### Second Greater Mekong Subregion Tourism Infrastructure for Inclusive Growth Project

#### LAND ACQUISITION AND RESETTLEMENT CATEGORIZATION

##### A. Introduction

Each subproject of the Second Greater Mekong Subregion Tourism Infrastructure for Inclusive Growth Projects assigned an involuntary resettlement category depending on the significance of the probable involuntary resettlement impacts.

##### B. Information on Kaeng Yui Waterfall subproject

<b>Subproject town / district</b>	Kaeng Yui Waterfall at Nadouang village, Vang Vieng District
<b>Province</b>	Vientiane Province
<b>Scope of subproject (description of the nature and scope of works)</b>	
<b>a) Construction and Renovation</b>	The subproject will (i) upgrade the 6-km waterfall access road to concrete pavement, with a 6m carriageway and drainage; (ii) level and pave the 875 m <sup>2</sup> parking area with gravel; (iii) improve surfacing and drainage in the waterfall market area; and (v) improve 300m footpaths, including rehabilitation of steps, small suspension bridges, and signage. The subproject will directly benefit 873 persons in Ban Nadouang and additional 2,580 persons living along the improved access road.
<b>b) Other</b>	N/A

##### C. Screening Questions for Resettlement Categorization

Initial screening for involuntary resettlement is to be conducted during preparation of the Projects' Feasibility Study for the subproject.

<b>Involuntary Resettlement Effects</b>	<b>Yes</b>	<b>No</b>	<b>Extent of Impacts And Other Remarks</b>
Does the subproject include upgrading or rehabilitation of existing physical facilities?	x		(i) improve surfacing and drainage in the waterfall market area; (ii) improve 300m footpaths, including rehabilitation of steps, small suspension bridges, and signage, (iii) access road paving
Does the subproject include the construction of new physical facilities?	x		Level and paved parking area

Involuntary Resettlement Effects	Yes	No	Extent of Impacts And Other Remarks
Will it require permanent land acquisition?		x	All land belongs to the community. Some areas within the access road may require land acquisition, but in small amounts. Households have stated that they wish to donate these small strips. Confirmation will be conducted during DED and DMS and any land acquisition that occurs in which a household isn't eligible for donation or doesn't wish to donate the land shall be compensated according to the entitlement matrix.
Is the ownership status and current usage of the land known?	x		All community land
Are there any non-titled people who live or earn their livelihood on affected land?		x	
Will there be loss of housing?		x	
Will there be loss of agricultural plots?		x	
Will there be losses of crops, trees and fixed assets?		x	
Will there be loss of businesses or enterprises?		x	
Will there be loss of incomes and livelihoods?		x	
Will people lose access to facilities, services, or natural resources?		x	
Will any social or economic activities be affected by land use-related changes?	x		The access road and other improvements will have positive impacts for tourism related business activities of the community.

#### D. Involuntary Resettlement Category

After reviewing the answers above, the PIU and DICT agree subject to confirmation, that the subproject is a:

<b>[ X ]</b>	<b>Category C</b> , No land acquisition and resettlement impacts. Due Diligence has been done.
	Due Diligence to be submitted to ADB in December 2017 Screening form updated June-July 2020

**Annex 7: Agreement on Rates and Land Categories for Compensation**



ສາທາລະນະລັດ ປະຊາທິປະໄຕ ປະຊາຊົນລາວ  
ສັນຕິພາບ ເອກະລາດ ປະຊາທິປະໄຕ ເອກະພາບ ວັດທະນະຖາວອນ

ແຂວງວຽງຈັນ.  
ເຈົ້າເມືອງ ວຽງວຽງ.

ເລກທີ: 018...../ຈມ.ວວ  
ວຽງວຽງ, ວັນທີ: 15.04.2018

**ບົດລາຍງານ**

- ຮຽນ : ຫົວໜ້າໂຄງການພັດທະນາໂຄງລ່າງພື້ນຖານ ເພື່ອສົ່ງເສີມການທ່ອງທ່ຽວໄລຍະ 2 ຂັ້ນສູນກາງ.
- ເລື່ອງ : ກ່ຽວກັບການຈັດຕັ້ງປະຕິບັດ ລາຄາຫົວໜ່ວຍຊົດເຊີຍສິ່ງກົດຂວາງ ຜູ້ທີ່ຖືກກະທົບຈາກໂຄງການພັດທະນາໂຄງລ່າງພື້ນຖານ ເພື່ອສົ່ງເສີມການທ່ອງທ່ຽວໄລຍະ 2 ເມືອງວຽງວຽງ ແຂວງວຽງຈັນ.
- ອີງຕາມ ກົດໝາຍວ່າດ້ວຍການປົກຄອງທ້ອງຖິ່ນ ( ສະບັບປັບປຸງ) ສະບັບເລກທີ 68/ສພຊ, ລົງວັນທີ 14 ທັນວາ 2015 ວ່າດ້ວຍພາລະບົດບາດ, ສິດ ແລະ ໜ້າທີ່ຂອງເຈົ້າເມືອງ.
  - ອີງຕາມ ຂໍ້ຕົກລົງວ່າດ້ວຍ ການກຳນົດລາຄາຫົວໜ່ວຍຊົດເຊີຍສິ່ງກົດຂວາງ ແລະ ການຈັດສັນຍົກຍ້າຍຜູ້ທີ່ຖືກກະທົບຈາກໂຄງການກໍ່ສ້າງທາງລົດໄຟ ລາວ-ຈີນ ທີ່ຜ່ານແຂວງວຽງຈັນ ສະບັບເລກທີ 767/ຈຂ.ວຈ, ລົງວັນທີ 09 ພະຈິກ 2017.
  - ອີງຕາມ ແຈ້ງການຂອງກົມພັດທະນາການທ່ອງທ່ຽວສະບັບເລກທີ 20/ກພທ.ຄພສທ, ລົງວັນທີ 16/01/2018 ເລື່ອງ : ການສືບຕໍ່ຈັດຕັ້ງປະຕິບັດໂຄງການພັດທະນາໂຄງລ່າງພື້ນຖານ ເພື່ອສົ່ງເສີມການທ່ອງທ່ຽວໄລຍະ II ດ້ວຍຫົນຊ່ວຍເຫຼືອລ້າ ຈາກທະນາຄານພັດທະນາອາຊີ ( ADB ).

ເພື່ອຮັບປະກັນໃຫ້ຜູ້ທີ່ໄດ້ຮັບຜົນກະທົບໄດ້ຮັບການຊົດເຊີຍ ແລະ ທິດແທນຜົນເສຍຫາຍ, ການຈັດສັນຍົກຍ້າຍ ພ້ອມທັງປັບປຸງຊີວິດການເປັນຢູ່ຂອງປະຊາຊົນຜູ້ທີ່ຖືກຜົນກະທົບ ໃຫ້ດີຂຶ້ນກວ່າເກົ່າ ແລະ ເພື່ອຮັບປະກັນໃຫ້ການແກ້ໄຂໄກເກ້ຍໄດ້ຈັດຕັ້ງປະຕິບັດ ຖືກຕ້ອງມີຄວາມເປັນເອກະພາບ ແລະ ມີປະສິດທິຜົນ, ໃຫ້ທ່ອງທັນກັບເວລາທີ່ໂຄງການດັ່ງກ່າວ ຈະໄດ້ລົງມື້ຈັດຕັ້ງປະຕິບັດໃນທ້າຍປີ 2020 ນີ້ເປັນຕົ້ນໄປ ໃຫ້ມີຄວາມລຸ້ລົງໄປດ້ວຍດີນັ້ນ.

ເຈົ້າເມືອງ ວຽງວຽງ ຈຶ່ງຂໍລາຍງານມາຍັງທ່ານຫົວໜ້າຄະນະຮັບຜິດຊອບໂຄງການພັດທະນາໂຄງລ່າງພື້ນຖານ ເພື່ອສົ່ງເສີມການທ່ອງທ່ຽວໄລຍະ 2 ຂັ້ນສູນກາງ ກົມພັດທະນາການທ່ອງທ່ຽວ, ກະຊວງ ຖະແຫຼງຂ່າວ, ວັດທະນາທຳ ແລະ ທ່ອງທ່ຽວ ຊາບວ່າ:

1. ເຫັນດີໃຫ້ຈັດຕັ້ງປະຕິບັດຕາມຂໍ້ຕົກລົງຂອງທ່ານເຈົ້າແຂວງວຽງຈັນ ວ່າດ້ວຍ ການກຳນົດລາຄາຫົວໜ່ວຍຊົດເຊີຍສິ່ງກົດຂວາງ ແລະ ການຈັດສັນຍົກຍ້າຍຜູ້ທີ່ຖືກກະທົບຈາກໂຄງການກໍ່ສ້າງທາງລົດໄຟ ລາວ-ຈີນ ທີ່ຜ່ານແຂວງວຽງຈັນ ສະບັບເລກທີ 767/ຈຂ.ວຈ, ລົງວັນທີ 09 ພະຈິກ 2017.
2. ມອບໃຫ້ໂຄງການພັດທະນາໂຄງລ່າງພື້ນຖານ ເພື່ອສົ່ງເສີມການທ່ອງທ່ຽວໄລຍະ 2 ເມືອງວຽງວຽງ ແຂວງວຽງຈັນ ເປັນຜູ້ຈັດຕັ້ງປະຕິບັດ, ຖ້າຫາກພົບບັນຫາໃດຫຼ້ຍຍາກ ໃຫ້ລາຍງານຂຶ້ນເທິງເພື່ອຂໍທິດຊີ້ນຳໃນການຈັດຕັ້ງປະຕິບັດ.

ດັ່ງນັ້ນ, ຈຶ່ງໄດ້ລາຍງານສະບັບນີ້ ມາຍັງທ່ານເພື່ອຊາບ ແລະ ຂໍທິດຊີ້ນຳໃນການຈັດຕັ້ງປະຕິບັດດ້ວຍ.

ເຈົ້າເມືອງ ວຽງວຽງ  
ແຂວງວຽງຈັນ  
  
ບຸນຈນ ມາລາວົງ

**Lao People's Democratic Republic**  
**Peace Independence Democracy Unity Prosperity**

Vientiane province  
District Governor of Vang Vieng District

No. 018/DG. VV  
Vang Vieng, dated: 15 July 2020

**Report**

To: Director General of Second Greater Mekong Subregion Tourism Infrastructure for Inclusive Growth Project at Central Level.

Subject: Regarding the implementation of Resettlement Compensation Rates for the affected people from Second Greater Mekong Subregion Tourism Infrastructure for Inclusive Growth Project, Vang Vieng District, Vientiane province.

- Pursuant to Administrative Law (Amended) No. 68/ສ ພ ຊ , dated 14 December 2015 on the role, right and responsibility of District Governor.
- Based on an agreement on the determination of Resettlement Compensation Rate and relocate the affected people from Lao-China Train project passed Vientiane Province Boundary No. 767/PG.Vte. Province, dated 09 November 2017.
- Based on Notification of Department Tourism Development No. 020/ກ ພ ທ .ຄ ພ ສ ທ , dated 16/01/2018.

Subject: Keep implementing of Second Greater Mekong Subregion Tourism Infrastructure for Inclusive Growth Project by Grant from Asian Development Bank (ADB).

To ensure that the affected peoples receive the compensation and replacing of damages, relocation as well as improvement of the livelihood of affected people better and to ensure that mediation is carried out correctly, uniformly and effectively, Keep up with the time when the project will be implemented by the end of 2020 onwards.

District Governor of Vang Vieng reported to Head of Project Steering Committee of Second Greater Mekong Subregion Tourism Infrastructure for Inclusive Growth Project at Central Level, Department Tourism Development, Ministry of Information, Culture and Tourism to be acknowledged:

1. Agreed to be implemented in accordance with an Agreement of Provincial Governor of Vientiane Province on the compensation rate determination and relocation of affected peoples from Lao-China Train Project passed Vientiane Province Boundary No. 767/PG.Vte. Province, dated 09 November 2017.
2. Assigned to Second Great Mekong Subregion Tourism Infrastructure for Inclusive Growth Project, Vang Vieng District, Vientiane Province to be nimplementer, if any problems are found, report to higher level for guidance in implementation.

Therefore, this report has been sent to you to be acknowledged and guidance on implementation.

District Governor of Vang Vieng District

Bounchanh MALAVONG