

# Resettlement Plan

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

Vientiane Province:  
Nam Ngum Reservoir Access 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
CTG	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 RP 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

### Background and Subproject Description

The subproject will improve tourism potential at the Nam Ngum reservoir by (i) improving the existing public marina to safely accommodate 50-60 local tour boats and launch small recreational vessels and ferries; (ii) construct a 5.9 km, 6m wide loop road linked to National Road 10 to concrete paving, and 1,200 m<sup>2</sup> parking area; (iii) redevelop unsanitary and poorly constructed shophouses, restaurants and market stalls into new shophouses which are incorporating traditional Lao architectural design; (iv) install septic and a wastewater pump-out station/holding tank at the marina and treatment system; (v) install water supply system serving the new buildings in the marina area; (v) replace abandoned, unsafe public buildings and piers with new viewing pavilion and public green space; and (vi) re-model the tourist information center into a viewing platform. The subproject is expected to benefit 1,600 people living in nearby Ban Sengsavang and is expected to catalyze significant tourism related investment at the site.

This resettlement plan (RP) has been prepared for the Nam Ngum Reservoir Access Improvements subproject in Vientiane Province based on an assessment of the resettlement impacts during the detailed engineering design stage in the period April-June 2020. The resettlement impacts are ADB category B.

The subproject will have resettlement impacts on a total of 35 AHs (190 APs, 100 women). All AHs (35 AHs) are at Nam Ngum Reservoir and will be affected because they will lose residential and business structures that will be replaced by the project.

Rehabilitation Allowances will be given to severely affected households in four categories as applicable (i) Loss of Income during construction, (ii) transport allowance; (iii) subsistence transition allowance; (iv) vulnerability allowance.

A grievance redress mechanism (GRM) is prepared and forms an integral part of this RP. The GRM shall be provided free of charge. Consultations have been carried out and are documented within the main body of this RP.

Costs of compensation for loss of income, transition and vulnerability allowance totals 204,856,000 LAK (\$22,761.78) and is presented in table below.

**Indicative Costs of Resettlement Impacts and Compensation**

Sub-Project	Loss	Costs in LAK	Costs in US\$*****
Nam Ngum Reservoir Access	16 Loss Income (short)*	68,100,000	7,566.67
	4 Loss of income (long)**	98,000,000	10,888.89
	35 Transport allowance***	3,500,000	388.89
	4 Transition allowance****	6,656,000	739.56
	16 Vulnerability allowance*****	28,600,000	3,177.78
	<b>Sub-Total Allowances</b>	<b>204,856,000</b>	<b>22,761.78</b>

\* The design and defined construction process as described above would limit the time period for which AH transition from their old lodging their new shophouse. The provision included in this estimate is however 2 weeks, calculated as per the entitlement's matrix. Compensation for loss of income is only provided to AH who operate a business from the



demolished structure,

\*\*The 4 AH experiencing a longer period, during which their lodgings have been demolished and the new shophouses are build are expecting to experience a 8 week period for which they will be compensated as per the entitlement matrix. Compensation for loss of income is only provided to AH who operate a business from the demolished structure

\*\*\* Transport Allowance is provided in cash or to move structures, salvaged materials, new building materials and personal possessions to the new site, at a rate of 100,000 LAK/household

\*\*\*\* Transition Allowance is provided to the AP with a longer period of disruption because it is expected they would need to close their shops for a period of time (8 weeks), and for this will receive in cash or in-kind equivalent to 16kg rice/pp for 2 month

\*\*\*\*\* 50,000LAK/pp/working day for 1 month, for each of the four vulnerability criteria (FHH, Ethnic, Disabled, Poor)

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

## **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. The Nam Ngum Reservoir recreation area (7.5ha) is in Keo Oudom District, Vientiane Province, 90 km north of Vientiane Capital. An existing road connects the site to national road 10. Visitor arrivals reached 51,701 in 2016, but this is far below capacity. The site is significantly underused and lacking safe, attractive public facilities, quality tourism services, parking, and proper waste management and sanitation.

3. The subproject will (i) improve the existing public marina to safely accommodate 50-60 local tour boats and launch small recreational vessels and ferries; (ii) construct a 5.9 km, 6m wide loop road linked to National Road 10 to concrete paving, and 1,200 m<sup>2</sup> parking area; (iii) redevelop unsanitary and poorly constructed shophouses, restaurants and market stalls into a buildings, incorporating traditional Lao architectural design; (iv) install septic and a wastewater pump-out station/holding tank at the marina and treatment system; (v) install water supply system serving the new buildings in the marina area; (v) replace abandoned, unsafe public buildings and piers with new viewing pavilion and public green space; and (vi) re-model the tourist information center into a viewing platform. The subproject is expected to indirectly benefit 1,600 people living in nearby Ban Sengsavang and is expected to catalyze significant tourism related investment at the site.

4. This resettlement plan (RP) has been prepared for the Nam Ngum Reservoir Access Improvements subproject in Vientiane Province based on an assessment of the resettlement impacts during the feasibility study between July and October 2017, and reconfirmed during the detailed engineering design also in which consultation with the affected people and a detailed measurement survey was also carried out, in the period September 2019 to July 2020. The resettlement impacts in the subprojects ADB category B. For further details on due diligence also see the resettlement screening forms in Annex 7.

## **II. SOCIOECONOMIC PROFILE**

### **Socio Economic Profile**

5. Lao PDR covers a surface of 236,800 square km (ADB Basic Statistics 2017). Lao PDR's population was estimated at 6.49 million in 2015.<sup>1</sup> Most people live in valleys of the Mekong River and its tributaries. Vientiane Province where the 3 subprojects are located is situated northwest of the country. Its total area is 15,927 square kilometers and its total

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<sup>1</sup> The Government of Lao PDR, National Statistics Bureau. 2015. *Result of Population and Housing Census*. Vientiane

population in 2015 was 419,090 people<sup>2</sup>.

6. Vientiane Province, where the 3 subprojects are 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>3</sup>

7. Keo Oudom, the District where Nam Ngum Reservoir is located, had a population of 17,786 people in 2015, with district authorities estimating the population at 20,069 (49.95% women) with 3,815 households (HH) in 2017. Sensavang village, located near the Nam Ngum reservoir improvements subproject, has 303 HH with 1,592 people (women 52%).

**Table 1: Sub-project Area Demographics**

District	Village	Women	Men	Total	HH	Average per HH	Total non-Tai-Kadai		Poverty
						Persons	HH	%	%
Keo Oudom	Sengsavang	828	764	1,592	303	5.25	6	1.94	N/A

Source: District and Village Authorities, May 2020.

8. Vientiane Province's poverty rate which was 10.9% in 2013, has decreased to 5.6% in 2019<sup>4</sup>, whereas the rate in Keo Oudom was 9.5% in 2015.<sup>5</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>6</sup> this change in definition would see a larger share of people in poverty.

9. Ethnic groups of non-Tai-Kadai language groups make up 1.94% of all households in Keo Oudom district according to the District Authorities (November 2017). They are mainly Khmu with Hmong as the second largest non-Tai-Kadai group. The Tai Dam are classified within the main Tai-Kadai language group to which the most populous Lao ethnic group belongs.

### **Socioeconomic Information and Profile of Affected Households**

10. The 35 affected households have a total of 190 persons (of which 100 women) are at the Nam Ngum Reservoir. The average household has 5.42 persons.

- All AHs except for two AHs (Lu Mien) are from the Lao-Tai ethnic group, (8 persons of whom 5 female).
- Of the 35 AH, 20 are engaged in business and trade, while the other are either employees deriving their income from government employment in daily/ casual labor, from are construction and tourism services in the area
- Of the 35 AH, 15 are solely residential structures, 11 are business, and 9 are both residential and business structures linked to activities within the reservoir such as

<sup>2</sup> The Government of Lao PDR, National Statistics Bureau. 2015. *Result of Population and Housing Census*. Vientiane.

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

<sup>4</sup> The Government of Lao PDR, National Statistics Bureau. 2020. *Poverty in Lao PDR - Key findings from the Lao Expenditure and Consumption Survey, 2018-2019*. Vientiane.

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

<sup>6</sup> Decree 348 (2017) On the Criteria for Poverty Graduation and Development, Lao PDR

fishing and boat operations.

- From the responses on monthly income it was revealed that the 7AH belong to the higher-income households with monthly household income ranging from 25-65 million LAK. 25 AHs belong to the middle lower monthly income earners, and would be considered relatively well off, while only 3AHs fall below the poverty threshold of 466,000 LAK/ person/ month.
- None of the 35 AH have land titles for their current properties, since the whole area is government land. They do however pay a “rent/ leasing fee”, and they pay taxes on their income.
- All AHs own property elsewhere but due to work opportunities the affected structures are their primary residential or business structure.
- The results of the SES on educational levels indicate that the information dissemination and consultation procedures should not be a major challenge moving forward since the APs have a relatively high level of education and literacy skills.

### Scope of Land Acquisition and Losses

11. Improvements to the loop road at the reservoir and development of the overflow new parking area will require opening of a 450m new alignment connecting an existing access road from the south to the main Nam Ngum marina area. This section is on land already belonging to the government. None of the road sections, new or upgrading of existing roads will incur private land acquisition. All works will be in the existing road alignment and the parking area is public land which DICT has been given the right to use, and has been further described in detail in the IEE for the NamNgum Access Improvement sub-project.

12. The sub-project will improve the existing public marina to safely accommodate 50-60 local tour/ restaurant boats and constructing a boardwalk and building new shophouses. This will involve the dismantling a total of 3,418 m<sup>2</sup> structures, and it means that all 35 AHs living and using these structures will lose their current residential and business premises. The subproject will therefore have resettlement impacts on a total of 35 AHs (190 APs, 100 women). Construction will be planned so that the move to the new location and shophouses will be during the time in which there are the least visitors, to avoid potential business losses. The project will provide assistance to move the shops’ assets to the new stalls.

**Figure 1: Nam Ngum Marina Area Affected Households**



Source: PMCES Detailed Design, July 2020

13. Current shophouses are all “homemade” built with salvaged materials. They are built on the unstable slope between the road and the water there is a constant risk of landslides posing a high safety risk. During discussions with the local villager’s, safety has been raised as a concern both for themselves and in regard to costumers to shops and restaurants. Some of the restaurants have added “balconies” where in most cases are used by customers waiting for the boats to be prepared. The design includes provisions for those restaurants requiring tables to serve customers to allow tables on part of the road in front of their new shophouse and on the boardwalk.

**Figure 2: Current Structures Along Shophouse Road**



Source: PMCES, 2020

14. Replacement shophouses for all AHs will be constructed along the access road leading to the main square at the marina area. The new shophouses are incorporating traditional Lao architectural design. This means AHs will remain where they are currently residing / operating their tourism centered business activities and will remain close to the boat landing for boats to the islands. The DMS has determined the exact loss of space (shop and living quarters) of all affected households (35) and ensured in close coordination with the local communities and the design team that the replacement shops and shop houses will be of equivalent or higher value. See details on sizes of the current structure in Annex 1, and the new structures in Figure 5 below.

**Figure 3: Shophouse Road – View South to North**



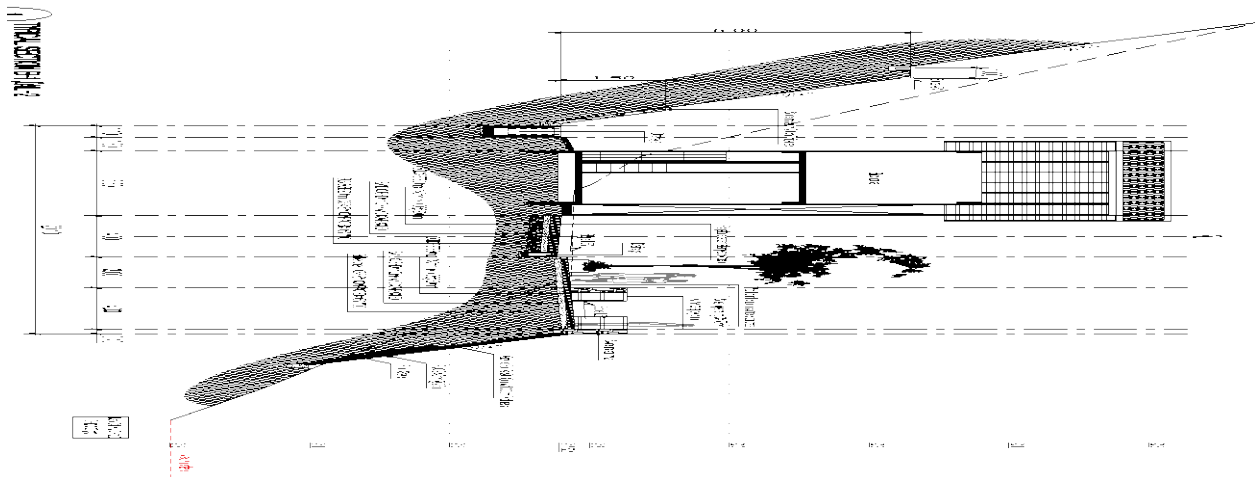
Source: PMCES, 2020

**Figure 4: Shophouse Road - View North to South**



Source: PMCES, 2020

**Figure 5: Typical (New) Shophouse Cross-section – View South to North**



Source: PMCES Detailed Design, July 2020

**Table 2: Overview of Affected Structures**

Category	Total AH	Total area (m <sup>2</sup> )	Average area (m <sup>2</sup> )	New average area (m <sup>2</sup> )	Total new area (m <sup>2</sup> )
Living only	15	1,126	75	30 or 60	510
Living and Business	11	1,302	144	60	660
Business Only	9	990	90	30	600
Total	35	3,418	97		1,770

Source: IOL PMCES, 2020

15. Currently the AH have no security of tenure in their residential conditions. Once the new shophouses are in place additional charges for water, wastewater and solid waste are however expected. Taxes for business are currently at between 40,000LAK and 80,000LAK per year and business, and a rent is paid based on the size of the structure of between 150,000LAK and 250,000LAK per year and household. Establishing the appropriate fee levels is part of the task of our institutional development team to develop further in consultation with the community



group and the village.

16. Business losses will be temporary as the project will build all new shophouses at the new location before the old structures are demolished. DMS has investigated the average income and profit for each affected household so that the project would be able to determine possible income generating activities to increase income so that the economic situation of the affected households will not deteriorate due to higher rents for both replacement shophouse and selling stalls. The rent will be free for the first year with future rent in line with the Presidential Decree on Public Land Rental and Concession Fees, the rent for all structures on the site all combined (3,418 m<sup>2</sup>) would be around 600,000LAK (70USD)<sup>7</sup>. Further details on the lease arrangements can be found in Section V of this document.

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

17. 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.

18. 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, Keo Oudom 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.

19. 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 RP preparation and implementation active participation of the community; and
- Need for cooperation and support to project and its resettlement activities.

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<sup>7</sup> Presidential Decree No. 02/President, dated 18th November 2009, Article 7. Defining "Land Rental Fee Rate for Tourism Activities". The site would be classified as "Type 2" (mountainous, plateau, flat lands where are basic economic structures that can facilitate for investment in some level, where the yearly rate per ha is 200USD.

20. 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.

21. 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.

22. The participants in the consultations have mentioned that they are willing to work as unskilled workers 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.

23. The original location for the new structures was also changed as a result of the consultations. A deviation from the original plan means that all HHs will now receive replacement structures at the edge of the reservoir near the new Marina.

24. 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 RP 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; (iii) 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.

25. 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 RP 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 participants during the consultations. After ADB's approval of the updated RP, a summary will be disclosed to the affected households and the updated RP 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.

#### **IV. PROJECT ENTITLEMENTS**

26. 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.

27. 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.

28. 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 3: 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 title, land certificate, survey certificate, tax receipts and including unregistered users as per Land Law)	<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 productive land, but less than 50% cash compensation for area of land acquired.</li> <li>• For 50% or more loss of productive land, priority is for replacement land of equivalent productive value; if land is not</li> </ul>	

		available, cash compensation is paid.	
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	<p>For land temporarily acquired by the project during construction:</p> <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	<p>Notice to harvest annual crops, if possible.</p> <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> <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</li> </ul>	To be reassessed during detailed design and updated for actual loss and actual income.

		at breast height of trees. In the case of sharecropping or concession arrangements, the compensation will be paid to each of the parties in accordance with previous agreements.	
Temporary loss of business income	Business owners/lease holders/tenants/employees/agricultural workers/vendors	<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> <li>• Additional assistance for vulnerable households as below.</li> </ul>	To be reassessed during detailed design and updated for actual loss and actual income.
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	Temporary loss of	<ul style="list-style-type: none"> <li>• Provision of 60 days' notice</li> </ul>	

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

loss of access	access to land, structure, common property resources (Owners, tenants, squatters, etc.)	<ul style="list-style-type: none"> <li>• Provision of temporary access</li> <li>• Restoration of affected land area, structure, utilities and common property resources.</li> </ul>
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Source: PMCES, 2020

## V. MITIGATIVE MEASURES

### A. Compensation Arrangements

29. The AHs will receive two types of compensation: Replacement structures at the project site with protected leasehold conditions and allowances for compensation of losses, transition and vulnerability as appropriate.

30. The new buildings have been designed in two sizes, one which is only for living of 5m x 6m on one floor (30<sup>m2</sup>), and a larger design which also accommodates space for maintaining the business of 5m x 6m on one floor (60<sup>m2</sup>). Currently there are fifteen (15) households only living at the site but working either with the tourism business or as fishermen, eleven (11) only running a business / shop and living elsewhere, and nine (9) households, both having a shop/ running a business and living. The plan is that those only living at the site will either get a one floor or a two floor shop house depending on the household size, the ones only running a business will get a one floor shophouse, while the ones both running a business and live at the site will get a two floor shophouse.

31. There is no Lao Regulation or Code on the minimum space requirements for buildings, however general practice is to assume 9<sup>m2</sup> for adult household members. The table below presents the breakdown of households where children under the age of 6 have been excluded.

**Table 4: Household Size and New Space**

Category	Total AH	Total AP	Average HH Size	Space per HH member
Only Living - Large (above 4)	5	26	5.20	11.54 (60 <sup>m2</sup> )
Only living - Small (4 and below)	10	32	3.20	9.38 (30 <sup>m2</sup> )
Both Living and Business	9	46	5.11	11.74 (60 <sup>m2</sup> )
Only Business	11	75	6.82	N/A (30 <sup>m2</sup> )
Total	35	179	5.43	

Source: PMCES, 2020

32. For businesses the intention is also that part of the access road and the boardwalk could be used for placing tables or sales stalls. DMS has determined the exact loss of space (shop and living quarters) of all affected households (35) while this has informed the design that the replacement shops and houses should be of the same or better value than their current establishment. For details on the DMS/IOL results see Annex 1. AHs will be entitled to salvage any materials from their present structures.

33. All AHs classified as vulnerable, will be provided additional assistance so that the

vulnerable group will not be marginalized due to the project. This applies to the 17 households in the Nam Ngum marina area who are either female headed, from an ethnic group, poor or have disabled family members.

The Provincial Authorities has confirmed that the new buildings will be under state ownership and under the management of the Keo Oudom District Financial Office (State Asset Management Unit). Affected people or households have been made aware of this arrangement by the PIU.

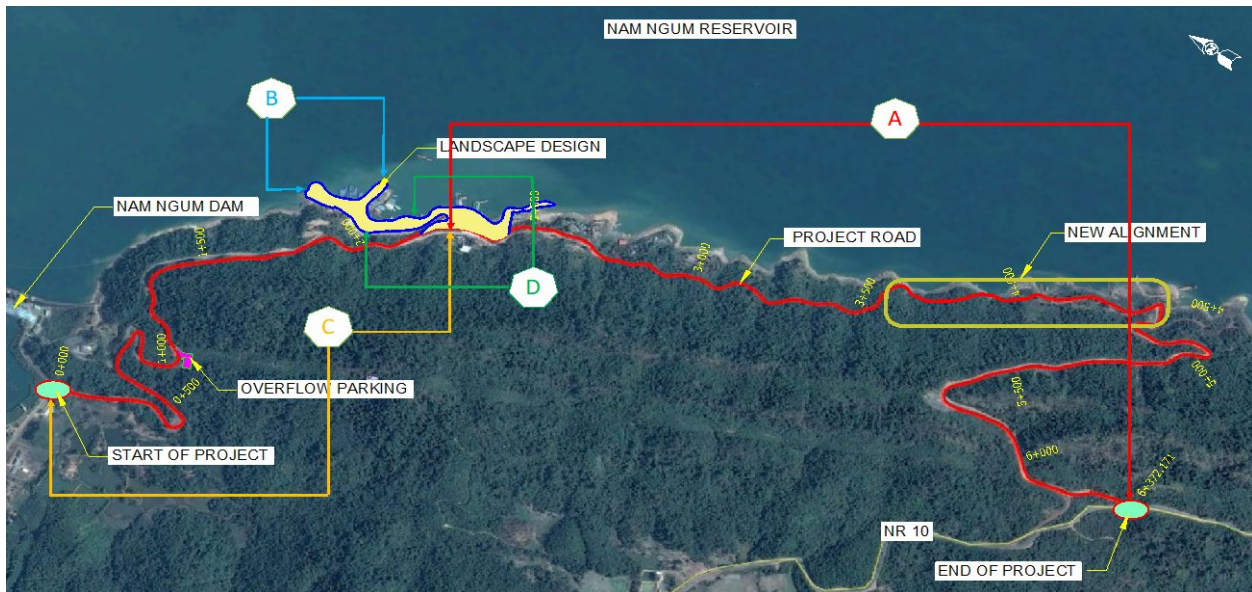
34. All households that will relocate to a replacement shophouse, will do so with official documents that set out user's rights and entitlement. As per President Decree No. 02/President, dated 18 November 2009 on State-owned Land Lease or Concession, residents or shop owners cannot sell, sub-let or sell the leasing contract of State Assets. In case they want to cancel or stop renting, they have to return the assets back to the State. According to the same decree state property can also not be rented, leased or sold to foreign nationals.

35. To ensure that the lease for the new shophouse will be set at a fair level a rental/ tax exemption for the first 12 months, has been agreed. Although this is not in line with the regulation issued by the Ministry, Vientiane Province PIU have consulted with Provincial Governor, Keo Oudom District Mayor and District Financial Office, and it is agreed that the renters of the shophouses will be exempted from rents and tax for the first 12 months following handover of the shophouses and they also agree to cooperate to determine new leasing fee based on the project's condition. During this initial 12 month period, the PIU and together with District Financial Office have prepared the draft of the leasing local community, together with the PIU, village, district and provincial stakeholders will based on updated income and expenditure under the new site management and O&M regime, define an appropriate and agreeable lease level. The draft contract for the residential and shop owners, and confirmation from the Provincial Governor has been included in Annex 6.

36. The construction process which will be included in the tender documents, will require the contractor to schedule the work in order to keep access open to the main site at all times and therefore reduce any potential disruption for AHs. Figure 6 below presents the stages of the construction schedule:

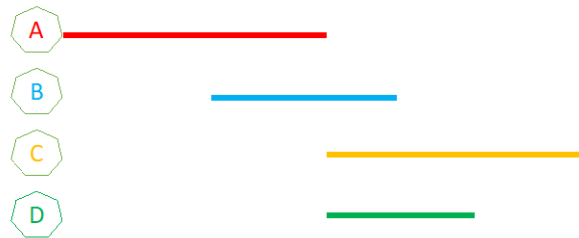
- A) Construction will start at the southern end of the "loop road", which is ensuring that access remains open along the existing road from the Dam site entrance.
- B) With the existing access, the contractor will be able to transport equipment and materials along the existing road and start the upgrading of the northern areas around the main square, the warehouse and the viewing pavilion, hence making it possible to keep business open for as many AH as possible as long as possible.
- C) Once the new road from the south has been completed (A) work can start on the existing access road, since access would at this time be ensured from the south.
- D) With access from both the new buildings will also be built while the AH still be able to operate their businesses from their original locations.

**Figure 6: Construction Process**



Source: PMCES, 2020

**Figure 7: Construction Schedule**



Source: PMCES, 2020

37. DMS has established a baseline of income and profit for each affected household so that the project would be able to determine possible income generating activities to increase income to ensure that the economic situation of the affected households is restored in the new location.

**B. Rehabilitation Allowances**

38. Rehabilitation Allowances will be given to severely affected households in four categories, if applicable (i) Loss of Income during construction, (ii) transport allowance; (iii) subsistence transition allowance; (iv) vulnerability allowance.

39. Loss of Income: Compensation for loss of income is based on the average income from the previous three months and will be provided to AHs that operate a business from the structure. Among the AHs, 16 will see a short period of disruption (2 weeks), while 4 AHs will see a longer period (8 weeks) due to the construction schedule and the location of their buildings.

40. Transport Allowance: The PIU will coordinate with district officials for the provision of one

or more trucks and/or labor to assist APs move; or, the project will pay APs an appropriate amount of cash allowance to permit them to make their own transport arrangements. The amount is set at 100,000 kip per shop according to the Entitlement Matrix. This will apply to all 35 AHs.

41. Transition Subsistence Allowance: A transition subsistence allowance equal to 16 kg of rice per household member per month (roughly half kg/pp/day), for a period of three (3) months is given to severely affected households. This applies to the 20 AHs who must relocate their business at Nam Ngum Reservoir.

42. Among the 35 AHs, 17 are considered vulnerable households, (2) Lu Mien and 15 female-headed HH (including 2 Lu Mien), (3) poor, and (3) disabled. See Table 5 for an overview of vulnerable AHs.

**Table 5: Overview of Vulnerable AHs**

Subproject	Total AH	Female headed	Non-Tai-Kadai group	Poor	Disabled HH members
Nam Ngum	35	15	2 (Lu Mien)	3	3

Note: the 2 non-Tai-Kadai are also female headed household

Source: IOL PMCES, 2020

43. Vulnerable household support is also provided, regardless if the household is severely affected or not. The Vulnerability Allowance is an additional compensation of 1-month wages (50,000 kip/day) per household is given for every factor of vulnerability.<sup>9</sup>

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

44. The total 35 AHs in the subproject belong mainly to the Tai-Kadai language group. Only 2 are of the Lu Mien ethnic group.

45. All AH at the Nam Ngum Reservoir site are considered severely affected<sup>10</sup> and are therefore entitled to additional benefits under the Project Entitlement arrangements.

46. All members of AH regardless of ethnicity or gender are equally eligible to apply and, depending on their qualifications, be considered for employment by the contractor(s) for civil works for the Project. Women will be equally invited as unskilled workers during construction and will be targeted for capacity-building on tourism activities which they preferred and expressed during the public consultation process.

47. Additionally, since the purpose of the new design is to keep the AHs at the site in similar jobs/ employment but with the upgrading and upgrade their opportunities and potential to increase their income. Women beneficiaries operating businesses in the area will be targeted for capacity-building in hospitality training (catering), skills training on business administration, and management. The capacity development program for the AH at the NamNgum sub-project

<sup>9</sup> Vulnerable: female headed, ethnic group other than Tai-Kadai, poor, disabled or over 65.

<sup>10</sup> 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.

will be planned and implemented under Output 2.

48. Women will be invited for consultation meetings which will consider their availability and performance of their other gender roles like housework and income-generation. Women have been given an equal decision-making responsibility alongside men when giving their opinions and views concerning subproject design, and will be further consulted on institutional and operational arrangements that will require their active involvement.

49. Women's participation during project implementation will be closely monitored through the Project Performance Monitoring System (PPMS). All databases and monitoring indicators for compensation will disaggregate data and other information by sex and ethnicity.

50. On an institutional level, the District Resettlement Committee (DRC) And PIU will ensure full participation and involvement of with women and AHs from non-Tai-Kadai groups as follows:

- The DRC will include representatives of the district offices of the LWU and LFNC. The members of the DRC will also include the chief and/or deputy chief of the twelve core villages where assets are affected.
- The DRC will consult individually with the APs and their families to ensure that all understand the projects' policies, entitlements and procedures regarding land acquisition, compensation and resettlement; and, to identify the specific needs and concerns of male and female APs. Meeting individually with these AHs will also ensure that women in the households understand and feel comfortable to speak up.
- The DRC will consult individually with the affected AHs to ensure that they are satisfied with the compensation options for the lost income.
- The compensation payment forms will be signed by both spouses if the affected assets are conjugal property.
- All information to APs who are temporarily and/or permanently affected by the project will be distributed to men and women equally; and, the DRC and/or VRC will take appropriate steps, as necessary, to encourage women to participate in any public meetings about the subproject.
- The DRC will also determine whether there is need to communicate with APs in language(s) other than Lao, in public meetings, individual consultations and/or in written communications.
- The DRC will monitor the impacts on women and APs of all ethnic groups.

51. The PIU with support from the PCU will provide formal and on-the-job training for DRC to raise their awareness of gender and ethnicity issues and to ensure that they understand and comply with the project's policies and procedures for vulnerable APs.

#### **D. Capacity Building**

52. Capacity building planned and carried out under the project Output 2 for PIUs, Women's Union, members of the Lao National Front in the project areas is crucial for successful RP 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 RP and EMP. Capacity building will focus on implementation strategies, data collection, analysis, and progress reporting.



53. 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 RP. 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.

54. 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 RP. 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 RP to ensure that the concerns of the AHs are not neglected and given due attention in their decision-making.

55. A detailed comprehensive capacity building program for project management and staff involved in RP and safeguards plans implementation as well as training of project stakeholders will be prepared early. It will be based on Training Needs Assessment (TNA) results as well as project beneficiaries expressed needs and aspirations, particularly vulnerable AHs in the subproject area. Capacity building programs will begin at project inception and continue throughout the project cycle.

56. Similarly, capacity building for project beneficiaries especially 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 the CTG to improve tourism service delivery and quality.

## **VI. INDICATIVE RESETTLEMENT BUDGET**

57. Nam Ngum Reservoir Access Improvements subproject replacement costs for 3,418 m<sup>2</sup> of wooden and brick selling shops, and bars and restaurants has been estimated at a value of 568,084,000<sup>11</sup> LAK (63,120.44USD). New shophouses will be built in the same area. These costs will not be compensated directly, but the project will construct replacement shophouses of better quality with improved facilities including facilities such as water, electricity and wastewater.

58. Compensation for loss of income as well as transport, transition and vulnerability allowances will be an estimated 204,856,000LAK (\$22,761.78). 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 6 below, and in Annex 1.

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<sup>11</sup> Costs based on 112,000 for wooden and 235,000 LAK for brick house/m<sup>2</sup>;

**Table 6: Indicative Costs of Resettlement Impacts and Compensation**

Sub-Project	Loss	Costs in LAK	Costs in US\$*****
Nam Ngum Reservoir Access	16 Loss Income (short)*	68,100,000	7,566.67
	4 Loss of income (long)**	98,000,000	10,888.89
	35 Transport allowance***	3,500,000	388.89
	4 Transition allowance****	6,656,000	739.56
	16 Vulnerability allowance*****	28,600,000	3,177.78
	<b>Sub-Total Allowances</b>		<b>204,856,000</b>

\* The design and defined construction process as described above would limit the time period for which AH transition from their old lodging their new shophouse. The provision included in this estimate is however 2 weeks, calculated as per the entitlement's matrix. Compensation for loss of income is only provided to AH who operate a business from the demolished structure

\*\*The 4 AH experiencing a longer period, during which their lodgings have been demolished and the new shophouses are build are expecting to experience a 8 week period for which they will be compensated as per the entitlement matrix. Compensation for loss of income is only provided to AH who operate a business from the demolished structure

\*\*\* Transport Allowance is provided in cash or to move structures, salvaged materials, new building materials and personal possessions to the new site, at a rate of 100,000 LAK/household

\*\*\*\* Transition Allowance is provided to the AP with a longer period of disruption because it is expected they would need to close their shops for a period of time (8 weeks), and for this will receive in cash or in-kind equivalent to 16kg rice/pp for 2 month

\*\*\*\*\* 50,000LAK/pp/working day for 1 month, for each of the four vulnerability criteria (FHH, Ethnic, Disabled, Poor)

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

59. The budget for livelihood restoration is not included as part of the Resettlement Plan, but rather activities under Output 2 of the project which is supposed to promotes cooperation among public and private sectors to sustainably develop, manage, and market tourist destinations. Output 2 will prepare and implement national and subnational destination management plans (DMPs). DMP implementation will be facilitated through: (i) support for public sector actions such as policy enhancements, industry standards and regulations development, tourism master planning, destination marketing and promotion, and cultural and natural heritage interpretation; and (ii) support for tourism-related SMEs to implement DMP actions. The capacity development activities under this component will be specifically designed following the institutional and O&M arrangements which are going to be developed under Output 3.

## VII. PROJECT PRINCIPLES

60. The main principles that guide the implementation of this Resettlement Plan 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.

61. 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**

62. 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.

63. 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.

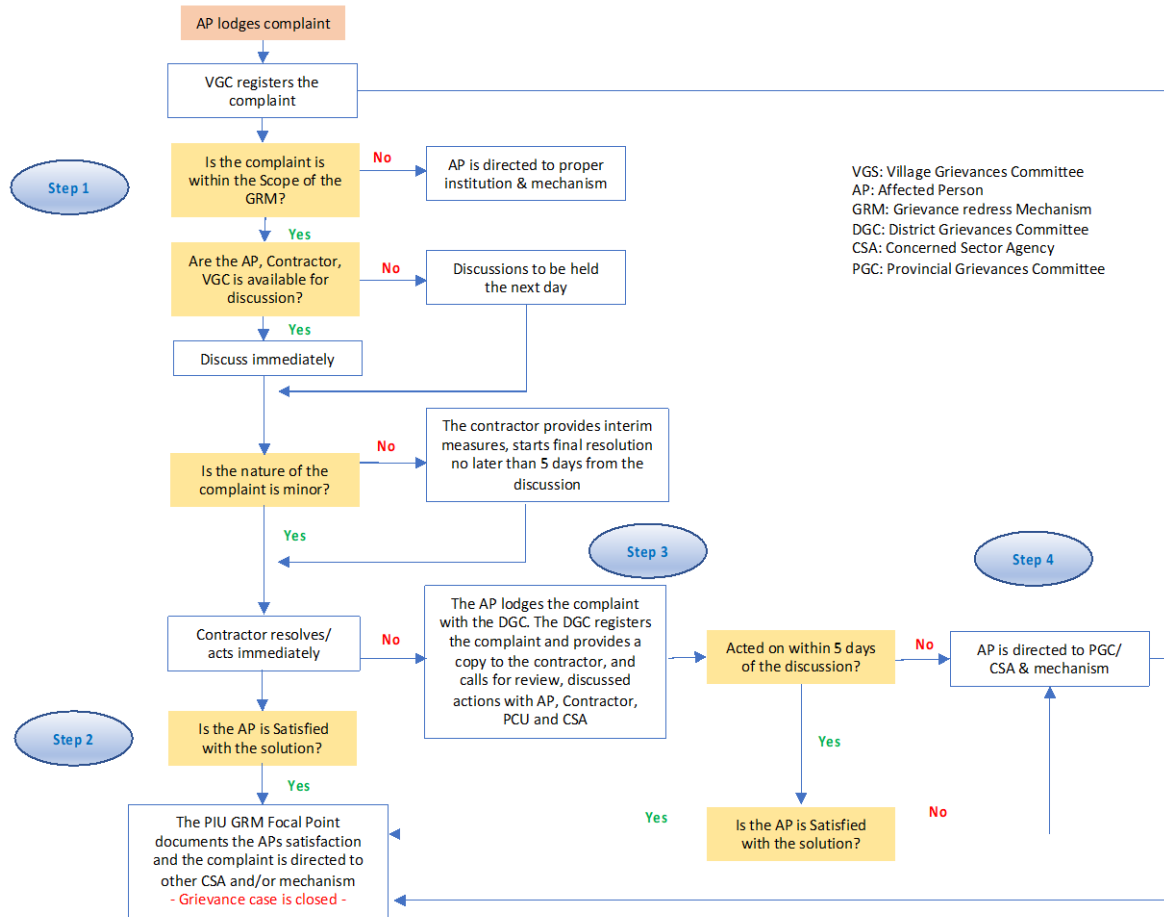
- **Level 1: Village Grievance Committee.** The complainant will initially formally lodge his/her complaint to the village officials (Form 1). The complaint is registered in the record book of the village (Form 2). The Village Grievance Committee will deliberate and resolve the complaint within 15 days 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.

64. 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 CTGs 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.

65. 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 8: Grievance Redress Mechanism**



**IX. LEGAL AND POLICY FRAMEWORK**

66. This RP 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 RPs for other ADB projects in Lao PDR. Provisions and principles adopted in the current RP 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.

67. In particular, the RP 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 Secretariat of

<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.

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).

68. 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 5.

## **X. INSTITUTIONAL ARRANGEMENTS**

69. 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 RP 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)**

70. 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**

71. As PCU, its responsibilities include: (i) day-to-day coordination and implementation of the project as well as coordinate RP updating, implementation and monitoring of updated RP; 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 (RP, EMP, IPP).

### **C. Resettlement Committees (RCs)**

72. Local authorities will assist the project in all activities concerning RP 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.

73. 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 RP 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.

74. 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.

75. 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)**

76. 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.

77. 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)**

78. 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 RP 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 RP;
- 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**

79. 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 (CTG)**

80. The project will organize and train a village level CTG 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 RP, 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)**

81. The project will engage consultants to support the PCU and PIUs in implementing the RP 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).

82. 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 RP
- Brief officials at all levels on the content and procedures for implementing the RP 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 RP 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.

83. 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.

84. 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 RP entitlement matrix, and advise the PCU and PIUs on any required measures to ensure compensation payments are made in accordance with the RP 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 RP;
- 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 RP implementation;
- Monitor grievance process of affected households/persons who have lodged complaints with relevant levels of grievance redress.

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

85. Regular and timely monitoring and assessment of the progress of RP implementation will take place to ensure that the approved RP 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 RP 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.

86. 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 RP implementation and monitoring by establishing PCUs, PIUs and resettlement committees at provincial and district levels to internally monitor RP 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.

87. The project implementation consultants will provide technical assistance and support to the PCU and PIUs. The RP monitors will prepare semi-annual safeguards monitoring reports that highlight: i) accomplishments in relation to targets; ii) RP 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.

88. Monitoring, reporting and evaluation of the RP will be built into the PPMS, to be developed during the first year of project implementation. RP 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 RP implementation based on problem analysis and solutions formulated. The framework for monitoring the RP is summarized below in Table 7.

**Table 7: 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 RP to all project stakeholders.	Sengsavang Village in KeoOudom District	Q4 2020.	PIU
Village level public consultations	Disclose and disseminate the updated RP. Generate community feedbacks on updated RP implementation.	Sengsavang Village in KeoOudom District	As required.	PIU safeguards staff.
Quarterly and annual reports on RP implementation	Assess compliance with the RP'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 reports	Assess compliance with RP. 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 year.	ADB, PCU and PIUs supported by PMCES
Annual NPSC meetings	Assess progress and compliance with the RP. Provide policy guidance and advice on RP 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 RP provisions.	PCU and PIUs with PMCES

<b>Project Activities</b>	<b>Objectives</b>	<b>Location</b>	<b>Time Frame</b>	<b>Responsible Project Units</b>
Project completion report	Assess compliance with RP. Assess achievements and lessons from RP 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; CTG = community tourism group; EA=executing agency, RP = Resettlement Plan, PCU = project coordination unit; PIC= Project Implementation Consultant; PIU = project implementation unit; Q4= Quarter 4.

89. RP implementation progress will be reported as part of PPMS. Quarterly progress reports will provide periodic updates on RP implementation and the impact of the project on Affected Households. A midterm review of the project which includes a review of RP 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. RP 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.

## **XII. IMPLEMENTATION SCHEDULE**

90. 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 detailed activities with regards to resettlement.

**Table 8: Implementation Schedule**

<b>Activities</b>	<b>Schedule</b>
Establish PCU/PIUs	Q4 2018
Orient PCU/PIUs and other implementing agencies on the RP	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 RP (DMS, RCS, Census of AHs/APs)	Q2 2019 - Q2 2020
Submit to ADB updated RP for issuance of “no objection”	Q3 2020
Translate ADB and Government approved RP to Lao and distribute to province, districts and to the AHs/APs	Q3 2020
Upload approved RP 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

<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 Nam Ngum Reservoir Access Improvements

### a. Value of Affected Structures

No	Name	Type of Structure	m2	Price per m2 LAK	Total Value LAK*
1	Mr. Xieng/ Mrs. Ling	Wood	65	112,000	7,280,000
2	Mrs. Pheng/ Mr. Keo	Wood	90	112,000	10,080,000
3	Mr. Souvihak Phimmasone	Wood	88	112,000	9,856,000
4	Mrs. Mo Noravong	Wood	63	112,000	7,056,000
5	Mrs. Phoukhamla (Bounieow)	Wood	94	112,000	10,528,000
6	Mr. Houmpanh Phommachack	Wood	159	112,000	17,808,000
7	Mr. Pe/ Mrs. Lueane	Wood	49	112,000	5,488,000
8	Mr. Duangdy/ Mrs. Nang	Wood	90	112,000	10,080,000
9	Mrs. Nang	Wood	53	112,000	5,936,000
10	Mr. Somchanh	Wood	30	112,000	3,360,000
11	Mr. Ouy Manivong	Wood	72	112,000	8,064,000
12	Mrs. Noun	Wood	80	112,000	8,960,000
13	Mr. Sounthone/ Mr. Mouan	Wood/ Bricks	95	112,000	10,640,000
14	Mr. Thongxien/ Ms Saeng	Concrete	110	235,000	25,850,000
15	Mr. Keo/ Mrs. Gnai	Wood	77	112,000	25,200,000
16	Mr. Aed/ Mrs. Taeng	Wood	90	112,000	10,080,000
17	Mrs. Thongchanh/ Mrs. Somphon	Wood	45	112,000	5,040,000
18	Mrs. Nalin/ Mr. Inpaeng	Wood	76	112,000	8,512,000
19	Mr. Somphone	Wood	48	235,000	11,280,000
20	Mr. Phouvieng	Wood	40	112,000	4,480,000
21	Mr. Mai/ Mrs. Noy Viengxay	Wood	203	112,000	39,984,000
22	Mrs. Sommaly	Wood	126	112,000	14,112,000
23	Mr. Noy/ Mrs. Tick	Wood/Bricks	167	235,000	39,245,000
24	Mrs. Bouavanh	Wood	112	112,000	12,544,000
25	Mrs. Dao Duean	Wood/Concrete	228	235,000	53,580,000
26	Mrs. Keo/ Mr. Yong	Wood	130	112,000	14,560,000
27	Mr. Bounphone	Wood	24	112,000	2,688,000
28	Mr. Keo Insixiengmai/ Mrs. Beng	Wood	211	112,000	66,528,000
29	Mr. Oon/ Mrs. Champathong	Wood	48	112,000	5,376,000
30	Mr. Sithat	Wood/Bricks	263	235,000	61,805,000
31	Mrs. Lourn	Wood	28	112,000	3,136,000

No	Name	Type of Structure	m2	Price per m2 LAK	Total Value LAK*
32	Ms. Saeng	Wood	96	112,000	10,752,000
33	Mr. Amphone	Concrete	65	235,000	15,275,000
34	Mr. Tanh	Concrete	27	235,000	6,345,000
35	Ms. Thaen	Wood	176	112,000	19,712,000
Total			<b>3,418</b>		<b>568,084,000</b>

\* Note that the totals refer to the estimated value of the structure and not the amount to be provided as compensation. Average value per structure: 16,708,352 LAK

#### b. Purpose of Affected Structures

No	Name	Type of Structure	m2	Purpose
1	Mr. Xieng/ Mrs. Ling	Wood	65	Both living and business
2	Mrs. Pheng/ Mr. Keo	Wood	90	Living only
3	Mr. Souvihack Phimmasone	Wood	88	Living only
4	Mrs. Mo Noravong	Wood	63	Living only
5	Mrs. Phoukhamla (Bounieow)	Wood	94	Living only
6	Mr. Houmpanh Phommachack	Wood	159	Living only
7	Mr. Pe/ Mrs. Lueane	Wood	49	Living only
8	Mr. Duangdy/ Mrs. Nang	Wood	90	Living only
9	Mrs. Nang	Wood	53	Living only
10	Mr. Somchanh	Wood	30	Living only
11	Mr. Ouy Manivong	Wood	72	Living only
12	Mrs. Noun	Wood	80	Living only
13	Mr. Sounthone/ Mr. Mouan	Wood/ Bricks	95	Business (shop, restaurant, storage, etc.)
14	Mr. Thongxien/ Ms Saeng	Concrete	110	Business (shop, restaurant, storage, etc.)
15	Mr. Keo/ Mrs. Gnai	Wood	77	Both living and business
16	Mr. Aed/ Mrs. Taeng	Wood	90	Living only
17	Mrs. Thongchanh/ Mrs. Somphon	Wood	45	Living only
18	Mrs. Nalin/ Mr. Inpaeng	Wood	76	Business (shop, restaurant, storage, etc.)
19	Mr. Somphone	Wood	48	Business (shop, restaurant, storage, etc.)
20	Mr. Phouvieng	Wood	40	Business (shop, restaurant, storage, etc.)
21	Mr. Mai/ Mrs. Noy Viengxay	Wood	203	Business (shop, restaurant, storage, etc.)
22	Mrs. Sommaly	Wood	126	Business (shop, restaurant, storage, etc.)
23	Mr. Noy/ Mrs. Tick	Wood/Bricks	167	Both living and business



No	Name	Type of Structure	m2	Purpose
24	Mrs. Bouavanh	Wood	112	Both living and business
25	Mrs. Dao Duean	Wood/Concrete	228	Both living and business
26	Mrs. Keo/ Mr. Yong	Wood	130	Both living and business
27	Mr. Bounphone	Wood	24	Business (shop, restaurant, storage, etc.)
28	Mr. Keo Insixiangmai/ Mrs. Beng	Wood	211	Both living and business
29	Mr. Oon/ Mrs. Champathong	Wood	48	Living only
30	Mr. Sithat	Wood/Bricks	263	Both living and business
31	Mrs. Lourn	Wood	28	Living only
32	Ms. Saeng	Wood	96	Living only
33	Mr. Amphone	Concrete	65	Business (shop, restaurant, storage, etc.)
34	Mr. Tanh	Concrete	27	Business (shop, restaurant, storage, etc.)
35	Ms. Thaen	Wood	176	Both living and business
	Total		<b>3,148</b>	

### c. Breakdown of Compensation

No	Name	Use of Structure	Loss of Income LAK*	Transition LAK**	Transport LAK	Vulnerability Allowance ****	Compensation Total
1	Mr. Xieng/ Mrs. Ling	Both	22,000,000	2,304,000	100,000	-	2,497,600
2	Mrs. Pheng/ Mr. Keo	Living	-	-	100,000	1,300,000	1,597,600
3	Mr. Souvihack Phimmasone	Living	-	-	100,000	-	2,497,600
4	Mrs. Mo Noravong	Living	-	-	100,000	1,300,000	3,797,600
5	Mrs. Phoukhamla (Bounieow)	Living	-	-	100,000	2,600,000	1,000,000
6	Mr. Houmpanh Phommachack	Living	-	-	100,000	1,300,000	2,497,600
7	Mr. Pe/ Mrs. Lueane	Both	1,500,000	-	100,000	-	1,000,000
8	Mr. Duangdy/ Mrs. Nang	Living	-	-	100,000	-	2,497,600
9	Mrs. Nang	Living	-	-	100,000	2,600,000	100,000
10	Mr. Somchanh	Living	-	-	100,000	-	1,000,000
11	Mr. Ouy Manivong	Living	-	-	100,000	-	1,000,000
12	Mrs. Noun	Living	-	-	100,000	1,300,000	2,497,600
13	Mr. Sounthone/ Mr. Mouan	Business	3,250,000	-	100,000	-	1,000,000

No	Name	Use of Structure	Loss of Income LAK*	Transition LAK**	Transport LAK	Vulnerability Allowance ****	Compensation Total
14	Mr. Thongxien/ Ms Saeng	Business	2,100,000	-	100,000	-	1,000,000
15	Mr. Keo/ Mrs. Gnai	Both	2,500,000	-	100,000	-	1,000,000
16	Mr. Aed/ Mrs. Taeng	Living	-	-	100,000	-	2497600
17	Mrs. Thongchanh/ Mrs. Somphon	Living	-	-	100,000	1,300,000	1,000,000
18	Mrs. Nalin/ Mr. Inpaeng	Business	5,000,000	-	100,000	1,300,000	1,000,000
19	Mr. Somphone	Business	2,000,000	-	100,000	1,300,000	1,000,000
20	Mr. Phouvieng	Business	5,000,000	-	100,000	-	1,000,000
21	Mr. Mai/ Mrs. Noy Viengxay	Business	4,000,000	-	100,000	-	1,000,000
22	Mrs. Sommaly	Business	5,000,000	-	100,000	1,300,000	1,000,000
23	Mr. Noy/ Mrs. Tick	Both	6,000,000	1,280,000	100,000	-	1,000,000
24	Mrs. Bouavanh	Both	1,250,000	-	100,000	2,600,000	3797600
25	Mrs. Dao Duean	Both	40,000,000	1,536,000	100,000	1,300,000	1,000,000
26	Mrs. Keo/ Mr. Yong	Both	2,250,000	-	100,000	2,600,000	1,000,000
27	Mr. Bounphone	Business	5,000,000	-	100,000	-	1,000,000
28	Mr. Keo Insixiangmai/ Mrs. Beng	Both	30,000,000	1,536,000	100,000	-	2,497,600
29	Mr. Oon/ Mrs. Champathong	Living	-	-	100,000	-	1,000,000
30	Mr. Sithat	Both	2,500,000	-	100,000	2,600,000	3,797,600
31	Mrs. Lourn	Living	-	-	100,000	-	
32	Ms. Saeng	Living	-	-	100,000	1,300,000	2,497,600
33	Mr. Amphone	Business	9,400,000	-	100,000	-	2,497,600
34	Mr. Tanh	Business	11,250,000	-	100,000	-	2,497,600
35	Ms. Thaen	Both	6,100,000	-	100,000	2,600,000	2,497,600
<b>Total</b>			<b>166,100,000</b>	<b>6,656,000</b>	<b>3,500,000</b>	<b>28,600,000</b>	<b>204,856,000</b>

\* The design and defined construction process as described above would limit the time period for which AH transition from their old lodging their new shophouse. The provision included in this estimate is however 2 weeks, calculated as per the entitlement's matrix. Compensation for loss of income is only provided to AH who operate a business from the demolished structure,

\* The 4 AH experiencing a longer period, during which their lodgings have been demolished and the new shophouses are build are expecting to experience a 8 week period for which they will be compensated as per the entitlement matrix. Compensation for loss of income is only provided to AH who operate a business from the demolished structure

\*\* Transition Allowance is provided to the AP with a longer period of disruption because it is expected they would need to close their shops for a period of time (8 weeks), and for this will receive in cash or in-kind equivalent to 16kg rice/pp for 2 month

\*\* Transport allowance is provided in-cash to move salvaged materials and personal possessions to the new site, and

amounting to 100,000 LAK/AH

\*\*\*\* 50,000LAK/pp/working day for 1 month, for each of the four vulnerability criteria (FHH, Ethnic, Disabled, Poor)

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

#### d. Composition and Type of Affected Households

No	Name	Gender of HH	Ethnicity	Vulnerable *	Permanent Living at the site	Type of AH
1	Mr. Xieng/ Mrs. Ling	Male	Lao-Tai	No	No	Shop
2	Mrs. Pheng/ Mr. Keo	Female	Lao-Tai	Yes	Yes	House only
3	Mr. Souvihack Phimmasone	Male	Lao-Tai	No	Yes	House only
4	Mrs. Mo Noravong	Female	Lao-Tai	Yes	Yes	House only
5	Mrs. Phoukhamla (Bounieow)	Female	Lu Mien	Yes	Yes	House only
6	Mr. Houmanh Phommachack	Male	Lao-Tai	Yes	Yes	House only
7	Mr. Pe/ Mrs. Lueane	Male	Lao-Tai	No	Yes	Shop
8	Mr. Duangdy/ Mrs. Nang	Male	Lao-Tai	No	Yes	House only
9	Mrs. Nang	Female	Lao-Tai	Yes	Yes	House only
10	Mr. Somchanh	Male	Lao-Tai	No	Yes	House only
11	Mr. Ouy Manivong	Male	Lao-Tai	No	Yes	House only
12	Mrs. Noun	Female	Lao-Tai	Yes	Yes	House only
13	Mr. Sounthone/ Mr. Mouan	Male	Lao-Tai	No	No	Pharmacy
14	Mr. Thongxien/ Ms Saeng	Male	Lao-Tai	No	No	Shop
15	Mr. Keo/ Mrs. Gnai	Male	Lao-Tai	No	Yes	Noodle shop
16	Mr. Aed/ Mrs. Taeng	Male	Lao-Tai	No	Yes	House only
17	Mrs. Thongchanh/ Mrs. Somphon	Female	Lao-Tai	Yes	Yes	House only
18	Mrs. Nalin/ Mr. Inpaeng	Female	Lao-Tai	Yes	No	Shop
19	Mr. Somphone	Male	Lao-Tai	Yes	No	Shop
20	Mr. Phouvieng	Male	Lao-Tai	No	No	Shop
21	Mr. Mai/ Mrs. Noy Viengxay	Male	Lao-Tai	No	No	Pharmacy
22	Mrs. Sommaly	Female	Lao-Tai	Yes	No	Shop
23	Mr. Noy/ Mrs. Tick	Male	Lao-Tai	No	Yes	Shop
24	Mrs. Bouavanh	Female	Lao-Tai	Yes	Yes	Trading/ Storage
25	Mrs. Dao Duean	Female	Lao-Tai	Yes	Yes	Shop
26	Mrs. Keo/ Mr. Yong	Female	Lao-Tai	Yes	Yes	Noodle shop
27	Mr. Bounphone	Male	Lao-Tai	No	No	Fish shop
28	Mr. Keo Insixiangmai/ Mrs. Beng	Male	Lao-Tai	No	Yes	Shop
29	Mr. Oon/ Mrs. Champathong	Male	Lao-Tai	No	Yes	House only
30	Mr. Sithat	Male	Lao-Tai	Yes	Yes	Restaurant
31	Mrs. Lourn	Female	Lao-Tai	Yes	Yes	House only

No	Name	Gender of HH	Ethnicity	Vulnerable *	Permanent Living at the site	Type of AH
32	Ms. Saeng	Female	Lao-Tai	Yes	Yes	House only
33	Mr. Amphone	Male	Lao-Tai	No	No	Restaurant
34	Mr. Tanh	Male	Lao-Tai	No	No	Shop/storage
35	Ms. Thaen	Female	LuMien	Yes	No	Shop
<b>Total</b>				<b>17</b>	<b>24</b>	

Source: DMS/IOL, PMCES, June 2020

\* Meeting at least one of the four vulnerability criteria (FHH, Ethnic, Disabled, Poor)

## **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. 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 2017 for Nam Ngum and 5 August 2017 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 RP 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 2017 for Nam Ngum and 5 August 2017 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: Keo Oudom

Name of Subproject: Nam Ngum Reservoir Access Improvements

Date and Time of Conduct: 23 June, 2020

Scope: Progress Review Meeting for Project G0599-LAO at 4th Floor meeting Room, MICT

Participants: 11

Women: 1

Ethnic: 0

# 2

Province: Vientiane Province

District: Keo Oudom

Name of Subproject: Nam Ngum Reservoir Access Improvements

Date and Time of Conduct: 2 June, 2020

Scope: DMS and interviews/ consultation with Affected Households at Nam Ngum Reservoir

Participants: 50

Women: 13

Ethnic: 0

# 3

Province: Vientiane Province

District: Keo Oudom

Name of Subproject: Nam Ngum Reservoir Access Improvements

Date and Time of Conduct: 27 May, 2020

Scope: Presentation and consultation with stakeholders on Conceptual design for Nam Ngum Reservoir Access Improvements at Crowne Plaza Hotel

Participants: 43

Women: 11

Ethnic: N/A

# 4

Province: Vientiane Province

District: Keo Oudom

Name of Subproject: Nam Ngum Reservoir Access Improvements

Date and Time of Conduct: 7 May, 2020

Scope: Consultative Meeting for Reviewing Draft Outline Design for V1, V2, V3&V4 at 4th Floor of Tourism Development Department

Participants: 10

Women: 2

Ethnic: N/A

# 5

Province: Vientiane Province

District: Keo Oudom

Name of Subproject: Nam Ngum Reservoir Access Improvements



Date and Time of Conduct: 26 March, 2020  
Scope: Site visit to align design with resettlement at Nam Ngum Reservoir Access Improvement of the Marina area  
Participants: 7  
Women: 0  
Ethnic: N/A

# 6

Province: Vientiane Province  
District: Keo Oudom  
Name of Subproject: Nam Ngum Reservoir Access Improvements  
Date and Time of Conduct: 19 February, 2020  
Scope: Site visit and consultation with regard to road sections to be upgraded  
Participants: 11  
Women: 3  
Ethnic: 0

# 7

Province: Vientiane Province  
District: Keo Oudom  
Name of Subproject: Nam Ngum Reservoir Access Improvements  
Date and Time of Conduct: 20 December, 2019  
Scope: Geotechnical and Topographical Survey at PIU Office  
Participants: 9  
Women: 0  
Ethnic: 0

# 8

Province: Vientiane Province  
District: Keo Oudom  
Name of Subproject: Nam Ngum Reservoir Access Improvements  
Date and Time of Conduct: 16 September, 2019  
Scope: Conceptual Design Meeting consultation and stakeholder feedback session at culture hall with PIU  
Participants: 31  
Women: 16  
Ethnic: 0

# 9

Province: Vientiane Province  
District: Keo Oudom  
Name of Subproject: Nam Ngum Reservoir Access Improvements  
Date and Time of Conduct: 15 Aug, 2019  
Scope: Conceptual design with PIU (Nam Ngum) on conceptual design at Nam Ngum Tourism Management Center Design for  
Participants: 22 (5 female)  
Women 5  
Ethnic: 0

# 10

Province: Vientiane Province

District: Keo Oudom  
Name of Subproject: Nam Ngum Reservoir Access Improvements  
Date and Time of Conduct: 13 July  
Scope: consultation meeting as part of the PPTA  
Participants 62  
Female: 28  
Ethnic: 4

# 11

Province: Vientiane Province  
District: Keo Oudom  
Name of Subproject: Nam Ngum Reservoir Access Improvements  
Date and Time of Conduct: 12 July  
Scope: consultation meeting as part of the PPTA  
Participants 13  
Female: 1  
Ethnic: 4

## **Annex 4: Minutes and Images of Public Consultations**

Public Consultations were conducted in Nam Ngum Reservoir Access Improvements, first in July 2017 during the project preparation, and then during the detailed design stage by the PMCES consultants during several visits and meetings between September 2019 and July 2020. The activities gathered participants whose assets would become affected due to the foreseen infrastructure improvements. The public consultations aimed to inform affected households and persons on the following:

- Project Descriptions and detailed discussions on the subprojects' features;
- Legal and Policy Framework on Land Acquisition and Resettlement of the Lao Government and ADB's Safeguards Policies;
- Eligibility and Entitlements including Compensation;
- Discussion on the IOL process and Socioeconomic surveys of AHs/APs
- Grievance Redress Mechanism;
- Cut-off Date for eligibility and entitlement;
- Institutional Arrangements

### **Highlights of Public Consultation**

The consultant team facilitated the public consultation meetings with affected households where initially, they presented the objectives and outputs of the public consultation and discussed all the topics mentioned above. After the presentation and discussions of all the topics, an open forum took place where AHs expressed some of their issues and concerns to be clarified. The following are those issues they raised and proposals to address issues as follows:

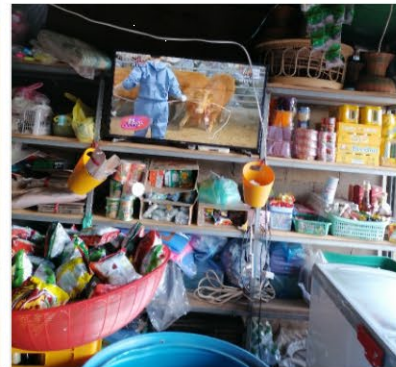
#### **Nam Ngum Reservoir:**

- The AHs whose houses along the proposed walkway to the marina will be permanently dismantled expressed their concern over the features of the replacement buildings which they suggest that these should have basic features like power and water supply; also, solid waste and sanitation facilities.
- Shop owners who participated in the SES will be prioritized to occupy the shopshouses to be built at the site.
- Furthermore, they suggest that compensation for structures to be dismantled and temporary income losses will be paid earlier so that they will have cash when during the actual dismantling and temporary relocation. Also, inform the AHs early so that they can have enough time to prepare for the demolition and temporary relocation.
- Affected shop owners proposed that the project will move them to a temporary relocation site near the former site so that they can continue their tourism business.
- For boat owners and drivers, suggest that the project will put up a temporary mooring place and pier so that they can continue their boating and transport services to tourists.
- AHs proposed that there should be regular meetings so that they are constantly aware of the status of resettlement activities during project implementation.

- They signified their 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.



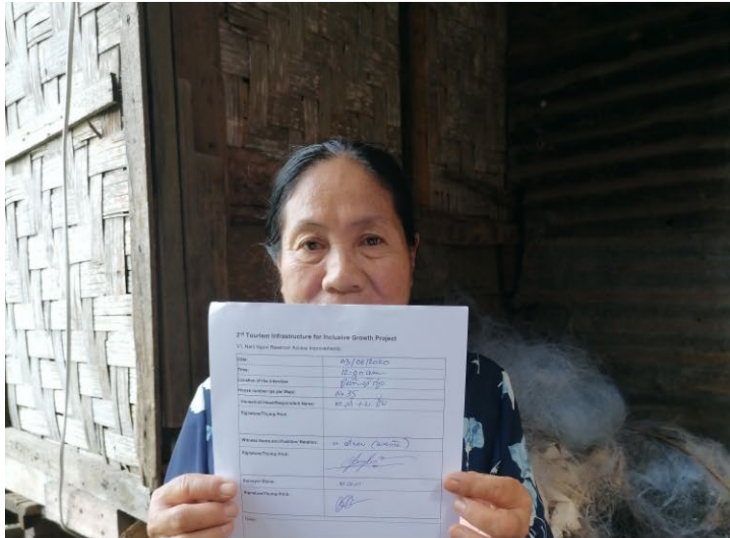














## **Annex 5: Legal Framework for Resettlement**

### **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>12</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 RP must be uploaded in the ADB website after its approval by ADB and disclosure to project beneficiaries.

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<sup>12</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.

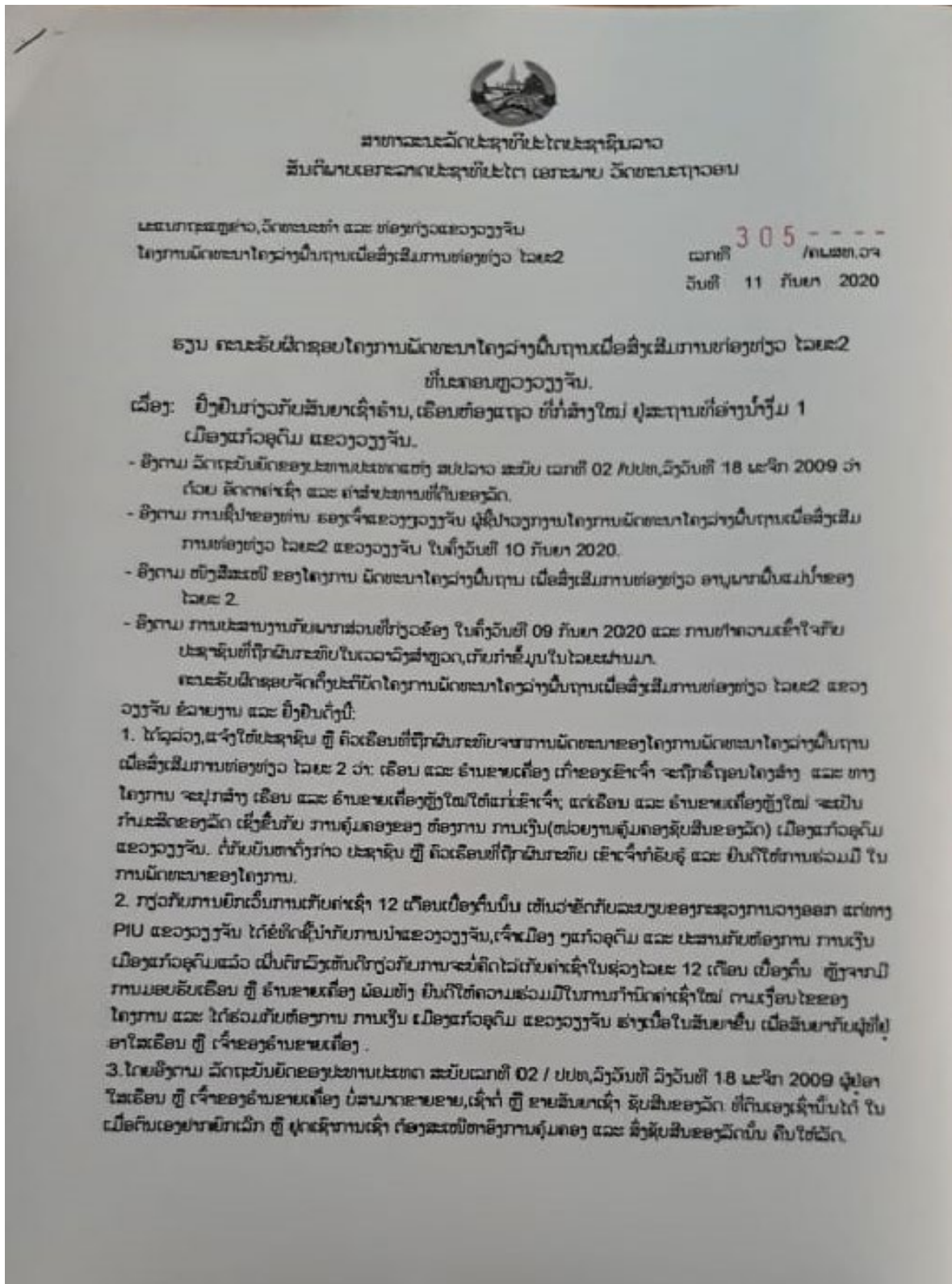
14. Table 1 illustrates the gaps between the Lao Government Policies and ADB resettlement policies

**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 RP preparation.	Requires consultation with AHs and stakeholders during RP 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: PMCES, 2020

**Annex 6: Documentation Related to Future Lease Agreements**



4. ຜູ້ທີ່ໄດ້ໃຫ້ຄຳສັ່ງ ຫຼື ຕົວອະນຸຍາດສາມາດສ້າງ ມີຄວາມສົນທິສົມເໝີໃນການມີບຸກຄົນອື່ນມາຊ່ວຍເຫຼືອ ບໍ່ແມ່ນຜູ້ມາຊ່ວຍເຫຼືອ ຕົວເອງໄດ້ເຮັດການປ່ຽນແປງກະທຳທີ່ສາມາດເຮັດ ແລະ ຕົວເອງກໍ່ສ້າງ ໃນກໍລະນີທີ່ມີຄວາມສາມາດທີ່ສາມາດສ້າງ ມີສິ່ງອື່ນໆ ຫຼື ມາດຕະການ.

ດັ່ງນັ້ນ ສາມາດມີຄວາມສາມາດສ້າງບຸກຄົນອື່ນໆ ທີ່ມາຊ່ວຍເຫຼືອມີສິ່ງມີການອື່ນໆ ໄດ້ ແລະ ສາມາດມີຄວາມສາມາດສ້າງ ຫຼື ມາດຕະການ ທີ່ມາຊ່ວຍເຫຼືອ ແລະ ອະນຸຍາດໃຫ້ອື່ນໆ.

ຄຽງມາດຕະການດັ່ງກ່າວ

ສາມາດມີຄວາມສາມາດສ້າງບຸກຄົນອື່ນໆ  
ມີຄວາມສາມາດສ້າງບຸກຄົນອື່ນໆ ທີ່ມາຊ່ວຍເຫຼືອ  
ໄດ້ ແລະ ສາມາດມີຄວາມສາມາດສ້າງ



ເມັດສາມາດມີຄວາມສາມາດສ້າງ

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

Department of Information, Culture, and Tourism  
of Vientiane Province  
Second Greater Mekong Subregion Tourism  
Infrastructure for Inclusive Project (TIIGP2)

No 305/TIIGP2.VTE  
Dated 11st September 2020

To: Manager of Second Greater Mekong Subregion Tourism Infrastructure for  
Inclusive Project (TIIGP2), in Vientiane Capital  
Subject: Confirmation of the lease arrangement of new constructed shophouses,  
rowhouses in NamNgum Basin 1

- Pursuant to the President Decree No. 02/President, dated 18 November 2009 on State-owned Land Lease or Concession;
- Pursuant with to supervision of Provincial Governor of Vientiane Province, who supervising the Second Greater Mekong Subregion Tourism Infrastructure for Inclusive Project on the 10<sup>th</sup> September 2020;
- Pursuant to the letter from the Second Greater Mekong Subregion Tourism Infrastructure for Inclusive Project;
- Pursuant to consulting with concerned agencies dated 9<sup>th</sup> September 2020, and community sensitization with whom will be impacted from previous survey;

The Project Implementation Unit of Second Greater Mekong Subregion Tourism Infrastructure for Inclusive in Vientiane province would like to inform and confirm as following:

1. Community or households who are impacted from the Second Greater Mekong Subregion Tourism Infrastructure for Inclusive Project are informed that their existing houses and shop houses will be demolished and the project will construct new buildings and shophouses; however, the new buildings will be under state ownership and under the management of the Keo Oudom District Financial Office (State Asset Management Unit). Concerned people or households who are impacted well aware and willing to cooperate in development.
2. As for the rental tax exemption for the first 12 months, we found that it is not in line with the regulation issued by the ministry, however, the Vientiane Province PIU have consulted with Provincial Governor, Keo Oudom District Mayor and District Financial Office, and it is agreed that there will not have the rental fee for the first 12 months following handover of the shophouses and they also agree to cooperate to determine new leasing fee based on the project's condition. PIU and together with District Financial Office have prepared the draft of the leasing contract for the residentials and shop owners.

3. According to the President Decree No. 02/President, dated 18 November 2009 on State-owned Land Lease or Concession, the residents or shop owners cannot sell, sub-let or sell the leasing contract of State Assets; in case they want to cancel or stop renting, they have to return the assets back to the State.

4. Residents or shop owners are willing to cooperate in maintaining the public services, such as: water supply, waste water, waste collection, and other public spaces and willing to participate in the capacity building as appropriate that project or public offices will organize.

Therefore, the Project Implementation Unit of the Second Greater Mekong Subregion Tourism Infrastructure for Inclusive Project 2, is drafting this letter to confirm and inform you.

Sincerely Yours,

Manager of Project Implementation Unit (PIU),  
Second Greater Mekong Subregion Tourism Infrastructure  
for Inclusive Project, Vientiane Province

Phetsamone Xayavong (Mr.)





ສາທາລະນະລັດປະຊາທິປະໄຕປະຊາຊົນລາວ  
ສັນຕິພາບເອກະລາດປະຊາທິປະໄຕ ເອກະພາບ ວັດທະນະຖາວອນ

ເຈົ້າແຂວງວຽງຈັນ

ເລກທີ 957 / ຈຂ.ວຈ  
ວຽງຈັນ, ວັນທີ 11 ກັນຍາ 2020

**ຂໍ້ຕົກລົງ**

ວ່າດ້ວຍ ການຍົກເວັ້ນການເກັບຄ່າເຊົ່າ ທີ່ດິນ, ເຮືອນ ແລະ ຮ້ານຂາຍເຄື່ອງຂອງລັດ  
ທີ່ສ້າງຂຶ້ນໃໝ່ ຢູ່ເຂດໜ້າເຂື່ອນນ້ຳງື່ມ 1 ເມືອງແກ້ວອຸດົມ ແຂວງວຽງຈັນ.

- ອີງຕາມ ສັນຍາເງິນຊ່ວຍເຫຼືອລ່າ ລະຫວ່າງ ລັດຖະບານ ແຫ່ງ ສປປ ລາວ ກັບ ທະນະຄານພັດທະນາອາຊີ ( ADB ) ສຳລັບໂຄງການພັດທະນາໂຄງລ່າງພື້ນຖານເພື່ອສົ່ງເສີມການທ່ອງທ່ຽວ ໄລຍະ 2 ເລກທີ G0599 -LAO;
- ອີງຕາມ ຂໍ້ຕົກລົງຂອງທ່ານເຈົ້າແຂວງວຽງຈັນ ສະບັບເລກທີ 090 / ຈຂ.ວຈ, ລົງວັນທີ 05 ກຸມພາ 2018 ວ່າດ້ວຍ ການຮັບຮອງເອົາ ການຊ່ວຍເຫຼືອລ່າ ຈາກທະນະຄານພັດທະນາອາຊີ ( ADB ) ເພື່ອມາຈັດຕັ້ງປະຕິບັດໂຄງການພັດທະນາໂຄງລ່າງພື້ນຖານເພື່ອສົ່ງເສີມການທ່ອງທ່ຽວ ໄລຍະ 2 ຢູ່ເມືອງວຽງຈັນ ແລະ ໜ້າເຂື່ອນນ້ຳງື່ມ 1 ເມືອງແກ້ວອຸດົມ ແຂວງວຽງຈັນ.
- ອີງຕາມ ການສະໜີຂອງຂອງພະແນກ ຖະແຫຼງຂ່າວ, ວັດທະນະທຳ ແລະ ທ່ອງທ່ຽວ ແຂວງວຽງຈັນ ສະບັບເລກທີ / ຖວທ, ລົງວັນທີ 11 ກັນຍາ 2020.  
ເພື່ອອໍານວຍຄວາມສະດວກໃຫ້ແກ່ການປະຕິບັດໂຄງການພັດທະນາໂຄງລ່າງພື້ນຖານເພື່ອສົ່ງເສີມການທ່ອງທ່ຽວ ໄລຍະ 2 ຢູ່ເຂດໜ້າເຂື່ອນນ້ຳງື່ມ 1 ເມືອງແກ້ວອຸດົມ ແຂວງວຽງຈັນ ແລະ ເພື່ອໃຫ້ສອດຄ່ອງກັບຫຼັກການເຄື່ອນໄຫວພັດທະນາຂອງທະນະຄານພັດທະນາອາຊີ ( ADB ).

**ເຈົ້າແຂວງຕົກລົງ**

- ມາດຕາ 1: ເຫັນດີ ຍົກເວັ້ນການຄິດໄລ່ຄ່າເຊົ່າ ທີ່ດິນ, ເຮືອນ ແລະ ຮ້ານຂາຍເຄື່ອງຂອງລັດທີ່ສ້າງຂຶ້ນໃໝ່ໂດຍໂຄງການພັດທະນາໂຄງລ່າງພື້ນຖານເພື່ອສົ່ງເສີມການທ່ອງທ່ຽວ ໄລຍະ 2 ໃຫ້ກັບປະຊາຊົນທີ່ຖືກຜົນກະທົບຈາກການພັດທະນາຂອງໂຄງການ ຢູ່ເຂດໜ້າເຂື່ອນນ້ຳງື່ມ 1 ເມືອງແກ້ວອຸດົມ ແຂວງວຽງຈັນ ໃນຊ່ວງໄລຍະ 12 ເດືອນ ເບື້ອງຕົ້ນຫຼັງຈາກ ມີການມອບ - ຮັບ ເຮືອນ ຫຼື ຮ້ານຂາຍເຄື່ອງໃໝ່.
- ມາດຕາ 2 : ເຫັນດີ ໃຫ້ຄິດໄລ່ຄ່າເຊົ່າ ທີ່ດິນ, ເຮືອນ ແລະ ຮ້ານຂາຍເຄື່ອງຂອງລັດທີ່ສ້າງຂຶ້ນໃໝ່ ພາຍຫຼັງ 12 ເດືອນຜ່ານໄປແລ້ວ ໂດຍອີງໃສ່ລາຍໄດ້ຕົວຈິງ ຫຼື ລາຍໄດ້ຂອງຮ້ານໃໝ່, ເຊິ່ງຈະໄດ້ປະເມີນໃນຊ່ວງປີທຳອິດ ແລະ ອັດຕາຄ່າເຊົ່າໃໝ່ຈະຖືກປະຕິບັດໄປຈົນກວ່າສິ້ນສຸດໄລຍະພັດທະນາຂອງໂຄງການ ປີ 2026. ຫຼັງຈາກນັ້ນ ໃຫ້ພາກສ່ວນກ່ຽວຂ້ອງຄິດໄລ່ອັດຕາຄ່າເຊົ່າ ຕາມລັດຖະບັນຍັດຂອງປະທານປະເທດ ສະບັບເລກທີ 02 / ປປທ, ລົງວັນທີ 18 ພະຈິກ 2009 ແລະ ຕາມລະບຽບການຂອງພາກສ່ວນທີ່ກ່ຽວຂ້ອງ ຕາມປົກກະຕິ.
- ມາດຕາ 3: ພະແນກການເງິນ, ພະແນກ ຖະແຫຼງແຂວງ, ຫ້ອງການ ການເງິນເມືອງແກ້ວອຸດົມ ແລະ ພາກສ່ວນທີ່ກ່ຽວຂ້ອງ ຈົ່ງຮັບຮູ້ , ຜ່ອມກັນຈັດຕັ້ງປະຕິບັດ ຂໍ້ຕົກລົງສະບັບນີ້ ຢ່າງເຂັ້ມງວດ ແລະ ໃຫ້ໄດ້ຮັບຜົນດີ.
- ມາດຕາ 4: ຂໍ້ຕົກລົງສະບັບນີ້ ມີຜົນສັກສິດ ແລະ ນຳໃຊ້ໄດ້ ນັບແຕ່ວັນທີ່ລົງລາຍເຊັນເປັນຕົ້ນໄປ.

ຮຽ  
  
 ບຸນສອນ ເພັດລາວັງ

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

Vientiane Province  
957/GOV.VTE

No.

Dated 14th September

2020

**Agreement**

**On leasing exemption of public land, house and shophouse that are newly constructed in NamNgum Dam 1 basin, Keo Oudom District, Vientiane Province**

- Referring to the Grant Aids between Lao Government and ADB on Second Mekong Subregion Tourism Infrastructure for Inclusive Growth Project (TIIGP2) No G0599-LAO;
- Referring to the Vientiane Province Governor's Agreement No 090/Gov.VTE, dated 05<sup>th</sup> February 2018 on the receiving the ADB Grant Aids to implement the Second Mekong Subregion Tourism Infrastructure for Inclusive Growth Project;
- Referring to the proposal from Provincial Information, Culture and Tourism Department dated 11 September 2020.

To facilitate the implementation of Second Mekong Subregion Tourism Infrastructure for Inclusive Growth Project that will take place at NamNgum Dam 1 Basin in Keo Oudom District, Vientiane Province and to inline with the ADB requirement,

**The Provincial Governor agrees:**

- Article 1: Agree to have leasing exemption of public land, house and shophouse that will be newly constructed through the implementation of TIIGP2 for people who will be impacted from the project implementation at the Nam Ngum1 Basin in Keo Oudome District, Vientiane Province within first 12 months after they have hand overed.
- Article 2: Agree to have calculate new leasing fees of newly constructed public land, house and shop house after first 12 months based on the real incomes. The new leasing fees will be implemented until the end of project implementation by 2026. Then after, the concern agency will calculate the leasing fees based on the State-owned land lease or concession presidential decree No. 2, dated 18 November 2009.
- Article 3: Provincial Information, Culture and Tourism Department, Keo Oudom Financial Office and related agencies should recognize this and implement this agreement concretely and effectively.
- Article 4: This agreement will be into forced and used after signature is given.

**Provincial Governor**

Bounsone Phetlavanh  
(Vice Governor)

## Annex 7: Nam Ngum Reservoir Access Improvements 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 Nam Ngum Reservoir Access Improvements' subproject

<b>subproject town / district</b>	Nam Ngum Riverfront at Sengsavang village in Keo Oudom 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 have the following components: (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 concrete paving, and 1,200 m <sup>2</sup> parking areas; (iii) redevelop unsanitary and poorly constructed restaurants, shops and stalls, into a new shophouses which are incorporating traditional Lao architectural design; (iv) install septic tanks for all public buildings and a wastewater pump-out station/holding tank at the marina, and install water supply system for the public buildings and shophouses; (v) replace abandoned, unsafe public buildings and piers with new public green space and a viewing platform; and (vi) remove and relocate the tourist information center. The subproject will benefit 1,600 people living in nearby Ban Sengsavang and is expected to catalyze significant tourism related investment at the site.
<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		improving the existing public marina to safely accommodate 50-60 local tour boats
Does the subproject include the construction of new physical facilities?	x		Parking lot, access road, shophouses, viewing platform, improved water and wastewater management
Will it require permanent land acquisition?	x		3,148 m <sup>2</sup> of land of current structures
Is the ownership status and current usage of the land known?	x		All AHs pay annual rent for their market stalls/houses to the District Authorities

Involuntary Resettlement Effects	Yes	No	Extent of Impacts And Other Remarks
Are there any non-titled people who live or earn their livelihood on affected land?	x		All land belongs to government, and is rented/ leased by the AHs.
Will there be loss of housing?	x		35 AHs (190 people) will lose their housing, however they will receive new housing at the same site at higher value
Will there be loss of agricultural plots?		x	
Will there be losses of crops, trees and fixed assets?	x		The structures where the AHs currently sell their wares will be permanently destroyed. 40 AHs will have to relocate their stalls
Will there be loss of businesses or enterprises?	x		Yes, however they will receive new space at the same site at higher value
Will there be loss of incomes and livelihoods?	x		There will be some disruption when moving from the old structures to the new shophouses
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 AHs might have to pay a higher rent for the new market stall and house; this might result in a lower living standard if the income remains the same.

#### 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> , Land Acquisition and Compensation Plan is required.
	RP to be submitted to ADB in September 2020
	Less than 200 people (35 households) 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		35 AHs (190 APs including 100 women)
Are any of them designated poor households?	x		3 AH are considered poor
Are any of them households that belong to ethnic groups other than Tai-Kadai?	x		2 AH belongs to Lu Mien ethnic group

<b>Affected Persons</b>	<b>Yes</b>	<b>No</b>	<b>Description</b> (Numbers of APs, current situation)
Are any of them households headed by women, elderly or disabled persons?	x		15 households are female headed