

# Ethnic Group Development and Resettlement Plan

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Project Number: 49387-002  
Grant Number: 0599-LAO  
September 2020

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

Vientiane Province:  
Vang Vieng Landfill 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 = 9,000 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
EGDRP	Ethnic Group Development and Resettlement Plan
EMA	External Monitoring Agency
EM	Ethnic Minority
EMP	Environmental Management Plan
FGDs	Focus Group Discussions
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
PIB	Project Information Booklet
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
SMMP	Social Management and Monitoring Plan
SPS	Safeguard Policy Statement
STI	Sexually-transmitted Infections
TDD	Tourism Development Department
TNA	Training Need Assessment
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) Households headed by women 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

### 1. Background and Subproject Description

This report has been prepared for the Vang Vieng Landfill Improvement subproject in Vientiane Province. It is based on an assessment of the resettlement impacts based on the detailed engineering design stage completed in April-June 2020.

The subproject will develop a managed landfill on the public land currently being used as an open dumpsite and expand coverage of waste collection services to 80% of the district (3,840 households). The subproject will benefit 59,661 residents in Vang Vieng District including 143 hotels and guesthouses and 126 shops and restaurants.

The Ethnic Group Development and Resettlement Plan (EGDRP) has identified 14 households (HH) who are at risk of economic displacement due to changes in access to waste at the landfill site. There are 4 HHs headed by women, 11 of the 14 affected households (AH) identified as from the Khmu ethnic group, while 3 are Lao-Tai. Nine of the 14 AHs are classified as poor as per the Government Decree 348 in Poverty Graduation and Development, 2017.

The resettlement impacts are considered category B under ADB's Safeguard Policy Statements (2009). Since most waste pickers at the Vang Vieng Landfill belong to the Khmu ethnic group, this EGDRP has been prepared for the sub-project to ensure that all AHs can participate in the development benefits of the project.

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

The cut-off date for the sub-project was set as 27 September 2019 and this has been communicated to all affected households.

The indicative cost of compensation for the Vang Vieng landfill subprojects is \$5,727.9. Of this total, the project grant will finance the full amount. Table 5 shows the costs related to resettlement impacts and compensation.

<b>Sub-Project</b>	<b>Loss</b>	<b>Unit Cost in LAK</b>	<b>Compensation in LAK</b>	<b>Compensation in US \$</b>
Vang Vieng Landfill Improvement	Loss of Income*	As DMS	12,650,000	1,405.56
	Transport**	100,000	1,400,000	155.56
	Vulnerability allowances***	1,500,000	37,500,000	4,166.67
	<b>Sub-Total Allowances</b>		51,550,000	5,727.79

\* Determined at DMS based on situation and needs of individual households. See Annex 1 for detailed breakdown

\*\* 100,000LAK per AP

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

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



## **I. PROJECT DESCRIPTION**

1. Vang Vieng is a popular tourist destination and visitor arrivals are expected to reach more than 230,000 in 2020. The resident urban population is increasing by 4.5% per year and could reach 31,000 in 2020. The existing arrangements for solid waste management are unable to meet rising demand created by rapid urban growth and tourism. This leads to public health hazards for residents and visitors.

2. The subproject will address these problems by developing a managed landfill on the public land already being used as an open dumpsite and expand coverage of waste collection services to 80% of the district (3,840 households). This change in the management practices of the landfill will reduce access to waste for the waste pickers and therefore will cause economic displacement.

3. The existing open dumpsite covers 4ha on 9ha of public land. The site is screened by mature vegetation and is located 800m away from National Road 13. The land is not used for any other purpose and there are no encroachers or loss of access issues anticipated by the development of the site.

4. 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 (0.5ha); 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. Equipment supply includes 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. The subproject was when the PAM was prepared in 2017 expected to benefit 59,661 residents in Vang Vieng District including 143 hotels and guesthouses and 126 shops and restaurants.

5. The purpose of this EGDRP is to (i) address the aspirations, needs, and preferred options of ethnic groups affected by the project; (ii) ensure that project benefits for ethnic groups are culturally appropriate; (iii) avoid potentially adverse impacts on ethnic groups; (iv) minimize, mitigate or compensate for such effects when they cannot be avoided; and, (v) implement measures to strengthen social, legal and technical capabilities of government institutions to address ethnic group issues. The EGDRP will be implemented in synergy with the project's GAP, which addresses women's participation in the project and ensures that gender equality measures will benefit women and ethnic women in project areas.

6. This EGDRP is to ensure that all affected households will be compensated at replacement cost at current market value for their losses and provided with rehabilitation measures to at least the national poverty standard. The EGDRP (i) identifies the legal and policy frameworks of the Lao Government and appropriate ADB guidelines; (ii) sets out procedures and policies on resettlement to guide mitigation of impacts during project implementation; (iii) identifies an IOL and (iv) includes an estimated budget for implementing the compensation plan. The EGDRP has been updated based on the detailed engineering design.

## II. SOCIOECONOMIC PROFILE

### A. Socioeconomic Profile

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

8. Phone Vieng village is located 800m and Khan Maak village located 2km from Vang Vieng town is where most of the waste pickers reside. The villages have 250 HH with 1,185 people (women 572 or 48.27%) and 291 HH with 1,626 people (women 809 or 49.75%) respectively.<sup>3</sup>

9. 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 Vang Vieng District was 16.8%<sup>5</sup>, and 2.03% in 2017 based on figures provided by Vang Vieng District Authorities. However, due to recent government poverty criteria changes, the figure for 2020 is likely to be higher. Table 1 summarizes population, ethnicity and poverty rates.

**Table 1: Population and Ethnicity in Villages**

Subproject	District	Village	Women	Men	Total	HH	Average per HH	Non-Lao-Tai		Poverty
								No	%	
Vang Vieng Landfill	Vang Vieng	Phone Vieng	572	613	1,185	250	4.74	53	21.20	N/A
		Khan Maa	809	817	1,626	291	5.59	217	74.57	N/A
Total			1,381	1,430	2,811	541	5.19	270	49.90	
Total Vang Vieng			9,632	9,544	19,176	3,989	4.81	695	17.42	2.03

Source: District and Village Authorities, November 2017 and socio-economic survey among waste picker on 25-26 September 2019.

10. Vang Vieng being a town depending heavily on tourism is expected to be severely affected by the 2020 COVID-19 pandemic.

11. Socioeconomic profiles were prepared based on the findings of the socio-economic survey (SES) conducted with the waste pickers at the Vang Vieng Landfill. Of the 14 affected households, 13 households live in Khan Maak Village and 1 in Phone Vieng village. There are no residential structures on the current landfill site.

12. Ethnic groups of non-Lao-Tai language groups make up 56.42% of all households in Vang Vieng district according to the District Authorities (November 2017). The most common ethnic group identify as Hmong with the Khmu as the second largest non-Tai-Kadai group.

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

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

<sup>3</sup> Village Authority data September 2019

<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> The Government of Lao PDR, National Statistics Bureau. 2015. *Lao Expenditure and Consumption Survey (5)*,

There are also some Taliang who belong to the Austro-Asiatic ethnic language group. The Lao are the majority within Tai-Kadai language group. 78.75% (11 of 14 households) of the households in Khan Maak village who are picking waste at the Vang Vieng Landfill are Khmu.

13. Most Lao households are dependent on agricultural land, rivers and forest as their sources of income and for food. Land is the main source of agricultural livelihoods and food security. Although tourism has grown rapidly in Vang Vieng, it is still considered as rural where most people particularly non-Tai-Kadai ethnic groups still depend on agriculture for their livelihoods and have only recently adopted more commercial forms of production.

## **B. Socioeconomic Profile of Affected People**

14. A SES of 14 AHs (71 APs, 34 female) were surveyed during the fieldwork for preparation of this EGDRP (See Annex 7 and 8 for questionnaire and results in table form). Key information is summarized below:

- The members of the 14 AHs total 71 persons including 34 women. The average household size is 4.57 persons.
- Of the 71 persons living in affected households, 22 (17 female) are actually picking waste at the Landfill.
- 11 AHs are from the Khmu ethnic group (63 persons, 29 female) except for 3 Lao-Tai AHs (10 persons, 5 female).
- All of the 14 AH are engaged in wastepicking, which to a varying degree will have impacts on the overall household income source. Of the wastepickers 9 of the 14 AHs receive income from other sources, representing about 45% of their overall monthly household income. 35% of their income is from selling solid waste; 28% from casual work; 21% from salaries and 14% from other sources, including wages, pensions, remittances etc. Data regarding monthly income revealed that the majority of the group belong to the lowest-income range with monthly household income ranging from 500,000 to 2,700,000 million Lao Kip. 1 AH belongs to the middle lower monthly income at more than 5,000,000 million Lao Kip or USD 566.
- Common household assets owned are motorbikes (11 of 14 households), mobile phones (12 of 14 households) and refrigerators (10 of 14 households). This is indicative of belonging to a low-income group.

## **C. Vulnerability**

15. Vulnerable APs<sup>6</sup> may be at greater risk due to the impacts of loss of income, and are entitled to additional assistance to help them to restore living and socio-economic conditions if they are severely affected. Out of 14 AHs, 13 AHs are considered as vulnerable households.

16. There are 4 households headed by women amongst the AHs, of which 3 HHs from the Khmu ethnic group and 1 HH from Lao-Tai.

17. 11 of the AHs identify as Khmu, while 3 belong to the Lao-Tai ethnic group.

18. Nine of the 14 AHs are classified as poor as per the Government Decree 348 in Poverty Graduation and Development, 2017. See an overview of vulnerable AHs in Table 2 below.

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<sup>6</sup> Vulnerable: female headed, ethnic group other than Tai-Kadai, poor, disabled households

**Table 2: Overview of Vulnerable AHs**

Subproject	Vulnerable Affected Households					
	AHs	APs	Headed by Women	Non-Tai-Kadai group	Poor	Disabled
Vang Vieng Landfill Improvement	14	71 (34 female, and 63 from Khmu ethnic group)	4 (17 APs, 7 female), of whom 3 HHs are from Khmu ethnic group	11 (63 APs, 29 female), of whom 3 are households headed by women, 9 HHs are poor.	9 (65 APs, 27 female), of whom 3 HH are headed by women and 3 from Khmu ethnic group.	0

Source: IOL PMCES, 2020

#### **D. Severely Affected Persons**

19. Severely affected persons are defined as those who would (i) lose 10% or more of their productive land, income or other productive assets; (ii) must relocate and rebuild their residence and/or shop on new land; and/or, (iii) where assets are affected only partially but the remaining assets are rendered un-viable for continued use and relocation might necessary for that reason. They are entitled to additional assistance to restore incomes and/or relocate.

20. Due to the relatively high proportion of their income derived from waste picking, all of the 14 AHs, are considered severely affected.

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

21. The first public consultations in Lao language were conducted from July 2017 during project preparation and appraisal. The Province's DICT, Vang Vieng's OICT, DPWT and UDAA and Village Authorities staffs were present to co-facilitate the activity jointly with the PPTA consultants and ADB staff. A total of 28 participants attended the meetings (all from the Khmu ethnic groups) and including 14 (50%) women. At this stage, impacts on the waste-pickers was not envisaged.

A second round of public consultations in Lao language were carried out by the PMCES Safeguards team from 25-26 September 2019 up to September 2020 as part of the detailed engineering design stage included a total of 10 sessions. The Province's DICT, Vang Vieng's OICT, DPWT and UDAA and Village Authorities staffs were present to co-facilitate the activity jointly with the international and national social safeguard & IP specialists. A total of 161 participants attended the meetings (52 from the Khmu ethnic groups) and including 81 women.

22. 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;
- Cut-off date for eligibility and entitlement;

- Grievance Redress Mechanism;
- Implementation arrangements for resettlement;
- Nature and extent of community participation in EGDRP preparation and implementation active participation of the community;

**Figure 1: Consultation with Waste pickers 1-3 September 2020**



Source: PMCES, Consultation with Waste pickers 1-3 September 2020.

23. These consultations, carried out in 2019 and 2020, by members of the PMCES safeguards team in coordination and with participation of the Vang Vieng PIU, informed affected households and gathered their views from affected people and other local stakeholders on the subproject plan and its impacts. Participants mentioned the following preferences and needs:

- During the consultations, concerns were raised that a restricted access to waste would result in lower income from waste picking.
- Involvement in construction as unskilled laborers and as UDAA security personnel through a formal agreement so they can guard the landfill and prevent the intrusions of unauthorized persons.
- Employment as equipment operators at the landfill, with technical training on how to use and operate these.
- Men asked to be trained in metal craft production, which is a distinct competence of the Khmu ethnic group, and to receive support in marketing items like knives and farm implements.
- Concerns regarding health and safety were raised.
- With reduced income from the waste site, the project should involve the waste pickers and their families in other project training and income generating activities.
- UDAA should give priority to the current waste pickers to help in the new recycling facility.

24. As part of the same consultative process, affected people and local stakeholders where information on the following topics were discussed and disclosed:

- overview of the project features and its implementation schedule;
- scope of the resettlement impacts to affected physical and economic assets;
- resettlement policy principles, eligibilities and entitlements and special provisions to affected vulnerable group;
- Grievance Redress Mechanism and the organizational levels of arbitration/mediation procedures,
- schedule of compensation payments and relocation schedule, and
- institutional responsibilities.

25. The results of the SES on educational levels indicate that the information dissemination and consultation procedures will be relatively challenging because it would be difficult to impart knowledge and disclose information to local people due to their relatively low level of education

and literacy skills. Based on the SES, 6 of the 14 waste pickers consider themselves illiterate, 2 have not completed primary school, while 5 have completed primary schools, and one has started but not completed secondary school. For socio-economic profiles of the 14 waste pickers see Annex 2.

26. Regular consultations with the AHs/APs, will be carried out by the PMCES safeguard team together with the Vang Vieng PCU during the entire project implementation cycle as required so that their emerging needs and preferences can be further included into the design, implementation arrangement, and project activities. AHs participated in the resettlement related activities such as recovery cost survey and updating of the socioeconomic profile of AHs/APs, previously done during project preparation, and will participant in payment of compensation based on their entitlement, monitoring of impacts and benefits, and in the deliberation and resolution of complaints and grievances.

27. A summary of the approved EGDRP will be translated into Lao and distributed to the provincial and district authorities, village authorities and AHs. The PIUs will be responsible for the disclosure of the RP to AHs/APs, A general Public Information Booklet (PIB) has been prepared (Annex 4) and updated based on the final detailed design and the proposed institutional arrangements for the project, however considering the education and literacy levels among the AHs, the more visual and less wordy version will be prepared in Lao and Khmu language to be distributed to the AHs. This will also be followed up on with additional consultation and dissemination activities. The approved EGDRP, will also be posted on ADB's website. This will also be provided as a reference to the civil works bid documents and the civil works contracts.

28. Updating and dissemination of the EGDRP is an essential part of the project's Stakeholder Communication Strategy, discussed in detail in the Project Administration Manual (PAM). Key activities include: (i) establishment, and regular consultation with AHs including local authorities in the consultations; (ii) individual consultations with affected persons; and (iii) joint meetings among officials, potential/affected persons, project staff and civil society/mass organizations on matters concerning resettlement planning, implementation, and monitoring.

## **IV. PROJECT IMPACTS**

### **A. Potential Impacts Identified**

29. The project's planned infrastructure and capacity development activities will positively impact local ethnic groups by improving physical access to services and markets, increasing jobs and income associated with tourism, which is an economic sector that some communities are already involved in.

30. Upgrading rural access roads and improving of landfill and solid waste management will bring economic benefits to all members of the community as transport becomes convenient for all, increasing coverage of solid waste collection, and improving solid waste management will also improve hygiene, environmental sanitation and solid waste management practices.

31. Conditions in the subproject's bidding documents have been included stating that former waste pickers should be given priority for labor tasks during construction. Although the operation modality of the improved landfill is yet to be confirmed, the landfill will generate employment opportunities. To prepare the waste pickers and others from the non-Tai-Kadai ethnic groups for

the employment, they will receive relevant, practical training (under the project’s output 2) to ensure that they are not going to be disadvantaged coming future employment.

32. The need for specific jobs and training will be defined in consultation with UDAA and AHs. e.g., for monitoring of solid waste disposal and sorting as well as cultural industries as requested during the consultation. The budget for this training is not included as part of the EGDRP, but rather activities under Output 2 of the project.

33. Summary of the main potential impacts identified during the consultations with non-Tai-Kadai ethnic groups is as follow

**Table 3: Potential Impacts and Mitigating Measures**

<b>Potential Negative Impacts</b>	<b>Mitigating Measures to Address Negative Impacts</b>
<p><b>During Construction:</b></p> <ul style="list-style-type: none"> <li>- Possible higher incidence of HIV/AIDS, Human Trafficking and STIs; also, core labor issues like child labor and exploitation because of the presence of construction workers coming from other areas who maybe carriers of the virus and diseases and contractors may hire child laborers to reduce labor cost;</li> <li>- Subproject beneficiaries may have limited awareness or are unaware about progress of project implementation resulting in lackluster or inactive participation in project activities.</li> </ul> <p><b>During Operation and Maintenance (O&amp;M)</b></p> <ul style="list-style-type: none"> <li>- There could be transmission of HIV/AIDS, Human Trafficking, Prostitution and Child Exploitation and mendicancy;</li> <li>- Problems with solid waste management and environmental sanitation.</li> </ul>	<ul style="list-style-type: none"> <li>- An environmental management plan (EMP) is prepared and mitigating measures will be observed by the civil works contractors in their road safety and occupational safety plans (contractor’s environmental management plans) to be attached to the program of works (POW) and monitored by the CTGs in tandem with the PIU’s safeguards staff;</li> <li>- As part of the GAP, a community awareness and information dissemination activity on HIV/AIDS, STIs, human trafficking prevention and core labor issues will be conducted in the communes with the active involvement of the LWU members in CTGs. The cost of these activities will be borne by the project and contractors and included in civil works contracts;</li> <li>- Women, especially households headed by women ethnic households whose business maybe temporarily impacted will be compensated as part of the EGDRP provisions or as per the GAP, they may be hired by contractors as unskilled workers during construction phase. The latter measure will be included as a civil works contract requirement and monitored as one of the gender performance indicators;</li> <li>- Project beneficiaries will be regularly consulted and informed through meaningful consultation during project implementation to keep them up to date with project implementation progress and give them the opportunity to express their views and opinions on project implementation. The consultations will be culturally appropriate and using the Lao language and/or the local language spoken by non-Tai-Kadai ethic groups;</li> <li>- Training will be mostly experiential and hands-on,</li> </ul>

<b>Potential Negative Impacts</b>	<b>Mitigating Measures to Address Negative Impacts</b>
	<p>supported by learning tools and aids which are sensitive to the local context and culture, using Lao language as medium of instruction;</p> <ul style="list-style-type: none"> <li>- OICT and village leaders will support the CTGs and the PIUs to conduct information dissemination campaigns and use IEC tools to communicate information to tourists and local people to promote mutual understanding among local people and tourists;</li> <li>- Signs/posters promoting appropriate behavior while in the tourism site will be developed and posted in strategic tourists' sites where most tourists converge;</li> <li>- Information dissemination promoting appropriate solid waste management practices (Reduce, Reuse, Recycle);</li> <li>- Organize the waste pickers at Vang Vieng landfill to gain access to formal O&amp;M jobs with UDAA.</li> </ul>

Source: Stakeholder consultations during detailed engineering design

## **B. Beneficial Measures**

34. Measures to ensure beneficial results for all stakeholders are further grouped in the actions below.

### **Action 1: Support to Waste Pickers at Vang Vieng Landfill**

35. The waste pickers will receive training as part of Output 3 of the project to assume certain O&M responsibilities at the landfill after the construction is completed. These responsibilities will be formally agreed with Vang Vieng UDAA, once the operation modality for the landfill has been agreed and confirmed.

36. Consultation meetings will be conducted by the PIU director and UDAA safeguards focal point, supported by the PIU's social safeguards specialists, the village leaders of Ban Phon Vieng where the waste pickers reside and the district LWU and LFNC coordinators. The following steps will be taken by the responsible units:

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



- Prepare and conduct capacity building and O&M training for the waste pickers group according to their O&M plan and UDAA budget.
- PIU (UDAA) with support of the CTG will monitor and assess O&M performance of the waste pickers O&M group.

37. Responsible Project Staff / Unit. The PIU (UDAA) particularly its Director and safeguards focal will prepare the O&M plan and budget and TOR in consultation with waste pickers, PIU safeguards staff, and social development specialists.

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

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

- Confirm, validate and assess with the non-Tai-Kadai ethnic groups the needs and preferences of the types of training and capacity building they proposed during the Focus Group Discussions (FGDs) during project preparation.
- Prepare a comprehensive training and capacity building plan for the confirmed training and capacity building activities proposed.
- Implement the training and capacity building activities as per the comprehensive plan developed for Output 2 of the project, where there will be separate training opportunities for women with targeted participation of Khmu and Hmong. This could include training in hospitality, how to sell to tourists, and basic English language, but also on taking advantage on the new opportunities and income generating activities relating to the management of the new landfill.
- Prepare culturally appropriate training materials, and use local languages understood by non-Tai-Kadai ethnic groups as medium of instruction if necessary.
- Monitor capacity building progress as part of EGDRP implementation, to be included in the PPMS.

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

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

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

41. Actions to promote responsible tourism will address concerns related to the loss of

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

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

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

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

## **V. CAPACITY BUILDING**

44. 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 EGDRP implementation, monitoring and reporting. The PCU, with support from social safeguards specialists will be responsible for undertaking necessary measures to strengthen PIU staff and

concerned local officials capacity to implement the EGDRP and EMP. Capacity building will focus on implementation strategies, data collection, analysis, and progress reporting.

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

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

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

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

## **VI. GRIEVANCE REDRESS MECHANISM**

49. A grievance redress mechanism is prepared and forms an integral part of this EGDRP. The GRM shall be provided free of charge. It is aimed at providing a mechanism for all APs/AHs to articulate their complaints and grievances on any decisions or issues shared with them about such topics as compensation price/values of affected assets, relocation requirements, and delays in compensation payments amongst others. This is to ensure that agreements between parties as well as the planned activities are being efficiently implemented in an appropriate and timely manner, avoid and/or minimize adverse impacts of resettlement to APs/AHs through prompt deliberation and resolution of complaints to avoid delays in project implementation. The project grievance redress procedure for this project has several levels from Village to Ministerial level, to Court, and in the very last instance to ADB's Office of the Special Project Facilitator.

50. **Level 1: Village Resettlement Committee (VRC).** The complainant AP will initially formally lodge his/her complaint to the village officials. The complaint is registered in the record book of the village. All AHs live in villages with different ethnic compositions, and all will have equal access to the GRM. The Village Resettlement 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. If, and when the complaint is not acted upon within the set time frame or if complainant AP is dissatisfied with the decision of the village resettlement committee, he or she elevates the complaints to the District level resettlement committee. The decision reached on the complaint is documented and kept in the village files.

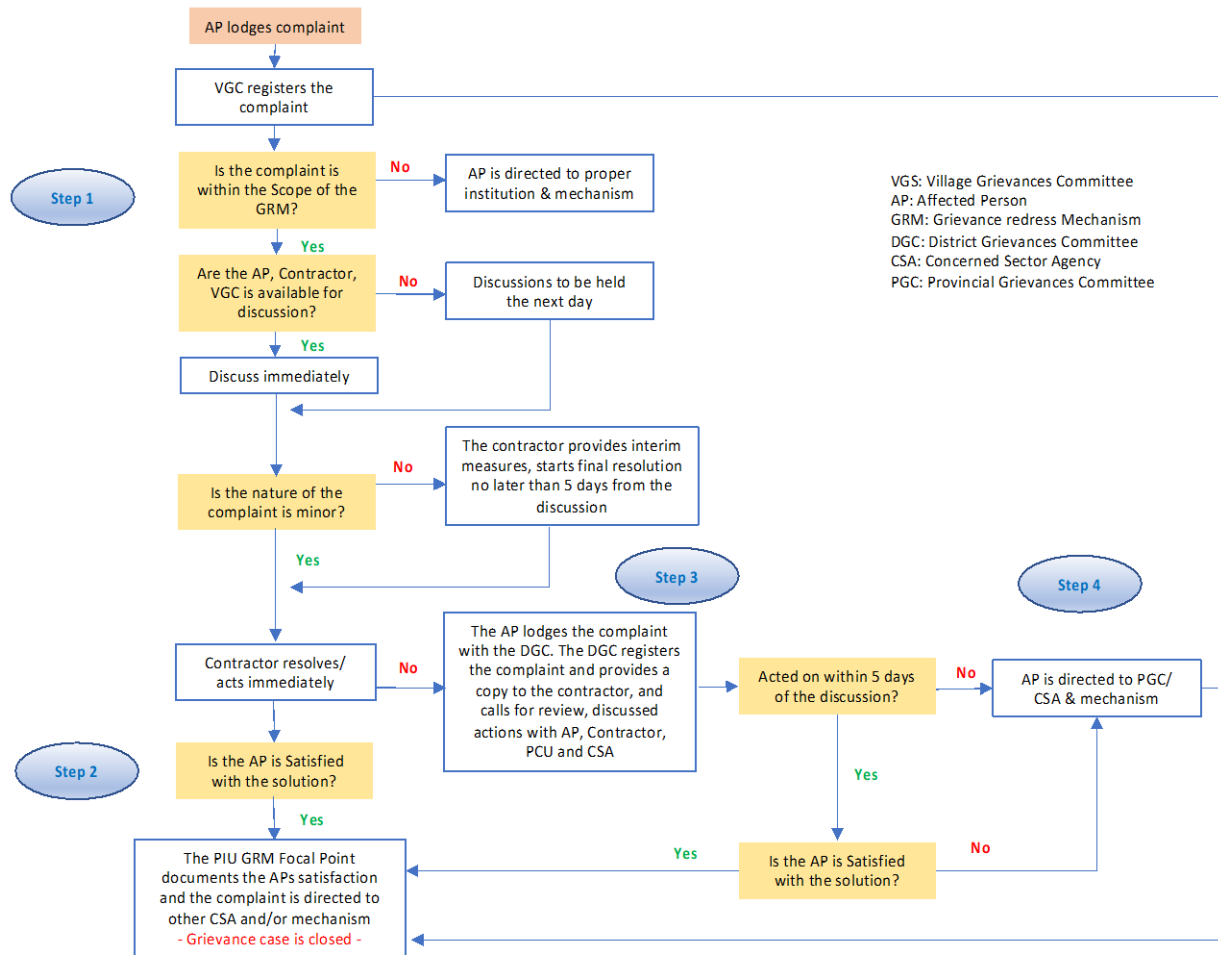
51. **Level 2: District Resettlement Committee (DRC).** Complainant APs formally elevate their complaints to the District Resettlement Committee in writing. If complainant cannot write, then any family member or concerned parties may prepare the written complaint on behalf of the APs. The District office formally receives and acknowledges receipt of the complaint and registers this in their record book. The District Resettlement Committee has 15 days to deliberate and resolve this in consultation with aggrieved parties. 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.

52. **Level 3: Provincial Resettlement Committee (PRC).** The complaint is formally lodged with the Provincial Resettlement Committee which has 15 days to deliberate and act on it to resolve the complaint. But if within 15 days, these remain not acted upon or if the complainants are dissatisfied with the decisions, then the complaints will be forwarded to the DICT for formal transmittal to the MICT for action and resolution.

53. **Level 4: MICT.** Again, the MICT must act within 15 days in response to the complaint aimed at its immediate resolution.

54. **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 and if the complaint is about the compensation amount, then the amount set by the Court will be the basis for compensation payment to the aggrieved AP. All legal and administrative costs incurred by APs and their representatives are to be paid by MICT.

**Figure 2: Grievance Redress Mechanism Process**



55. **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.

56. 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 the grievances issues. The Resettlement Committees (RCs) at district and province levels will gather data from the respective grievance Focal Point committees at all levels and record these in the quarterly internal monitoring reports on grievances received which are provided to the DICT (PIA/PIU) and the MICT (PCU), including names and pertinent information about the APs, 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. MICT shall provide aggrieved household with assistance to lodge and resolve complaints free of charge.

## **VII. LEGAL AND POLICY FRAMEWORK**

### **A. Policy Context, Ethnic Group Development**

57. The cultural rights of different ethnic groups are recognized in the Lao PDR's Constitution (amended 2003), which highlights the right of ethnic groups to protect, preserve, and promote their customs and heritage. The Constitution also prohibits acts of division and discrimination (Article 8). Decree No. 192/PM and Regulations No. 2432/STEA on Compensation and Resettlement (2005) also recognize that ethnic groups are entitled to compensation for individual and communal lands with regard to involuntary resettlement (Article 10).

58. In 1992, the Party Central Organization passed a Resolution Concerning Ethnic Minority Affairs in the New Era that mandated all government agencies to create a targeted plan for the development of rural, mountainous areas. Since that time, the improvement of ethnic groups' living conditions while also promoting their distinct identities and cultural heritages has been an official part of Lao PDR's development planning. The Department of Ethnic and Social Affairs of the Lao Front for National Construction (LFNC) is responsible for coordinating ethnic issues, increasing ethnic groups' awareness of government programs and policies, and supporting the implementation of programs targeting ethnic groups. The government of Lao PDR officially recognizes 49 ethnic groups. The term ethnic group is used instead of ethnic minority to reiterate equality between all citizen of the Lao PDR. The term Indigenous Peoples has not been adopted in Lao PDR. In its Eight Five Year National Socioeconomic Development Plan (NSEDP 2016-2020), the government reaffirmed its commitment to poverty eradication among all ethnic groups, with emphasis on carrying out comprehensive rural development where most ethnic groups reside.<sup>7</sup>

59. The term indigenous peoples is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following in varying degrees: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (iv) a distinct language, often different from the official language of the country or region. In the case of Lao PDR, there is a high degree of consistency between the Lao PDR recognition of the right of ethnic groups to conserve their culture, history and language and ADB definition of indigenous people.

60. The main point of divergence is that, in the case of ADB policy, a group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance remains eligible for coverage. National legislation, customary law, and any international conventions to which Lao PDR is a party are considered in the application of the ADB policy.

61. ADB's approach is a systematic assessment of a wide range of impacts on ethnic groups. The indigenous people's safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of indigenous people or affects the territories or natural or cultural resources that indigenous people own, use, occupy, or claim

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<sup>7</sup> Ministry of Planning and Investment. 2016. *Eight Five-Year National Socioeconomic Development Plan 2016-2020*. Vientiane, Lao PDR.

as an ancestral domain or asset.

## **B. Legal and Policy Framework on Resettlement and Compensation**

62. The EGDRP is prepared based on legal laws, policies and regulations of the Lao PDR Government and ADB's policies and guidelines. Legal provisions and principles which guide the preparation and implementation of the EGDRP aim to harmonize relevant decrees currently enforced in Lao PDR with ADB's policies if a gap or conflict exists between the Government's laws and ADB's policies.

63. This EGDRP is guided by the legal framework of the Government of Lao PDR (GoL and ADB) relevant policies and guidelines. The latest being ADB's new 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 Lao Government's Law on the Protection of the Environment, 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), the Decree 348 of On the Criteria for Poverty Graduation and Development (dated 6 November 2017) and the MOF Guideline on the Implementation of the Decree on Poverty Graduation and Development Standards (dated 6 April 2018) the precedents established on Lao government-approved RPs for other ADB projects in Lao PDR. Provisions and principles adopted in the current EGDRP supplement the provisions of relevant decrees currently in force in Lao PDR wherever a gap exists.

64. 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>8</sup> (1997, 2003), the Road Law (1999), Advise mandate No 20 by the Secretariat of the Lao Revolutionary Party Committee (dated May 29, 2009, updated 2012), Decree 192/PM on Compensation and Resettlement (July 2005) (now replaced by the Decree on Compensation and Resettlement Management in Development Projects, 5<sup>th</sup> of April 2016 (84/PM), the Regulations for Implementing Decree 192/PM issued by the Science Technology and Environment Agency and Technical Guidelines for Compensation and Resettlement of People Affected by Development Projects (November 2005). ADB Safeguard Policy Statement 2009 (updated 2012) is used together with their policy on Involuntary Resettlement (1995), the Policy on Gender and Development (ADB, 1998 (updated in 2006), the Policy on Indigenous Peoples (ADB, 1998), the Public Communications Policy (updated in 2011) and the Accountability Mechanism (2012).

65. The overall aim of the above policies is to avoid or minimize the 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.

66. The Lao Government issued a Decree on Environmental Assessment, February 2010 (112/PM) which was followed by the Lao Government's Law on the Protection of the Environmental, 18 December 2012 (No. 29). This Decree stipulates that a social management

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<sup>8</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 Land Titling has not been done yet, 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.

and monitoring plan (SMMP) should be part of the Environmental Assessment. This SMMP should define the main social activities, measures on prevention, minimization and mitigation of social impacts, as well as measures on compensation, resettlement and restoration of living conditions of the people who are (will be) affected by the investment project. In March 2010, an update on Technical Guidelines for Compensation and Resettlement (from Nov 2005) was published. This update was prepared in accordance with the provisions of Decree 192, the Implementing Regulations, and the National Policy No. 561 CPI on Environmental and Social Sustainability of the Hydropower Sector in Lao PDR issued on 7 June 2005.

67. The material presented in these Guidelines is generally assembled from several sources. Additionally, information presented in these Guidelines is also drawn heavily from several development projects in Lao PDR as well as in neighboring countries. Where relevant, international best practice examples are presented in the Guidelines with an objective of bringing these Guidelines to acceptable international standards, without losing focus on the country-specific context. The Guidelines explain in detail the processes and procedures necessary for collection of data, surveys and preparation of various documents in accordance with the provisions of Decree 192 on Resettlement and Compensation. These Guidelines are still valid for the implementation of Decree 84 which is currently replacing Decree 192.

68. The recent legislative amendments to laws on compensation and resettlement in development projects resulted in positive changes in the lives of project beneficiaries affected by resettlement when their physical and economic assets are impacted due to the implementation of development projects. Lao Government's Decree 192 is consistent with, ADB's Policy on Involuntary Resettlement which requires that APs are compensated fairly and assisted to maintain and/or improve their pre-project living standards; and to ensure that their lives will not be worse without the project. Both Lao Law and ADB policies entitle APs who are legitimate owners of lands for compensation of affected land but APs who do not own the land will be compensated on non-land assets at full replacement cost as well as other forms of assistance so that their living conditions will not be worse because of the project.

69. However, there is a gap between the Lao law and ADB policies on the definition of severely- affected APs where ADB's policy defines severely-affected persons/households to be those that will lose 10% or more of their productive physical and economic assets. On the contrary, Article 8 of Decree 192/PM defines severely-affected APs to be those that will lose 20% of their total productive and/or income generating affected assets. However, ADB's definition on severely-affected APs will be adopted as the project's implementation policy. Decree 192/PM transcends beyond ADB's policy by providing compensation for land use rights at replacement cost to APs living in rural or remote areas and APs in urban areas who have no proof of land-use rights or land titles and do not lands owned in any other places within the country. This is in addition to compensation for other non-land assets and other forms of assistance. These APs are likely those who are classified as belonging to a vulnerable group.

70. Both Lao Decree 192 and ADB policy are congruent with each other in that their policies for APs that do not own a land title but will be permanently relocated to a new site as the project must be provided with replacement land at no cost to the Aps, or provide them cash which is sufficient to purchase replacement land. Projects supported by external agencies are governed by the resettlement policies of donors and relevant laws and government regulations not consistent with donor policies are waived. A detailed overview of the differences between ADB's and Lao PDR's regulations is presented in Annex 9.



## **VIII. PROJECT PRINCIPLES**

### **A. Main Principles**

71. The main principles that guide the implementation of this EGDRP are the following:
- Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations.
  - Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
  - Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land-based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
  - Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, social and economic integration of resettled persons into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
  - Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas, provide them with legal and affordable access to land and resources, and in urban areas, provide them with appropriate income sources and legal and affordable access to adequate housing.
  - Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain an equal or better income and livelihood status.
  - Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
  - Prepare a resettlement plan elaborating displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
  - Disclose the draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders.

Disclose the final resettlement plan and its updates to affected persons and other stakeholders.

- Conceive and execute involuntary resettlement as part of a development project program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by considering the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

72. 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.

### **B. Eligibility for Compensation and Other Assistance**

73. 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.

74. The cut-off date is the final day of the IOL for the subproject which for the Vang Vieng Landfill sub-project was set on 27 September 2019.

75. 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 are changes in the subproject design during project implementation or if they were inadvertently missed out during the census during project preparation time. These APs have been confirmed as entitled for compensation of affected assets during the EGDRP updating at the IOL and their compensation amount will be based on the Entitlement Matrix.

## **IX. PROJECT ENTITLEMENTS**

76. Table 4 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.

**Table 4: Entitlements 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 available, cash compensation is paid.</li> </ul>	
Loss of structures, income and other assets	Owners with legal title (Legal users are those with recognized land use rights such as registered title, land certificate, survey certificate, tax receipts and including unregistered users as per Land Law) and displaced persons without legal titles (encroachers/ squatters).	<ul style="list-style-type: none"> <li>• Cash compensation for structures and other assets based on prevailing market value;</li> <li>• Provision of 6 months' notice to harvest crops;</li> <li>• Cash compensation of houses to be permanently relocated and could not be restored or replacement housing;</li> <li>• Replacement of income lost whether temporary or permanent</li> </ul>	
Temporary Use of Land	Legal owner or occupant	<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> </ul>	To be reassessed during detailed design and updated for actual loss and

<b>Types of Affected Asset</b>	<b>Entitled Persons</b>	<b>Entitlements</b>	<b>Implementation Issues</b>
		<ul style="list-style-type: none"> <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 at breast height of trees.</li> </ul> <p>In the case of sharecropping or concession arrangements, the compensation will be paid to each of the parties in accordance with previous agreements.</p>	actual income.
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> </ul> <p>Additional assistance for vulnerable households as below.</p>	To be reassessed during detailed design and updated for actual loss and actual income.

<b>Types of Affected Asset</b>	<b>Entitled Persons</b>	<b>Entitlements</b>	<b>Implementation Issues</b>
Vulnerable APs who are severely affected	Vulnerable APs such as the poor households <sup>9</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.<sup>10</sup></p> <p>Vulnerability factors are: female headed, non-Tai-Kadai ethnic group, disabled, poor, older than 65</p>
Transition Allowance	APs that relocate and rebuild shophouse and/or shop on residual or new land; APs that lose 10% or more of their productive land/business	<ul style="list-style-type: none"> <li>• Relocating APs with <u>no impact (or less than 10% loss) on business or main source of income</u>: a cash allowance and/or in-kind assistance equal to 16 kg of rice per household member for three (3) months.</li> <li>• Relocating APs with <u>main income source affected</u> OR APs losing 10% or more of productive land: a cash allowance and/or in-kind assistance equal to 16 kg of rice per household member for six (6) months.</li> </ul>	
Transport Allowance	APs that relocate to new land to rebuild shophouse and/or shop	<ul style="list-style-type: none"> <li>• Assistance in cash or in-kind to move structures, salvaged materials, new building materials and personal possessions to new site. For small shops this would amount to 100,000 LAK/business</li> </ul>	
Temporary loss of access	Temporary loss of access to land, structure, common property resources (Owners, tenants, squatters, etc.)	<ul style="list-style-type: none"> <li>• Provision of 60 days' notice</li> <li>• Provision of temporary access</li> <li>• Restoration of affected land area, structure, utilities and common property resources.</li> </ul>	

Source: PMCES, 2020

## **X. MITIGATIVE MEASURES**

### **A. Compensation Arrangements**

77. Mitigation of these risks will be a mix of transitional allowances, an allowance for business disruption and monitoring to ensure employment opportunities are offered and that there is no economic displacement. There will also be continued access to waste at the site.

78. During the construction of the new landfill, waste will continue to arrive from Vang Vieng

<sup>9</sup> 5,600,000LAK/ year 466,666LAK

<sup>10</sup> 180,000 kip per person per month for people in rural areas and 240,000 kip per person per month for people in urban areas.

and neighboring villages to the existing site. The landfill will therefore be kept open during the construction. During the 24 months of construction, Cell 5 will be used for the disposal of the new waste. The contractor will arrange a safe a sanitary space for the waste pickers to continue their activities, while also providing Personal Protective Equipment (PPE), and access to sanitary facilities. Provisions for this will be included in the Bidding Documents.

79. In addition, the Bidding Documents also specify that the 14 waste pickers will have priority for as day labor for the contractor at the land fill site for the following potential tasks:

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

80. The contractor would be responsible for the training of the waste pickers for these tasks, and be required to pay at least minimum wage<sup>11</sup> as per the Lao labor Law, pro rata for daily labor.

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

82. Following the completion of the construction, UDAA who is expected to manage and operate the new landfill will absorb the waste pickers into formal employment either into the landfill site operation, or to related tasks collecting waste in Vang Vieng Town, or engagement in other low and semi-skilled tasks. It is furthermore expected that with the training program which has been outlined above, the waste pickers would during the construction period also gained skills, which would possibly qualify them as skilled labor at the new landfill. UDAA has presented a letter to the project confirming a number of positions expected to absorb the waste pickers once the construction is completed, including the following positions (See Annex 3):

- Security guards
- Collection of segregated waste at source
- Labor collect the waste from the urban town 6 position
- Labor/driver of garbage trucks
- labor to clean the road at the town

## **B. Rehabilitation Allowances**

83. Rehabilitation Allowances will be given to severely affected households in three categories, if applicable (i) transport allowance; (ii) subsistence transition allowance; (iii) vulnerability allowance.

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<sup>11</sup> Minimum wage as per the Lao Labor Law is 1,100,000LAK/ month

84. **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 from where they currently keep their sheds at the site to the new safe a secure location. This will apply to all 14 AHs for the Vang Vieng Landfill subproject.

85. **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 one (1) months is given to severely affected households. The one month subsistence allowance is supposed to compensate for the time between the contractor mobilized to the site, and has made the necessary preparations at Cell 5.

86. Support for vulnerable household is provided, regardless if the household is severely affected or not for the same one month period while which the contractor prepares the site at the location at Cell 5 for new waste. The compensation is of 1-month equal to minimum wage (1,100,000LAK/ month) per household is given for every factor of vulnerability.

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

87. The total 14 AHs in the subproject belong mainly to the Khmu Ethnic group (11 HHs), while only 3 are Lao-Tai.

88. Vulnerable households who are severely affected are entitled additional benefits under the Project Entitlement arrangements. The Khmu households and 4 the households headed by women are severely affected in Vang Vieng Landfill subproject and would receive additional allowance.

89. The project has prepared this EGDRP that recognizes the need to implement specific measures to ensure that the non-Tai-Kadai ethnic groups in the project area (Khmu) do not face any negative resettlement impacts, and that they receive benefits to enhance their livelihoods and increase household incomes by engaging in tourism and non-tourism income-generating activities.

90. Households headed by women, as classified as a vulnerable group, as they would be severely affected, they would be entitled to additional cash assistance.

91. All members of AP households 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.

92. Women will be invited for consultation meetings which will consider their availability and performance for income-generation activities related to their traditional gender roles. Women will have equal decision-making responsibility alongside men when giving their opinions and views concerning subproject design, and other project-related activities that will require their active involvement.

93. Women's participation during project implementation will be closely monitored through the design of the Project Performance Monitoring System (PPMS). All databases and

monitoring indicators for land acquisition, compensation and resettlement activities will disaggregate data and other information by sex and ethnicity.

94. On an institutional level, the District Resettlement Committee (DRC) And PIU will ensure full involvement of and consultation 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 subproject 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.

95. 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. Due Diligence During the DMS**

96. The DMS to be conducted following detailed engineering design for the subproject will encompass (i) confirmation and updating of the IOL results; (ii) a due diligence on compensation as impacts and costs might have changed due to changes in design and material prices; (iii) confirmation of agreement on compensation to the AHs permanently losing income; (iv) updating of compensation rates according to replacement costs according to current prices.

97. The objective of the due diligence is to confirm compliance with SPS and Government policies and resolve or remedy any outstanding issues including:

- Changes in the numbers of AHs and the types and extent of affected assets including cement slabs, trees and disrupted businesses.
- Details on the types and amounts of compensation and assistance (in cash and/or in kind); and evaluation of whether this assistance meets the Project's principles of replacement cost.
- The level of satisfaction and/or concerns and needs of AHs regarding resettlement procedures and compensation.



98. Any unforeseen impacts that may arise during project implementation will be responded to in accordance with the requirements of ADB’s SPS and the Entitlement Matrix and Principles of this EGDRP.

## **XI.INDICATIVE RESETTLEMENT BUDGET**

99. The indicative cost of compensation for the Vang Vieng landfill subprojects is \$5,727.9. Of this total, the project grant will finance the full amount. Table 5 shows the costs related to resettlement impacts and compensation.

**Table 5: Costs of Resettlement Impacts and Compensation**

Sub-Project	Loss	Unit Cost in LAK	Compensation in LAK	Compensation in US \$
Vang Vieng Landfill Improvement	Loss of Income*	As DMS	12,650,000	1,405.56
	Transport**	100,000	1,400,000	155.56
	Vulnerability allowances***	1,500,000	37,500,000	4,166.67
	<b>Sub-Total Allowances</b>		<b>51,550,000</b>	<b>5,727.79</b>

\* Determined at DMS based on situation and needs of individual households. See Annex 1 for detailed breakdown

\*\* 100,000LAK per AP

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

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

## **XII. INSTITUTIONAL ARRANGEMENTS**

100. Planning and implementation of the resettlement plan requires the involvement of various government agencies at national, provincial and district levels that will be responsible to ensure that the EGDRP will be prepared and updated according ADB’s Safeguard Policy Statement (SPS, 2009, updated 2012). Involvement of local organizations like the village and district coordinators of the Lao Women’s Union (LWU) and Lao Front for National Construction (LFNC) and the resettlement committees will also be required. The project has engaged the services of a Project Management and Civil Engineering Support Consultant (PMCES) 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)**

101. 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**

102. As PCU, its responsibilities include: (i) day-to-day coordination and implementation of the project as well as coordinate EGDRP updating, implementation and monitoring of updated

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 (EGDRP and EMP).

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

103. Local authorities will assist the project in all activities concerning EGDRP preparation, 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) each for Vang Vieng and Keo Oudom respectively. The safeguards staffs of the PIUs in Vang Vieng will be members of their respective DRCs.

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

105. The District Resettlement Committees (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.

106. 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 provided with a training 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)**

107. 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 EGDRP. 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 regarding activities related to resettlement updating, implementation

and monitoring and acts as technical secretariat to the PPSC.

108. UDAA and OPWT will be the PIU for the infrastructure subprojects in Vang Vieng 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.

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

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

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

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

110. 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)**

111. 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 EGDRP, EMP and GAP implementation. They will be trained to ensure that they efficiently perform their responsibilities. Likewise, they will assist the PIU in preparing monitoring progress reports as well as participate in coordination meetings with contractors, construction supervisor consultants and the PIU.

#### **H. Project Implementation Consultants**

112. The project has engaged consultants to support the PCU and PIUs in implementing the

EGDRP and other safeguards plans. The Consultants will comprise of an International Social Safeguards Specialist (6 months), International Gender Specialist (2 months), National Social Safeguards Specialist (12 months) and a National Gender Specialist (12 months).

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

- Ensuring that due diligence is carried out in implementing the Resettlement Plans for all subprojects;
- As per provisions in the social safeguard plans, consultation and participation plan and the stakeholder communication strategy, assist in the preparation of materials and strategy for information campaigns, public consultation and community participation;
- Review the SES materials and method to complete the detailed measurement survey (DMS) after completion and approval of the detailed design and recommend improvements as required;
- Update the Resettlement Plan, and follow-up to ensure MICT and ADB's approval of the EGDRP
- Brief officials at all levels on the content and procedures for implementing the 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.

114. 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.

115. 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.

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

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

117. MICT as the project EA is primarily responsible for internal monitoring. Monitoring will be conducted by designated provincial and district safeguard focal point staffs with technical support from the International and National Social Safeguards Resettlement Specialists. MICT will be responsible for overseeing the entire EGDRP implementation and monitoring by establishing PCUs, PIUs and resettlement committees at provincial and district levels to internally monitor 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.

118. 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) EGDRP implementation issues and actions taken to resolve issues and/or policy issues for EA’s action/decision. An ADB safeguards monitoring format will be used in report preparation. MICT will submit the semi-annual monitoring report to ADB. All monitoring data will be disaggregated by sex and ethnicity. Resettlement monitoring reports will be shared to village leaders. The reports will also be posted in accessible public places and uploaded to the ADB website. Table 7 indicates suggested monitoring indicators for this EGDRP.

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

**Table 6: Monitoring Framework**

<b>Project Activities</b>	<b>Objectives</b>	<b>Location</b>	<b>Time Frame</b>	<b>Responsible Project Units</b>
Inception workshops	Disseminate the EGDRP to all project stakeholders. Generate views, comments of project beneficiaries for EGDRP updating.	All target villages in Vang Vieng	Q4 2020.	PIUs
Village level public consultations	Disclose and disseminate the updated EGDRP. Generate community feedbacks on updated EGDRP implementation.	At least the 2 villages in Vang Vieng from where the wastepickers are from	As required.	PIU safeguards staff.
Quarterly and annual reports on EGDRP implementation	Assess compliance with the EGDRP’s mitigating measures and interventions in terms of its responsiveness to stakeholders’ needs and preferences, timeliness and efficiency in its	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>	PIUs at District level and PCU at national/ project-wide level.

<b>Project Activities</b>	<b>Objectives</b>	<b>Location</b>	<b>Time Frame</b>	<b>Responsible Project Units</b>
	implementation; and recommendations to address emerging issues and concerns of ethnic minorities.		week of the end of the quarter.	
Semi-annual monitoring missions and safeguards monitoring reports	Assess compliance with EGDRP. Provide guidance to resolve any implementation or compliance issues.	Field visits to project sites with non-Tai-Kadai ethnic groups. Meetings, PCU, PIU.	Two missions and safeguards monitoring reports per year.	ADB, PCU and PIUs supported by PMCES
Annual NPSC meetings	Assess progress and compliance with the EGDRP. Provide policy guidance and advice on EGDRP implementation issues.	At MICT (national level) with NSPC members acting as policy-making body for the project	Annually or ad-hoc basis if project is not complying with EGDRP provisions.	PCU and PIUs with PMCES
Project completion report	Assess compliance with EGDRP. Assess achievements and lessons from EDGRP implementation.	Field visits and meetings	Within 6 months of physical completion of the project	PCU and PIUs

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

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

**Table 7: Monitoring and Evaluation Indicators**

Type	Indicator	Examples of Variables
<b>Inputs Indicators</b>	Staffing and Equipment	<ul style="list-style-type: none"> <li>• Number of waste pickers that take up employment opportunities</li> <li>• Capacity-building and other training undertaken for the Waste pickers</li> <li>• Civil works contractor hire the agreed number of men and women laborers as per civil works contract;</li> <li>• Budget and logistics support to resettlement committees allocated and disbursed as per budget;</li> <li>• Number of local focal points at villages e.g. LWU and LFNC established and mobilized</li> </ul>
<b>Process Indicators</b>	Consultation, Participation, and Grievance Resolution	<ul style="list-style-type: none"> <li>• Lao version of PIB distributed to all APs/AHs</li> <li>• Lao version of summary of update EGDRP available in the two villages</li> <li>• Translated materials in local dialects spoken by non-Tai-Kadai peoples in their villages prepared and distributed if they don't understand Lao language</li> <li>• Number of consultations (meetings/individual) undertaken as per EGDRP and stakeholder communication plan</li> <li>• Number of Grievances by nature resolved and mediated and kept in files of resettlement committees;</li> <li>• Number of locally based organizations involved in project implementation</li> </ul>
<b>Output Indicators</b>	Compensation and Rehabilitation	<ul style="list-style-type: none"> <li>• Number of owners compensated by type of losses</li> <li>• Compensation completion reports submitted</li> <li>• Compensation payments made on time and to agreed rates</li> <li>• Monthly monitoring of AHs activities and income</li> <li>• Number of AHs with restored income</li> </ul>

#### **XIV. IMPLEMENTATION SCHEDULE**

121. The project will be implemented over six years beginning on the 4<sup>th</sup> quarter of 2018 until the 4<sup>th</sup> quarter of 2024. The implementation schedule for the EGDRP 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 EGDRP (DMS, RCS, Census of AHs/APs)	Q2 2019 - Q2 2020
Submit to ADB updated EGDRP for issuance of “no objection”	Q3 2020
Translate ADB and Government approved EGDRP to Lao and distribute to province, districts and to the AHs/APs	Q3 2020
Upload approved EGDRP to ADB website and distribute this to AHs/APs, village, district authorities and other project partners	Q3 2020
Actual payments of compensation to APs/AHs and temporary relocation of affected structures, land acquisition; resolve grievances of AHs/APs	Q3-4 2020
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

## Annex 1: IOL Tables

### 1. IOL Tables

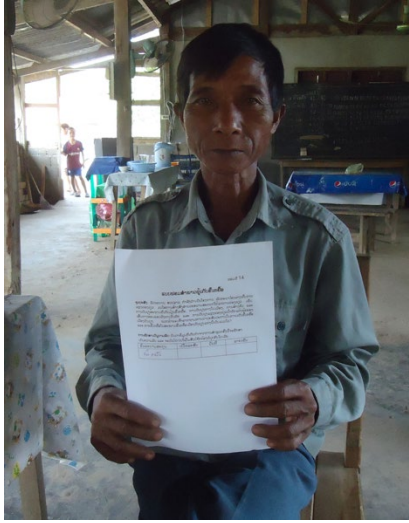

No	Name	Loss of Income*	Transport**	Vulnerability***	Compensation Total
		Depends on Income	100,000 LAK/HH	50,000 LAK/hh/ working day	Per HH
1	Pho Keo (Male)	1,600,000	100,000	3,000,000	4,700,000
2	Nang Bai (Female)	1,500,000	100,000	3,000,000	4,600,000
3	Namg Vanh (Female)	750,000	100,000	1,500,000	2,350,000
4	Mear Hak (Female)	800,000	100,000	4,500,000	5,400,000
5	Nang Hak (Female)	800,000	100,000	1,500,000	2,400,000
6	Nang Phiu (Female)	2,000,000	100,000	1,500,000	3,600,000
7	Nang Saed (Female)	1,000,000	100,000	3,000,000	4,100,000
8	Nang Lad (Female)	400,000	100,000	3,000,000	3,500,000
9	Nang Cheu (Female)	700,000	100,000	3,000,000	3,800,000
10	Nang Chanh (Female)	900,000	100,000	3,000,000	4,000,000
11	Maer Kong (Female)	800,000	100,000	4,500,000	5,400,000
12	Nang Vane (Female)	500,000	100,000	3,000,000	3,600,000
13	Nang Kham (Female)	500,000	100,000	1,500,000	2,100,000
14	Maer Inthavong (Female)	400,000	100,000	1,500,000	2,000,000
	<b>Total</b>	<b>12,650,000</b>	<b>4,000,000</b>	<b>37,500,000</b>	<b>51,550,000</b>


\* Paid for one month equivalent of lost income, based on average income from waste picking during the past 3 month at the time of the DMS.


\*\* 100,000 per affected person

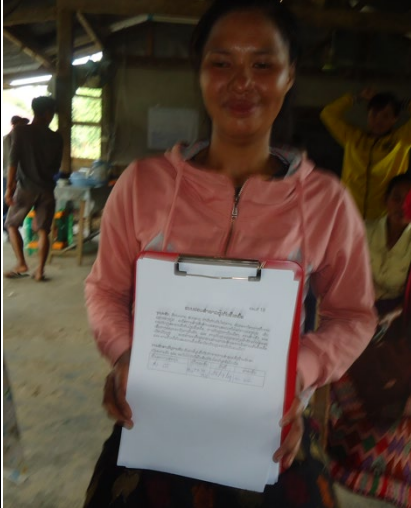
\*\*\* 50,000LAK/AP/working day for 1 month, for each of the vulnerability criteria (FHH, Ethnic, Poor, over 65)

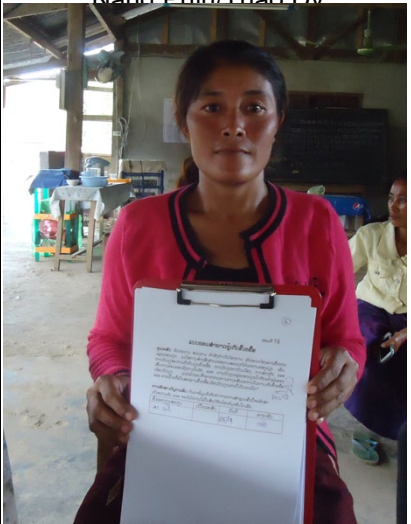
## Annex 2: Socio-Economic Profiles of the Waste Pickers

	Name	Gender	Ethnicity	Vulnerability	Comment				
1		Pho Keo	Male	Khmu	Ethnic and under poverty level	Members from the household has been picking waste at the landfill site for 4 years. The household is as of the time of the survey composed of 8 persons, including 5 female and 3 males. Of these 4 were picking waste at the landfill site. All but one working at the landfill site from the household are female. Of the ones picking waste at the landfill site, 2 are under the age of 15, both female.			
		Monthly income from Landfill	1,600,000		Other Sources of Income		Casual Labor		
		Overall monthly income	2,200,000		Income from other sources 600,000				
		Key Household Assets							
		Motorcycle, Radio, TV, Mobile Phone							
		Drinking water			Purchased bottled water				
		Washing water			Piped water supply				
		Sanitation			Ventilated improved latrine				
		Electricity			Electricity from EDL				
		Education Level			Completed Primary School				
		2		Nang Bai	Female		Khmu	Ethnic & Single Female Headed Household	Members from the household has been picking waste at the landfill site for 4 years. The household is as of the time of the survey composed of 3 persons, including 1 female and 2 males. Of these 3 were picking waste at the landfill site. One (1) of the ones working at the landfill site are female. Of the ones picking waste at the landfill site, none are under the age of 15
				Monthly income from Landfill	1,500,000		Other Sources of Income	Casual labor/ Farming	
Overall monthly income	2,700,000			Income from other sources 1,200,000					
Key Household Assets									
Mobile Phone, Refrigerator									
Drinking water				Purchased bottled water					
Washing water				Piped water supply					
Sanitation				Ventilated improved latrine					
Electricity				Electricity from EDL					
Education Level				Not Completed Primary School					


	Name	Gender	Ethnicity	Vulnerability	Comment		
3		Nang Vanh	Female	Khmu	Ethnic	Members from the household has been picking waste at the landfill site for 3 years. The household is as of the time of the survey composed of 2 persons, including 2 female and 0 male. Of these 2 were picking waste at the landfill site. One (1) of the ones working at the landfill site from the household are female. Of the ones picking waste at the landfill site, none are under the age of 15.	
		Monthly income from Landfill	750,000		Other Sources of Income		
		Overall monthly income	2,250,000		Income from other sources		1,500,000
		Key Household Assets					
		Motorcycle, TV, Refrigerator, Rice cooker					
		Drinking water	Purchased bottled water				
		Washing water	Piped water supply				
		Sanitation	Ventilated improved latrine				
		Electricity	Electricity from EDL				
		Education Level	Completed Primary School				


	Name	Gender	Ethnicity	Vulnerability	Comment		
4		Mear Hak	Female	Khmu	Ethnic, Single Female Headed Household & under poverty level	Members from the household has been picking waste at the landfill site for 9 years. The household is as of the time of the survey composed of 5 persons, including 2 female and 3 males. Of these 1 were picking waste at the landfill site. All working at the landfill site from the household are female. Of the ones picking waste at the landfill site, none are under the age of 15.	
		Monthly income from Landfill	800,000		Other Sources of Income		Casual Labor
		Overall monthly income	1,800,000		Income from other sources		1,000,000
		Key Household Assets					
		Motorcycle, Electric fan, TV, DVD, Mobile Phone, Refrigerator					
		Drinking water	Purchased bottled water				
		Washing water	Piped water supply				
		Sanitation	Ventilated improved latrine				
		Electricity	Electricity from EDL				
		Education Level	Illiterate				

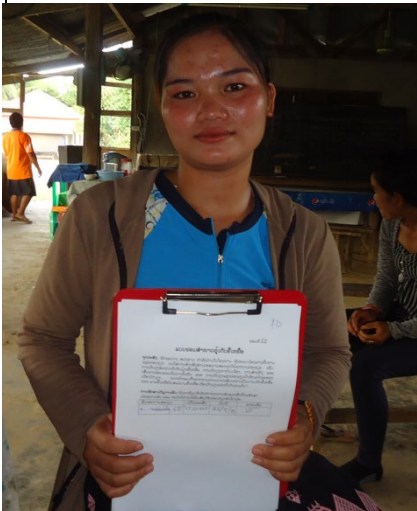
	Name	Gender	Ethnicity	Vulnerability	Comment		
5		Nang Hak	Female	Khmu	Ethnic	Members from the household has been picking waste at the landfill site for 3 years. The household is as of the time of the survey composed of 4 persons, including 1 female and 3 males. Of these 2 were picking waste at the landfill site. 2 of the ones working at the landfill site are female. Of the ones picking waste at the landfill site, none are under the age of 15.	
		Monthly income from Landfill	800,000		Other Sources of Income		Other/ Casual labor/Trading
		Overall monthly income	2,700,000		Income from other sources		1,900,000
		Key Household Assets					
		Bicycle, Motorcycle, Electric fan, DVD, Mobile Phone					
		Drinking water			Purchased bottled water		
		Washing water			Piped water supply		
		Sanitation			Ventilated improved latrine		
		Electricity			Electricity from EDL		
		Education Level			Completed Primary School		

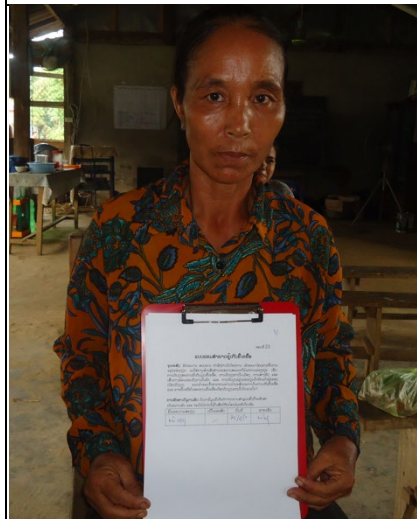
	Name	Gender	Ethnicity	Vulnerability	Comment		
6		Nang Phiu/Thao Dy	Female	Khmu	Ethnic	Members from the household has been picking waste at the landfill site for 14 years. The household is as of the time of the survey composed of 5 persons, including 3 female and 2 males. Of these 1 were picking waste at the landfill site. All working at the landfill site from the household are female. Of the ones picking waste at the landfill site, none are under the age of 15.	
		Monthly income from Landfill	2,000,000		Other Sources of Income		Other/ Casual labor/ Trading
		Overall monthly income	5,000,000		Income from other sources		3,000,000
		Key Household Assets					
		Bicycle Motorcycle, Electric fan, TV, Mobile Phone, Refrigerator, Rice cooker					
		Drinking water			Purchased bottled water		
		Washing water			Piped water supply		
		Sanitation			Ventilated improved latrine		
		Electricity			Electricity from EDL		
		Education Level			Illiterate		

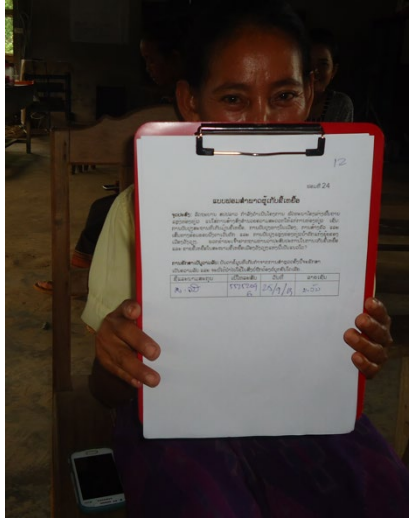



	Name	Gender	Ethnicity	Vulnerability	Comment	
7		Female	Khmu	Ethnic & under poverty level	Members from the household has been picking waste at the landfill site for 5 years. The household is as of the time of the survey composed of 8 persons, including 3 female and 5 males. Of these 1 were picking waste at the landfill site. All working at the landfill site from the household are female. Of the ones picking waste at the landfill site, none are under the age of 15.	
		Monthly income from Landfill	Other Sources of Income			
		1,000,000	Other/ Casual labor			
		Overall monthly income	Income from other sources			
		2,300,000	1,300,000			
		Key Household Assets				
		Motorcycle, Radio, TV, Mobile Phone, Rice cooker				
		Drinking water		Purchased bottled water		
		Washing water		Piped water supply		
		Sanitation		Ventilated improved latrine		
		Electricity		Electricity from EDL		
Education Level		Not Completed Primary School				

	Name	Gender	Ethnicity	Vulnerability	Comment	
8		Female	Khmu	Ethnic & under poverty level	Members from the household has been picking waste at the landfill site for 4 months. The household is as of the time of the survey composed of 6 persons, including 2 female and 4 males. Of these 2 were picking waste at the landfill site. All working at the landfill site from the household are female. Of the ones picking waste at the landfill site, 1 are under the age of 15, of which 1 are female.	
		Monthly income from Landfill	Other Sources of Income			
		400,000	Other/ Casual labor/ Trading			
		Overall monthly income	Income from other sources			
		2,400,000	2,000,000			
		Key Household Assets				
		Motorcycle, Electric fan, TV, Mobile Phone, Refrigerator, Rice cooker				
		Drinking water		Purchased bottled water		
		Washing water		Piped water supply		
		Sanitation		Ventilated improved latrine		
		Electricity		Electricity from EDL		
Education Level		Completed Primary School				


	Name	Gender	Ethnicity	Vulnerability	Comment		
9	Nang Cheu	Female	Khmu	Ethnic & under poverty level	Members from the household has been picking waste at the landfill site for 1.5 years. The household is as of the time of the survey composed of 7 persons, including 4 female and 3 males. Of these 1 were picking waste at the landfill site. All working at the landfill site from the household are female. Of the ones picking waste at the landfill site, none are under the age of 15.		
		Monthly income from Landfill	700,000			Other Sources of Income	
		Overall monthly income	2,100,000			Casual labor/ Farming	
		Key Household Assets				Income from other sources	
		Bicycle, Motorcycle, Electric fan, TV, Mobile Phone				1,400,000	
		Drinking water	Purchased bottled water				
		Washing water	Piped water supply				
		Sanitation	Ventilated improved latrine				
		Electricity	Electricity from EDL				
		Education Level	Illiterate				


	Name	Gender	Ethnicity	Vulnerability	Comment		
10	Nang Chanh/Phonrxay	Female	Khmu	Ethnic & under poverty level	Members from the household has been picking waste at the landfill site for 2 years. The household is as of the time of the survey composed of 8 persons, including 4 female and 4 males. Of these 2 were picking waste at the landfill site. All working at the landfill site from the household are female. Of the ones picking waste at the landfill site, none are under the age of 15.		
		Monthly income from Landfill	900,000			Other Sources of Income	
		Overall monthly income	3,900,000			Casual Labor	
		Key Household Assets				Income from other sources	
		Motorcycle, Electric fan, TV, Mobile Phone, Refrigerator				3,000,000	
		Drinking water	Purchased bottled water				
		Washing water	Piped water supply				
		Sanitation	Ventilated improved latrine				
		Electricity	Electricity from EDL				
		Education Level	Illiterate				

	Name	Gender	Ethnicity	Vulnerability	Comment		
11		Maer Kong	Female	Khmu	Ethnic, Single Female Headed Household & under poverty level	Members from the household has been picking waste at the landfill site for 7 years. The household is as of the time of the survey composed of 7 persons, including 2 female and 5 males. Of these 1 were picking waste at the landfill site. All working at the landfill site from the household are female. Of the ones picking waste at the landfill site, none are under the age of 15.	
		Monthly income from Landfill	800,000	Other Sources of Income	Casual Labor		
		Overall monthly income	2,200,000	Income from other sources	1,400,000		
		Key Household Assets					
		Motorcycle, TV, Refrigerator					
		Drinking water		Purchased bottled water			
		Washing water		Piped water supply			
		Sanitation		Ventilated improved latrine			
		Electricity		Electricity from EDL			
		Education Level		Illiterate			

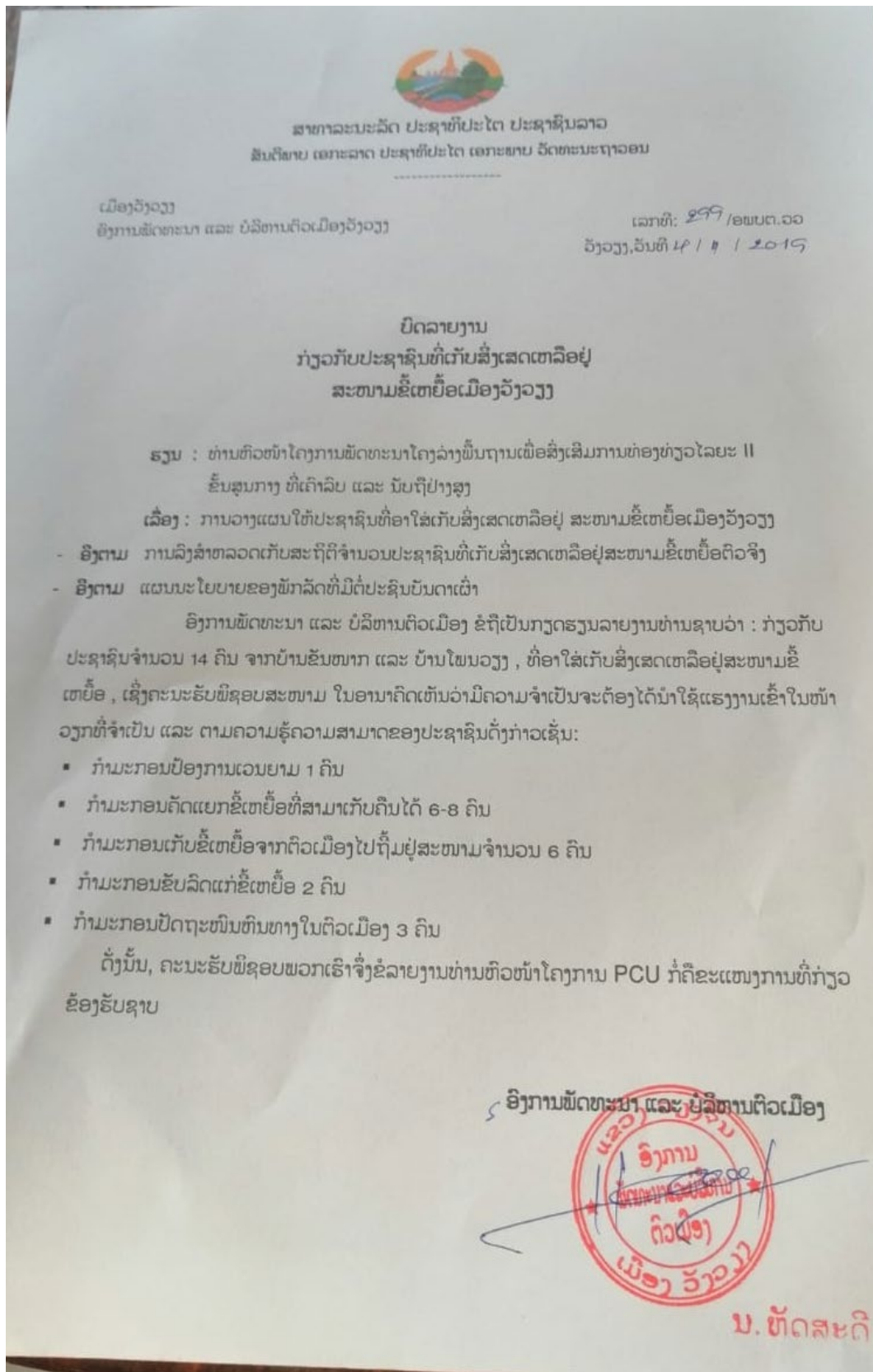
	Name	Gender	Ethnicity	Vulnerability	Comment		
12		Nana Vane	Female	Lao-Tai	Single Female Headed Household & under poverty level	Members from the household has been picking waste at the landfill site for 3 years. The household is as of the time of the survey composed of 2 persons, including 2 female and 0 male. Of these 1 were picking waste at the landfill site. 1 of the ones working at the landfill site are female. Of the ones picking waste at the landfill site, none are under the age of 15.	
		Monthly income from Landfill	500,000	Other Sources of Income	Casual labor/ Farming		
		Overall monthly income	1,800,000	Income from other sources	1,300,000		
		Key Household Assets					
		Electric fan, TV, Mobile Phone, Refrigerator					
		Drinking water		Purchased bottled water			
		Washing water		Piped water supply			
		Sanitation		Ventilated improved latrine			
		Electricity		Electricity from EDL			
		Education Level		Lower Secondary School			



	Name	Gender	Ethnicity	Vulnerability	Comment		
13	Nang Kham	Female	Lao-Tai	N/A	Members from the household has been picking waste at the landfill site for 3 years. The household is as of the time of the survey composed of 4 persons, including 2 female and 2 males. Of these 2 were picking waste at the landfill site. 2 of the ones working at the landfill site are female. Of the ones picking waste at the landfill site, 1 are under the age of 15, of which 1 are female.		
		Monthly income from Landfill				Other Sources of Income	
		500,000				Casual labor/ Farming/ Trading	
		Overall monthly income				Income from other sources	
		2,500,000				2,000,000	
		Key Household Assets					
		Motorcycle, Electric fan, TV, Mobile Phone, Refrigerator, Rice cooker					
		Drinking water		Purchased bottled water			
		Washing water		Piped water supply			
		Sanitation		Ventilated improved latrine			
		Electricity		Electricity from EDL			
		Education Level		Completed Primary School			

	Name	Gender	Ethnicity	Vulnerability	Comment		
14	Maer Inthavong/Phaeng	Female	Lao-Tai	Under poverty level	Members from the household has been picking waste at the landfill site for 13 years. The household is as of the time of the survey composed of 2 persons, including 1 female and 1 male. Of these 1 were picking waste at the landfill site. All working at the landfill site from the household are female. Of the ones picking waste at the landfill site, none are under the age of 15.		
		Monthly income from Landfill				Other Sources of Income	
		400,000				Casual labor	
		Overall monthly income				Income from other sources	
		1,950,000				1,550,000	
		Key Household Assets					
		Radio, TV, Mobile Phone, Refrigerator, Rice cooker					
		Drinking water		Purchased bottled water			
		Washing water		Piped water supply			
		Sanitation		Ventilated improved latrine			
		Electricity		Electricity from EDL			
		Education Level		Illiterate			

**Annex 3: UDAA Letter on Potential Employment Absorption of Waste Pickers**





**Lao People's Democratic Republic  
Peace Independent Democracy Unit Prosperity**

**Vang Vieng District  
Urban Development Administration Authority  
No.299/UDAA.VV**

**Dated: 04/11/2019**

## **REPORT**

**On waste pickers at Vang Vieng Landfill**

**To: Project Director of Second GMS Tourism Infrastructure for Inclusive Growth**

**Subject: Plan for the waste pickers at Vang Vieng Landfill**

- According to the socioeconomic survey of waste picker at Vang Vieng Landfill
- According to the Government's policy on ethnic groups

The UDAA report you on the people of 14 households who pick through waste at the landfill from Khan Maak and Phon Vieng village. The management of the Landfill show that in the future need to use the labor into the jobs and appropriately with the skill of those waste pickers such as:

- The security at the post: 1 position
- The labor to sort the collected waste: 6-9 positions
- Labor collect the waste from the urban town: 6 position
- Labor/driver of truck: 2 position
- Labor to clean the road at the town: 3 position

Therefore, the UDAA report to Project Director, PIU as well as the sector concern for information.

Deputy Chief of UDAA Vang Vieng  
(Stamped)

Hatsady KHOUNSY

## **Annex 4: Sample Project Implementation Booklet**

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

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

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

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

In Lao PDR, the project will work in Vang Vieng and Champasak Province. In Vang Vieng Province there will be three (3) subprojects.

#### **2. What are the features of the 3 subprojects in Vientiane 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 Vang Vieng Urban-Rural Access Improvement**

###### **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.

###### **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.

### **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).

### **2.3 Vang Vieng Landfill 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), which was on 28 September 2019. 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, which was on 28 September 2019 for the VangVieng Landfill sub-project. 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 has been prepared 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 5: Sex and Ethnic Disaggregated Participants' Attendance to the Public Consultation Meetings**

Province: Vientiane Province

District: VangVieng

Name of Subproject: VangVieng Landfill Improvement

Date: 1-3 September, 2020

Scope: Consultation with waste pickers on preferences for work/ employment during and following the construction of the new landfill. Additional follow up carried out over phone with individuals who were working elsewhere and could not make it to the meeting.

Participants: 8

Women: 7

Ethnic: 8

Province: Vientiane Province

District: VangVieng

Name of Subproject: VangVieng Landfill Improvement

Date: 26 June, 2020

Scope: Presentation of Final Draft Vang Vieng Landfill Design

Participants: 33 participants including PCU, PIU, DHUP, MICT, and local stakeholders

Women: 14

Ethnic: not applicable

Province: Vientiane Province

District: VangVieng

Name of Subproject: VangVieng Landfill Improvement

Date: 19 December, 2019

Scope: Environmental Compliance Audit at Vang Vieng Landfill

Participants: 11 participants including PIU staff, UDAA and local stakeholders

Women: 3

Ethnic: Not applicable

Province: Vientiane Province

District: VangVieng

Name of Subproject: VangVieng Landfill Improvement

Date: 10-14 December, 2019

Scope: Environmental Compliance Audit at Vang Vieng Landfill

Participants: 30 participants including villages, wastepickers and local stakeholders from villages around the landfill site

Women: 18

Ethnic: 16

Province: Vientiane Province

District: VangVieng

Name of Subproject: VangVieng Landfill Improvement

Date: 10 December, 2019

Scope: Environmental Compliance Audit at Vang Vieng Landfill

Participants: 11 participants including PIU staff, UDAA and local stakeholders

Women: 3

Ethnic: Not applicable

Province: Vientiane Province  
District: VangVieng  
Name of Subproject: VangVieng Landfill Improvement  
Date: 13 October, 2019  
Scope: Second round of consultations focusing on design and future operation of the landfill and environmental considerations for detailed design and operation  
Participants: 15  
Women: 7  
Ethnic: 8

Province: Vientiane Province  
District: VangVieng  
Name of Subproject: VangVieng Landfill Improvement  
Date: 10 October, 2019  
Scope: Meeting with UDAA at UDAA Office  
Participants: 11  
Women 3  
Ethnic: Not applicable

Province: Vientiane Province  
District: VangVieng  
Name of Subproject: VangVieng Landfill Improvement  
Date: 25-26 September, 2019  
Scope: Consultation meeting at Khan Maak Village, Phonvieng Office Authority and Vang Vieng Landfill  
Participants: 17  
Women: 13  
Ethnic: 11

Province: Vientiane Province  
District: VangVieng  
Name of Subproject: VangVieng Landfill Improvement  
Date: 21-22 Aug, 2019  
Scope: Interviewed and consultation with waste pickers at Vang Vieng Landfill site  
Participants: 10  
Women: 10  
Ethnic: 10

Province: Vientiane Province  
District: VangVieng  
Name of Subproject: VangVieng Landfill Improvement  
Date: 21 August, 2019  
Scope: Meeting at Phon Vieng Village Temple on Environment safeguards at Landfill site  
Participants: 23  
Women: 9  
Ethnic: 7

Province: Vientiane Province  
District: VangVieng  
Name of Subproject: VangVieng Landfill Improvement



Date: 13 October, 2018

Scope: site consultations in Ban Phon Vieng. Employment opportunities for local people at the improved landfill were discussed.

Participants: 38

Women: 21

Ethnic: 3

Province: Vientiane Province

District: VangVieng

Name of Subproject: VangVieng Landfill Improvement

Date: 19 June, 2018

Scope: Consultations meeting on landfill with the participation by ADB, PCU and PIU representatives and provincial and district officials

Participants: 12

Women 4

Ethnic: Not applicable

Province: Vientiane Province

District: VangVieng

Name of Subproject: VangVieng Landfill Improvement

Date: 11-13 July, 2017

Scope: First consultations meetings with potentially affected persons and local stakeholders

Participants: 28

Women: 14

Ethnic: 28

## **Annex 6: Minutes of Public Consultations**

A total of 13 public consultations were conducted during project appraisal (4), and subproject's detailed designs stage (9). A total of 239 participants, 125 female, 83 from non Lao-Tai ethnic groups participated in the consultations. Public Consultations were conducted in at the VangVieng Landfill in July 2017 for the PPTA. It was at that time concluded that the VangVieng Landfill would not require a Resettlement Plan. At the start up of the PMCES due diligence site visits were carried out and it was concluded that the waste pickers working at the landfill site would in fact be affected beyond the threshold in the entitlement's matrix. Public consultations were then carried out again in September 2019, with SES carried out in November 2019. Additional interviews were carried out with the waste pickers 1-3 September 2020, where responses, attitudes and preferences did not diverge from earlier consultation meetings. 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 potential work during and after the construction of the new landfill
- 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 team facilitated the public consultation meetings in VangVieng landfill subproject 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:

#### Solid Waste Land Fill subproject

- Within the capacity building component, the project should pay attention to safety and health measures, especially for children. Protective gear should be included.
- The site should be developed with appropriate safety measures.
- With reduced income from the waste site, the project should involve the waste pickers and their families in the training and income generating activities of the project.
- The project should require the contractor of the waste site to include the waste pickers as laborers.
- UDAA should give priority to the current waste pickers to help in the new recycling facility. Although it is not envisaged that UDAA could employ more than a few of them, at least a few could have permanent employment in the new facility.

Photo Documentation of the Public Consultations and IOL







## Annex 7: SES Survey Form

### Waste Picker Survey

Hello, My name is ..... and come from the Tourism Infrastructure for Inclusive Growth Project, where one of the project components is to upgrade Landfill in Vang Vieng to make it more sanitary and environmentally friendly. I understand that you work on the current site of the landfill, I would like to ask you some questions on your current situation so that your situation can be accommodated within the project. This will only take about 10-15 minutes, and we will at the end ask you to sign a form confirming that you have been participating on this interview, at take a photo of you for record.

**Confidentiality:** The information obtained from the survey will not be used in any way that will disclose the identity of any individual.

1. You want to take part in this interview  
 Yes  No
2. What is your name:.....? (Sex of respondent  male=1;  female=2)
3. Are you the households head?  
 Yes  No
4. If "No", what is the sex of households head?  
 Male  Female
5. What group does the village classified your household into?  
 Escape from poor household  Poor household
6. How many members in your household do you have? Persons  
 Male  female
7. What is your education level?  
 Illiteracy(ກີກໜັງສື)  Uncompleted primary(ບໍ່ຈົບປະຖົມ)  
 Primary(ຈົບປະຖົມ)  Uncompleted lower secondary(ບໍ່ຈົບມັດທະຍົມຕົ້ນ)  
 Lower secondary(ບໍ່ຈົບປະຖົມ)  Uncompleted upper secondary(ບໍ່ຈົບມັດທະຍົມປາຍ)  
 Upper secondary  Certificate (ຊັ້ນຕົ້ນ))  
 Certificate Vocational (ໃບປະກາດວິຊາຊີບ)  
 Diploma(ຊັ້ນກາງ)  High Diploma continuous(ຊັ້ນສູງຕໍ່ເນື່ອງ)  
 High Diploma (ຊັ້ນສູງ)  Bachelor and above (ປະຣິນຍາຕີ ແລະສູງກວ່າ)
8. What is your ethnicity  
 Lao-Tai  Mon-Khme  Chine-Tibet  Hmong-lu-Mien
9. Household Living Conditions
  - 9.1 Main source of water for drinking/cooking  
 Purchase pure bottle water from company  Rain water  
 Public tap  Piped water  
 Tradition/shallow well  Deep well  
 Canal, river, pond  Other.....
  - 9.2 Main source of water for bathing/washing  
 Purchase pure bottle water from company  Rain water  
 Public tap  Piped water  
 Tradition/shallow well  Deep well

- ( ) Canal, river, pond ( ) Other.....
- 9.3 Sanitation:  
 ( ) No latrine(ບໍ່ມີວິດ) ( ) Dry latrine (or conventional pit latrine)(ວິດບືບ)  
 ( ) Cover latrine(ວິດມີຜາປິດ) ( ) Ventilated improved latrine(ວິດຕັກນ້ຳລ້າງ)  
 ( ) Pour flush latrine(ວິດມີຊັກໂຄກ) ( ) Septic tank latrine(ວິດມີອ່າງຕອງ)
- 9.4 Energy source (Lighting/Cooking)  
 ( ) Electricity (from gov't network) ( ) Wood/wood coal  
 ( ) Private generator ( ) Mine coal  
 ( ) Gas/kerosene/Cylinder ( ) Other.....
- 9.5 Household assets: If household owns an asset, indicate the number  
 ( ) Bicycle ( ) Tractor/hand tractor ( ) Telephone/mobile  
 ( ) Motorcycle ( ) Generator ( ) Electric fan  
 ( ) Car/vane ( ) Water pump ( ) Sewing machine  
 ( ) Boat, small ( ) Radio ( ) Refrigerator  
 ( ) Boat, large ( ) Television ( ) Rice cooker.  
 ( ) Truck(light/heavy) ( ) DVD/amplifier speaker ( ) Rice mill
10. How long (for i.e. how many years or months) have you picked through the waste at the Landfill?  
 ( ) Years ( ) Months
11. How many people of your household members (including you)pick through waste at the Landfill?  Persons
12. How many male , how many female  
 ( ) Male ( ) Female
13. Your household members who pick through waste at the Landfill, are any one age under 15  
 ( ) Yes ( ) No
14. If "Yes" , how many boy, how many girl?  
 ( ) Boy ; ( ) Girl
15. What Is the average income your household gets from selling the waste per month (i.e. from ALL members of the households)that pick through and sell waste?  
 Kip

16. What other sources of income (even casual or seasonal work)does your household have? And how much the average income per month received from ?

Income sources	Amount (Kip
Income from the "rice and other farming"	
Income from "casual work"	
Income from "private business"	
Income from "government employment"	
Income from "private company employment"	
Income from "other sources"	
Others	
TOTAL	

17. What is the average expenditure your households per month?

<b>Income sources</b>	<b>Amount (Kip)</b>
Food	
Health care	
Petrol/travel expense	
Solid waste collection	
Festival/social responsibility(Make merit)	
Water supply/by drinking water	
Electricity	
Clothes/footwear	
Alcohol/cigarette	
Others	
<b>TOTAL</b>	

18. What is your expectation after finishing the construction of new Landfill?

- ( ) Continue to pick the waste at the Landfill
- ( ) Work on the waste collection truck
- ( ) To find another jobs
- ( ) Unknown/No idea

Thank you for your participation!

## Annex 8: Survey Findings, Affected Households

### Socioeconomic Survey of Waste Pickers in Vang Vieng Landfill Village information

Village	No. of HHS	Population					
		Total	Male	Female	Ethnic Groups		
					LT	MK	HIM
Khan Maak	291	1,626	817	809	1,409	214	3
Phon Vieng	250	1,185	613	572	1,132	43	10

Village administration authority				
Village	Name	Position	Sex	Phone
Khan Maak	01.Ms.Pom Vongsapaseuth	Head of Village	Female	020 58888388
	02.Khanthong	Vice-head of village	Male	030 5778711
	03.Khantee	Vice-head of village	Male	020 55037392
Phon Vieng	01.Mr.Somxai Chanphilavong	Head of Village	Male	020 28184148
	02.Mr.Siphone Sichanthavong	Vice-head of village	Male	020 98503724
	03.Ms.Bounkong Saysomphanh	Vice-head of village	Female	030 5778711

### Waste picker survey results

The survey was carried out over 2 days (25-28 September 2019). The first day focused on Khan Maak Village and took place at the Administration Authority Office by inviting the waste pickers to participate in the meeting, then interviewed one by one. The second day focused on Khan Maak and Phon Vieng Villages and interviewed the Head of village to obtain the information on total households, population and ethnic population (see above tables). The remaining waste pickers were interviewed at the Landfill site where they were working.

Of the 16 waste picker households covered by the PPTA, only 14 households are currently involved in picking waste at the landfill. The remaining households have moved to other jobs, including agricultural based day jobs. Findings have not been tabulated, because of the low number of respondents. The findings from the survey is itemized below:

- Sex of respondent  
1 Male (7.14%); 13 Female (92.86%)
- Respondent household head:  
Households head: 5 persons;  
None- household head: 9 persons
- Women households head:  
4 persons (vulnerable households) (40%) ;  
Men HH head: 10 persons(60%)
- The average income per person per month of the waste picker population  
347,183Kip/person/month
- The households under poverty line  
Under poverty lie: 6 HHs (42.86%)  
Upper poverty line: 8 HHs (57.14%)



- Total population of the waster pickers:  
Total: 71persons; Male:37persons (52.11%); Female: 34 persons (47.89%)
- Education level:  
Illiteracy: 6 pers (42.86%)  
Uncompleted primary: 2 pers (14.29%)  
Primary:5 pers (35.71%)  
Uncompleted lower secondary: 1 person (7.14%)
- Ethnic groups  
Lao-Tai: 3HHs; Population: Total:8 ; M=3; F=5  
Mon-Khmer: 11HHs; Population: Total:63; M=34 (53.97%); F=29(46.03%)
- Water sources for drinking/cooking  
14 HHs (100%) purchased for pure bottle water (1 bottle contains 20 liters, price 4,000kip)
- Water sources for bathing/washing  
14 HHs (100%) use the deep well (8 households have electric pumping)
- Sanitation  
14 HHs (100%) use the ventilated improved latrines (1 household share with their parent)
- Energy sources  
14 HHs (100%) connect to the government electric network (purchasing for fee)
- Household assets

No.	Name	Type of assets belong to waste picker households									
		Bicycle	Motorcycle	Electric fan	Radio	TV	DVD	Mobile	Electric fan	Refrigerator	Rice cooker
1	Pho Keo	0	1	0	1	1	0	1	0	0	0
2	Nang Bai	0	0	0	0	0	0	1	1	1	0
3	Nang Vanh	0	1	0	0	1	0	0	1	1	1
4	Mear Hak	0	1	1	0	1	1	1	1	1	0
5	Nang Hak	1	1	1	0	0	1	1	0	0	0
6	Nang Phiu/Thao Dy	1	1	1	0	1	0	1	1	1	1
7	Nang Saed	0	1	0	1	1	0	1	1	0	1
8	Nang Lad	0	1	1	0	1	0	1	1	1	1
9	Nang Cheu	1	1	1	0	1	0	1	0	0	0
10	Nang Chanh/Phonrxay	0	1	1	0	1	0	1	0	1	0
11	Maer Kong	0	1	0	0	1	0	0	0	1	0
12	Nang Vane	0	0	1	0	1	0	1	0	1	0
13	Nang Kham	0	1	1	0	1	0	1	1	1	1
14	Maer Inthavong/Phaeng	0	0	0	1	1	0	1	1	1	1
	<b>TOTAL</b>	<b>3</b>	<b>11</b>	<b>8</b>	<b>3</b>	<b>12</b>	<b>2</b>	<b>12</b>	<b>8</b>	<b>10</b>	<b>6</b>

- Duration engaging the pick through waste  
4 Households are picked less than 1 year (the less 1.5 month)  
6 Households are picked from 1-5 years  
4 Households are picked from 7 years and above (the most 14 years)
- The number of waste pickers  
Total: 22 persons; M=5 pers (22.73%); F; 17pers (77.27%)
- Child labor/waste pickers under 15 year-old  
1 HH; with 2 girls

No.	Name	Income from selling waste(Kip)	Other income sources(Kip)	Total income(Kip)	Share of income	Main source of income from wastepicking
1	Pho Keo	1,600,000	-	1,600,000	100.00	1
2	Nang Bai	1,500,000	-	1,500,000	100.00	1
3	Namg Vanh	1,500,000	750,000	2,250,000	66.67	1
4	Mear Hak	800,000	-	800,000	100.00	1
5	Nang Hak	800,000	1,900,000	2,700,000	29.63	
6	Nang Phiu/Thao Dy	2,000,000	3,000,000	5,000,000	40.00	
7	Nang Saed	1,000,000	-	1,000,000	100.00	1
8	Nang Lad	400,000	1,000,000	1,400,000	28.57	
9	Nang Cheu	700,000	800,000	1,500,000	46.67	
10	Nang Chanh/Phonrxay	900,000	300,000	1,200,000	75.00	1
11	Maer Kong	800,000	1,300,000	2,100,000	38.10	
12	Nang Vane	500,000	-	500,000	100.00	1
13	Nang Kham	500,000	2,000,000	2,500,000	20.00	
14	Maer Inthavong/Phaeng	400,000	200,000	600,000	66.67	1
	<b>TOTAL</b>	13,400,000	11,250,000	24,650,000		8

- Average income from selling the waste
  - 4 households from 400,000 to 500,000kip/month (28.58%)
  - 5 Households from 700,000-900,000kip/month (37.71%)
  - 5 Households above 1,000,000kip/month (37.71%)
- Income from other sources
  - 9 Households (64.27%)
- Expenditure
  - 3 households expend less than 1,000,000kip/month
  - 11 households expend more than 1,000,000kip/month
- Comparison income and expenditure
  - 4 HHs expenditure over income (28.57%)
  - 10 HHs expenditure less than income (71.23%)
- Income from other sources
  - 5 HHs non (35.71%)
  - 4 HHs casual work (28.57%)
  - 3 HHs Gov't employee (21.44%)
  - 1 HH private company (1.14%)
  - 1 Other(relative) (1.14%)
- Share of income from waste picking to the total of income

## **Annex 9: Legal Framework for Resettlement and Gaps**

### **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.

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

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

## **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 EGDRP 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. The table below illustrates the gaps between the Lao Government Policies and ADB resettlement policies.

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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.

<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 households headed by women 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) Households headed by Women 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 Consultants

## Annex 10: Vang Vieng Landfill 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 Vang Vieng Solid Waste Management Improvements subproject

<b>Subproject town / district</b>	Vang Vieng Landfill Improvements, Vang Vieng District
<b>Province</b>	Vientiane Province
<b>Scope of subproject (description of the nature and scope of works)</b>	
<b>a) Construction and Renovation</b>	The subproject will have the following components: (i) preparatory earthworks and installation of a perimeter runoff interceptor drainage system; (ii) construction of an impermeable liner, leachate collection/treatment system, and hazardous waste management system; (iii) construction of a small materials recovery facility for waste separation and recycling; (iv) construction of a septage treatment facility (0.5ha); and (v) construction of site office, toilets, and fencing. The landfill access road (0.8 km) will be paved with concrete (3,5m 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. The subproject will benefit all residents in Vang Vieng District, hotels and guesthouses and restaurants.
<b>b) Other</b>	N/A

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

Initial screening for involuntary resettlement was conducted during preparation of the Projects' Feasibility Study for the subproject and confirmed during detailed designs stage.

<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		All works except for the access road are at the existing Land Fill site. Improvements of the access road are within the current alignment.
Does the subproject include the construction of new physical facilities?	x		New facilities will be constructed at the Land Fill site.
Will it require permanent land acquisition?		x	Construction will be on the existing landfill site on public land.

Involuntary Resettlement Effects	Yes	No	Extent of Impacts And Other Remarks
Is the ownership status and current usage of the land known?	x		The Land Fill site belongs to the government. The owners alongside the access road are known (xxx households).
Are there any non-titled people who live or earn their livelihood on affected land?	X		22 persons (17 female) of 14 households (71 persons, 34 female) are picking waste at the landfill on a daily basis of which over 10% of monthly income is derived.
Will there be loss of housing?		x	
Will there be loss of agricultural plots?		x	
Will there be losses of crops, trees and fixed assets?		x	
Will there be loss of businesses or enterprises?		x	
Will there be loss of incomes and livelihoods?	X		22 persons (17 female) of 14 households (71 persons, 34 female) are picking waste at the landfill on a daily basis of which over 10% of monthly income is derived.
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		There will positive impacts: better sanitation and solid waste management.

#### D. Involuntary Resettlement Category

After reviewing the answers above, the PCU, DICT and Vang Vieng UDAA agree and confirm that the subproject is a:

[ X ]	<b>Category B</b> , No land acquisition and resettlement impacts, however compensation will be provided to vulnerable households for loss of income, and where the APs will also be included in employment generating programs.
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