

MINISTRY OF AGRICULTURE AND FORESTRY
AGRICULTURE COMMERCIALIZATION PROJECT

**COMPENSATION AND RESETTLEMENT POLICY
FRAMEWORK**

Prepared by

DEPARTMENT OF PLANNING AND FINANCE

[DRAFT VERSION 3, OCTOBER 17, 2017]

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LIST OF ACRONYMS

ARAP	Abbreviated Resettlement Action Plan
CBO	Community Based Organizations
CRPF	Compensation and Resettlement Policy Framework
CSO	Civil Society Organizations
DAFO	District Agriculture and Forestry Office
DOPF	Department of Planning, Cooperation and Finance
DOPF	Designated Implementing Agency
EGDP	Ethnic Group Development Plan
EGEF	Ethnic Groups Engagement Framework
EPL	Environmental Protection Law
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
FGD	Focus Group Discussion
GoL	Government of Lao PDR
GRI	Grievance Redress
ICT	Information and Communications Technology
IDA	International Development Association
LRSP-2	Lao Road Sector Project 2
MAF	Ministry of Agriculture and Forestry
M&E	Monitoring and Evaluation
MOF	Ministry of Finance
MONRE	Ministry of Natural Resources and Environment
MoICT	Ministry of Information, Communication and Tourism
MPI	Ministry of Planning and Investment
NPA	Non-Profit Associations
OP/BP	World Bank Operational Policies
PAFO	Provincial Agriculture and Forestry Office
PAH	Project Affected Households
PAP	Project Affected People
PONRE	Provincial Office of Natural Resources and Environment
PDR	People's Democratic Public
PDO	Project Development Objective
PPT	Project Preparation Team
RAP	Resettlement Action Plan
RoI	Region of Influence
SDS	Social Development Specialist
SIA	Social Impact Assessment
ToR	Terms of Reference
VRS	Village Resettlement Sub-committees
WB	World Bank

TERMS AND DEFINITIONS

Beneficiary – all persons and households from the villages who voluntarily seek to avail of and be part of the project.

Compensation – payment in cash or in kind of the replacement cost of the acquired assets for the project.

Cut-off Date – the date prior to which the occupation or use of the project area makes residents/users of the project area eligible to be categorized as affected persons. The cut-off date is established in the Resettlement Action Plan (RAP). It normally coincides with the date of the census of affected persons within the project area boundaries, or the date of public notification regarding the specific civil works that would cause displacement. Persons not covered in the census, because they were not residing, having assets, or deriving an income from the project area, are not eligible for compensation and other entitlements.

Displaced persons – refers to all of the people who, on account of the activities listed above, would have their (1) standard of living adversely affected; or (2) right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset acquired or possessed temporarily or permanently; (3) access to productive assets adversely affected, temporarily or permanently; or (4) business, occupation, work or place of residence or habitat adversely affected; and “displaced person” means any of the displaced persons, including those who have no legal recognizable right or claim to the land they are occupying.

Eligible land holders – refers to affected persons who (a) hold title to land; or (b) do not hold title but whose possession of land can be legalized with a title pursuant to the Land Law of Lao People’s Democratic Republic (PDR). Also eligible are those persons and households who have no legal recognizable right or claim to the land they are occupying, but who are nonetheless entitled to assistance to restore their living standards, livelihoods, and any land-affixed assets affected.

Entitlement – range of measures comprising compensation, income restoration support, transfer assistance, income restoration, and relocation support which are due to affected people, depending on the nature of their losses, to restore their economic and social base.

Household – means all persons living and eating together as a single social unit.

Income restoration – means re-establishing income sources and livelihoods of Project Affected Households (PAH) to a minimum of the pre-project level.

Improvements – structures constructed (dwelling unit, fence, waiting sheds, pig pens, utilities, community facilities, stores, warehouses, etc.) and crops/plants planted by the person, household, institution, or organization.

Land acquisition – the process whereby a person involuntary loses ownership, use of, or access to, land as a result of the project. Land acquisition can lead to a range of associated impacts, including

loss of residence or other fixed assets (fences, wells, tombs, or other structures or improvements that are attached to the land).

Project Authorities – refers to the Ministry of Agriculture and Forestry, the Ministry of Planning and Investment (MPI), Ministry of Finance (MOF) and Ministry of Natural Resources and Environment (MONRE).

Project Affected Persons (PAP) or Households (PAH) – includes any person, households, entity, organizations, firms or private institutions who, on account of changes that result from the project will have their (i) standard of living adversely affected; (ii) right, title, or interest in any house, land (including residential, commercial, agricultural, forest, plantations, grazing, and/or organizing land), water resources, fish ponds, communal fishing grounds, annual or perennial crops and trees, 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, permanently or temporarily, with or without displacement.

Rehabilitation – refers to assistance provided to persons seriously affected due to the loss of productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life. Compensation for assets may not be sufficient to achieve full rehabilitation.

Replacement cost – is the method of valuation of assets which determines the amount of compensation sufficient to replace lost assets, including any necessary transaction costs. Compensation at replacement cost is defined as follows: For agricultural land, it is the pre-sub-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in vicinity of the affected land, plus the cost of any registration and transfer taxes. For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures so as to meet the replacement cost standard. Such additional assistance is distinct from resettlement measures to be provided under other clauses in World Bank Operational Policies (OP/BP) 4.12, Para. 6.

Replacement Cost Study (RCS) - The main objective of the RCS is to determine the rate of land prices based on actual transaction records of the affected areas, of affected main and secondary¹ structures and other immovable assets. This study would be conducted by an independent appraiser. Based on the results of RCS, the PAH will receive compensation at replacement cost (reflecting market price) from for their loss of land and property due to the sub-project. The RCS will be implemented during the impact assessment.

Resettlement – means that all measures should be taken to mitigate any and all adverse impacts of a project on PAP property and/or livelihood's, including compensation, relocation (where relevant) and rehabilitation as needed.

Unit Costs for Lands - The affected private lands will most likely fall under the land categories of either residential, agricultural or commercial lands. The way to obtain data on market rates is to gather data on recent land sales at/around the sub-project area. Methods for data collection include direct interviews (i) real estate agents in CBD, (ii) land owners at/around the sub-project area who are both PAHs and non-PAHs, and (iii) local authorities at/around the sub-project area. Per results of the RCS, the unit costs of land covered with recognized proofs of ownership, structures and other immovable assets are provided.

Unit Costs for Structures - The houses/structures affected by the sub-project have been categorized into two main groups – house/dwelling and other structures. The methodology employed for costing house/structures includes a quantity survey and detailed measurement of the component parts of each structure and a determination of the market value of the house/dwelling. Other structures such as wells and fences, and cultural assets such as stupas, have to be compensated at their market price, and the results of the specific rates of structures are provided.

Vulnerable Groups – 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, the elderly or disabled; (ii) households living below the poverty threshold; (iii) the landless; and (iv) Indigenous Peoples (OP/BP 4.10), including ethnic groups.

¹ This includes fences, wells, toilets, kitchens, etc.

ACKNOWLEDGEMENTS

This Compensation and Compensation and Resettlement Policy Framework was prepared to be applied under the proposed Agriculture for Commercialization Project to be funded by the World Bank Group (WBG) through an International Development Association (IDA) loan to Lao People's Democratic Republic (PDR). The Framework was prepared by the Project Preparation Team (PPT) established within the Department of Planning and Finance (DOPIF) led by Mr Phouthone Siriphanthong Project Coordinator and assisted by Mr Phanisone Samounry, Assistant to Project Coordinator, Mr. Somphathay Liengsone, Safeguard Focal Staff and Mr Bounhom Phothimath, Social Consultant under the direction of Mr. Xaypladeth Choulamany, Director General. Technical assistance and support was provided to DOPIF by Mr. Tuan Anh Le, FAO Social Safeguard Consultant.

The authors would like to thank the World Bank Group for their support and, in particular Mr Binh Thang Cao and Mr Konesawang Nghardsaysone, Co-TTLs, Mr. Chanhom Manythong, Agriculturist, Mr. Sybounheung Phandanouvong, Senior Social Safeguard Specialist, Ms Waraporn Hirunwatsiri, Senior Environmental Safeguard Specialist for their support and guidance for the CRPF. The authors would also like to thank the government of Lao PDR staff including the local authorities, PAFOs and DAFOs of Khammouane, Bolikhamxay, Vientiane Capital City, Vientiane, Xayabouly Provinces for their invaluable inputs and the villages in all five provinces who provided useful information, comments and suggestions on the potential impacts of the proposed project and mitigation measures.

1.0 INTRODUCTION

1.1 PROJECT OVERVIEW

The proposed Agriculture Commercialization Project (ACP) seeks to enhance the competitiveness and sustainability of Lao PDR's agriculture sector through technical and financial support to increase in agricultural productivity and commercialization in selected strategic value chains. The project would focus on: (i) the geographical areas with high agricultural development potentials; (ii) the farming systems with high potentials for commercialization (i.e. paddy, maize, vegetables); (iii) promotion of good agricultural practices and climate smart agricultural technologies and farming system diversification to enhance food and nutritional security; (iv) building capacity for farmers' organizations, agribusinesses, public and private service providers; and (v) building on and developing synergies with other government/donor programs. The Project Development Objective (PDO) is to increase commercialization of selected value chains in the project areas. The ACP is comprised of the following three components: (1) Improved Agriculture Efficiency and Sustainability; (2) Enhanced Agriculture Commercialization; and (3) Project Management.

Component A: Improved Agriculture Efficiency and Sustainability

This component would aim at enhancing productivity of farming systems and it would include the following activities:

- (i) Production organization and promotion of the use of good quality seeds;
- (ii) Research and extension to improve farming practices and farm machinery to promote good and sustainable agricultural production, diversification and commercialization;
- (iii) Upgrades of existing irrigation infrastructure and improvement of water management practices;
- (iv) Establishment and capacity building for farmer groups and their members; and
- (v) Mapping, demarcation, and registration of irrigation land/systems in the project area on a block basis (not for individual plots).

Component B: Enhanced Agriculture Commercialization

This component would aim at strengthening and leveraging private sector investments in selected food value chains, and it would include the following activities:

- (i) Provision of matching grants to farmer groups and their members to promote investments in harvesting machines, drying and storage facilities to reduce pre/postharvest losses;

- (ii) Provision of matching grants and capacity building assistance to agribusinesses to strengthen their role in driving the value chain development;
- (iii) Upgrades of feeder access to production areas and farms;
- (iv) Training and consulting support to farmer groups and their members to build their management skills, business development and marketing of farm produce through adopting contract farming, value addition and product branding;
- (v) Support MAF, Ministry of Industry and Commerce (MOIC), their research institutes and technical agencies in conducting relevant market research, agricultural policy analyses, and improving intelligence and management skills; and
- (vi) Improving the enabling environment through strengthening capacity for quality control and standards certification (i.e. seeds, produce, mills, etc.) including improved inspection services, test kits and laboratory capacity to certify for clean and safe foods.

Component C: Project Management

This component would provide equipment and incremental operating costs for project monitoring, financial management, and procurement activities, ensure compliance with the safeguards, support the short and long-term technical assistance to the project management team in selected areas, and support analysis and dissemination of findings related to the effectiveness and challenges associated with the different institutional and technical models being applied or piloted under the project.

1.2 PROJECT IMPACTS

1.2.1 Project Impact

The project impact is anticipated to be overall positive given that project will provide farmers with opportunities to access to improved farm knowledge and high quality seed, Farmers will have chance to improve their income by diversifying their crops on the basic of local knowledge and practices, and work together with their fellow farmers to supply their farm product to private companies which come under a agricultural partnership to ensure an improved value chain for this partnership. Through various project activities at community level, there would be more opportunities for men and women to participate in project planning, implementation, monitoring and evaluation. Ethnic groups will have chance to participate in continuous consultation of the project to become beneficiaries. They can

choose to join project activities that are appropriate to them in terms of farming practices and their culture.

In terms of adverse impact, the adverse impact is envisaged to be minor. Of the three project components, component A (*Improved Agriculture Efficiency and Sustainability*) is the one that could potentially result in land acquisition because construction activities will be done to rehabilitate existing irrigation systems. Based on the nature of the rehabilitation work and the scope of work, no physical resettlement is envisaged. Minor resettlement impacts (permanent and temporary) as it anticipated that most of the works will done within the existing water channels. In order to gain access to the channels it may however be necessary to remove trees, crops or agricultural structures that are encroaching on the right of way, or have the potential to jeopardize the integrity of the works. Some temporary minor non-land impact such as environmental impact due to noise, dust, etc., and temporary disruption of water access to small agricultural area, are anticipated.

1.2.2 Mitigation Measures

In all cases, every effort will be made to avoid permanent land acquisition and physical resettlement. However, where avoidance is not possible, compensation will be paid to the affected households. For example, for local people who lose their land permanently as a result of rehabilitation of existing canal, compensation payment will be made in accordance with this CRPF. For those who lose water access due to construction works, and therefore cannot produce, compensation will be paid based on market rates in order to restore income. Temporary environmental impact (due to dust, noise, etc.) which affects the income generation activities of local people (affecting shops, local businesses, etc.) will be compensated for.

1.3 APPLICABLE WORLD BANK SAFEGUARDS POLICIES

The project's overall impacts are expected to be positive. Some negative impacts are envisaged to be limited, localized, manageable and reversible. The following World Bank safeguard policies will be triggered: Environmental Assessment (OP/BP 4.01), Pest Management (OP 4.09), Indigenous Peoples (OP/BP 4.10), Involuntary Resettlement (OP/BP 4.12), Safety of Dams (OP/BP 4.37), International Water Ways (for irrigation rehabilitation), Natural Habitats (OP/BP 4.04) and Physical Culture Resources (OP/BP 4.11). The Project is classed as Category B. Mapping, demarcation, and registration of irrigation land/systems are done as part of project activities but are not expected to cause changes in land use types and land ownership as they will be carried out on a block basis (not for individual plots). Forced child labor and labor influx are not anticipated for the project as the workforces required for construction activities will be small, mostly drawn from the local population, and easily monitored by project staff and relevant authorities. The project would

comply with the three gender tags proposed by the World Bank standards. This is to ensure that the project will address gender in terms of (i) analysis; (ii) action plan; and (iii) monitoring and evaluation plan (Please see Social Assessment report for Gender Analysis). For adverse impact that fall under the scope of land acquisition, temporary impact related to restricted access to irrigation water and environmental impact on livelihoods of local people during construction operation, a gender action plan and monitoring plan is suggested to follow to ensure gender aspects are mainstreamed into RAP/A-RAP. See Annex 3A for a suggestive gender action plan and monitoring plan.

During project preparation, the project will develop specific/tailored measures to enhance equal access and opportunities for women to benefit from the matching grants and other project activities.

1.4 RATIONALE FOR CRPF PREPARATION

The World Bank's safeguards policy on involuntary resettlement (BP/OP 4.12) requires that the Borrower prepares and submit to the Bank a Compensation & Resettlement Policy Framework (CRPF) consistent with the Bank's safeguards policy prior to project appraisal in cases: because of the nature and design of the project, (a) the zone of impact of subprojects cannot be determined, or (b) the zone of impact is known but precise sitting alignments cannot be determined.

Land acquisition – both permanent and temporary, and the impact related to land acquisition are anticipated for this project – based on the project activities. However, since specific locations of subprojects will not be determined during preparation. This CRPF is prepared to guide the preparation of RAP for subprojects which will be determined/ finalized during the implementation phase of the project.

2.0 OBJECTIVE AND PRINCIPLES GOVERNING RESETTLEMENT

This CRPF was prepared as a component of the ESMF for the ACP and provides guidance to decision-makers if a proposed sub-project requires use of land on a temporary or permanent basis and/or acquisition of land. Accordingly, the CRPF was prepared to establish policies and procedures for preventing (avoiding), minimizing, mitigating and compensating for negative (adverse) impacts related to land acquisition resulting from a proposed sub-project.

Objective. The objective of the CRPF is to establish resettlement principles, organizational arrangements, funding mechanisms, eligible criteria, entitlements matrix, grievance redress mechanism and monitoring and evaluation process for RAP(s) that may be required for subprojects to be identified during project implementation.

Principles. The principles that govern the CRPF, including principles for compensation, resettlement, and livelihoods restoration, are in accordance with the World Bank's OP 4.12, as follows:

1. Physical displacement, economic and physical adverse impacts should be avoided where feasible or, if not possible, minimized by examining all available design alternatives, technology, and/or site selection. Where avoidance is not possible, impacts have to be mitigated;
2. If the need for resettlement is unavoidable, resettlement activities should be conceived and executed as an integral part of the project, providing sufficient investment resources to enable the persons displaced by the project to enjoy the project benefits; and
3. All project affected people will be meaningfully consulted, and have the opportunities to participate in planning and implementing resettlement programs.

The CRPF also aims to minimize involuntary resettlement and provide a framework for assessing concerns of PAP and PAH which may be subject to loss of livelihoods, assets and well-being because of the proposed sub-project. The World Bank *Involuntary Resettlement* policy (OP/BP 4.12) is triggered when a development project (or sub-project) financed by the World Bank results in people losing land, other assets, or access to productive resources which may cause disruption to, or loss of, livelihood (i.e., property and assets), well-being and/or other entitlements. The CRPF provides decision-makers with guidelines and processes for ensuring that PAP and PAH will improve their livelihoods and well-being or, at least, to restore them to levels prevailing at project commencement.

The CRPF provides details on the instruments to be prepared, and the measures to be taken, during specific stages of sub-project design and feasibility assessment, and during implementation. The CRPF sets out the guideline for determining compensation eligibility and a description of what that compensation might entail. An CRPF (as opposed to a resettlement action plan) is the appropriate instrument at this stage of project preparation, as the project is in the planning stages and a decision has not been made by the GoL and the WB about which proposed sub-projects will be funded, and the features of those sub-projects. Such a determination will not be made until the project is under implementation

when more comprehensive and up-to-date sub-project information is available, and a resettlement action plan (or abbreviated resettlement action) may be prepared.

The CRPF will be considered applicable if proposed sub-projects affect households and communities which may be displaced, even on a temporary basis. Situations which may be subject to acquisition of land or relocation of PAP and PAH involve investment in civil works and infrastructure development, including rehabilitation and expansion of existing irrigation schemes and construction of agricultural production and processing equipment such as harvesting machines, drying and storage facilities to be financed under the Matching Grant. In such situations, impact screening process and forms will help decision-makers determine the safeguards measures for preventing (avoiding) or mitigating adverse effects.

3.0 RESETTLEMENT PROCESS AND APPROVAL

The World Bank environmental and social safeguards policies require the Borrower (Lao PDR) to prepare an ESMF and CRPF consistent with GoL laws and addendums and any applicable treaty, such as the 1995 Mekong Agreement, concerning internationally shared waters. These safeguards documents must be prepared, publicly disclosed. In cases where ethnic groups are potentially affected by the project, free, prior and informed consultation with affected ethnic peoples will be undertaken to ensure proposed project impacts (positive and/or adverse effects) are discussed before project appraisal. Once the specific proposed sub-project locations are known, then an Abbreviated Resettlement Action Plan (ARAP) or Resettlement Action Plan (RAP) can be prepared as part of project implementation but before any infrastructure works are undertaken.

This CRPF provides guidelines on how a site-specific ARAP/RAP for proposed sub-projects are prepared during project implementation. On the basis of the proposed project activities, which is rehabilitation of existing irrigation canals, physical resettlement of local people are not envisaged at this stage. The project will try to avoid physical resettlement of local peoples – through technical design. However, minor land acquisition - on a temporary or permanent basis, may occur. When this is the case, the GoL Decree on Compensation and Resettlement of People Affected by Development Projects (84/PM, 2016) as well as the World Bank's operational policy on Involuntary Resettlement (OP/BP 4.12) requires that an ARAP/RAP be developed and fully implemented – in accordance with this CRPF.

The MAF in association with relevant organizations such as MONRE, provincial and district authorities will provide the general direction for the planning of the relocation and land acquisition process, ensure coordination between various project stakeholders, particularly with stakeholders who are directly related with resettlement and monitoring and evaluation of

RAP implementation. During preparation of sub-projects, subproject stakeholders will be consulted to establish planning principles and work arrangements aimed at identifying and mitigating adverse social impacts induced by the sub-projects. Annex 1B discusses the narrative content of the ARAP/RAP documents which outline what information to obtain through baseline surveys, valuation of properties, and compensation prices, whether in the context of temporary or permanent land acquisition/physical relocation.

ARAP/RAP preparation must include the following principles for PAP and PAH so that they are:

- Informed of compensation policies, including options related to physical relocation if they are resettled as a result of the subproject. ;
- Consulted and offered with alternative resettlement options that are technically and economically feasible, for their informed choices; and
- Timely (in advance of commencement of civil works) provided with compensation payment - at full replacement cost, for their affected assets and income generation activities which are attributable to the sub-project.

Adequate public consultation and participation are mandatory requirements of the ARAP/RAP process. In addition, PAP and PAH must be made aware of:

- Their options and rights pertaining to land donation, relocation and/or compensation;
- Specific technically and economically feasible options and alternatives for relocation or resettlement sites;
- Process of and proposed dates for relocation, resettlement and/or compensation;
- Compensation rates - at full replacement costs for loss of assets and services; and
- Proposed measures and costs to restore their pre-project livelihoods and/or improve their standards of living and well-being.

The MAF DOPF will be supported by a Social Development Specialist (SDS) to work alongside the DOPF's safeguard focal staff. Among other duties, the role of the SDS is to help with Social Impact Assessment, consultations, preparation and implementation of both the CRPF and site-specific ARAP/RAP to ensure that appropriate actions are addressed in relation to potential acquisition of land, and physical resettlement issues, if any. Once subprojects are identified, screening of potential social impact will be done to identify if the subproject has any potential land acquisition/resettlement impact, It is important that a participatory approach be used to engage stakeholders, civil society organizations (CSO), PAP and PAH to ensure there is a broad support for proposed sub-project implementation.

A screening and review process should be used for land acquisition, relocation and resettlement, and a compensation planning process, if applicable. The main purpose of utilizing a screening and review process is to identify land acquisition, relocation or resettlement, and/or compensation issues associated with proposed sub-projects in their RoI. For optimum planning, screening should take place during the initial stages of the subproject preparation process so that the SDS is well-informed of the need to develop the ARAP or RAP (See Annex 1A for Social Screening Form).

Once completed, the ARAP/RAP will be submitted to the World Bank for review and approval prior to implementation. The approved ARAP/RAP will be publicly disclosed prior to subproject appraisal.

- Preparation of Abbreviated RAP:

In case where the subproject affects fewer than 200 people, and the affected people are not physically displaced and less than 10 percent of their productive assets are lost), an abbreviated RAP may be prepared.

As a minimum, an abbreviated RAP should cover the following:

- Census survey of APs and affected assets;
- Description of compensation and other resettlement assistance to be provided;
- Consultations with affected people about alternatives;
- Institutional responsibility for implementation and
- A timetable and budget.
- Preparation of a full RAP:

In case where the subproject affects more than 200 people, or the subproject requires physical resettlement of people, a full RAP will be prepared. A full RAP would include the following information: (i) brief description of the sub-project, location and its impacts; (ii) principles and objectives governing resettlement preparation and implementation; (iii) legal framework; (iv) baseline information of PAP and PAH; (v) category of PAP and PAH by degree and type of impact(s); (vi) entitlement to compensation, allowances, and rehabilitation or restoration assistance by category of impacts in a compensation matrix; (vii) information on relocation site together with socio-economic conditions on the secondary PAP and PAH and host communities (only in case where physical resettlement take places); (viii) institutional arrangement for planning and implementation; (ix) participatory procedures during planning and implementation; (x) grievance redress procedures; (xi) estimated cost of resettlement and annual budget; (xii) time-bound action plan for implementation; and (xiii)

internal and external monitoring procedures, including the ToR for external monitoring and evaluation.

PAFO will be responsible for preparing a RAP or Abbreviated RAP under close support and guidance from DOPF and with its Social Safeguard Consultant. The RAP or ARAP will be submitted to the World Bank for review and approval.

Appendix A1 provides resettlement outline formats including annotated ARAP and RAP documents.

4.0 CATEGORIES OF DISPLACED PERSONS

The irrigation renovation and rehabilitation sub-projects and construction of facilities under the Matching Grants will have both positive and adverse (negative) impacts on people in the five project provinces (Khammouane, Bolikhamxay, Vientiane capital City, Vientiane and Xayabouly). Although the 50 irrigation subprojects have been identified as a long list, short-list for Year 1 subprojects have not been determined because detailed feasibility studies for these subprojects have not been carried out until project effectiveness. The scope of impacts and possible land acquisition will be identified, including any physical resettlement possibilities, if any – on the basis of the availability of feasibility studies for these subprojects. The DOPF (DAFO) will carry out a census survey to identify and enumerate all PAP and PAH, and a socio-economic survey conducted for identified subprojects to determine the range and scope of impacts in the RoI. Based on magnitude of subproject impact, an ARAP or RAP will be determined.

Although all project activities have the potential to affect all categories of people in the respective RoI locations (whether categorized by race, religion, ethnicity, gender, age, economic status, land tenure or other), only activities that require relocation either on a temporary or permanent basis are considered to have the potential of causing serious displacement problems. The CRPF recognizes that certain social groups may be less able to restore their living conditions, livelihoods and income levels; and therefore, are at greater risk of impoverishment when their land and other assets are affected. During social screening for identified ARAP/RAP social assessment, the project will identify any specific needs or concerns that should be considered for the different populations (ethnic peoples and vulnerable groups – women and female/male youth and children, the elderly and disabled, landless, and poor, etc.) without means of support. Gender integration will be considered during the planning and implementation of the ESMF, CRPF and EGEF processes.

5.0 DISPLACED PERSONS ELIGIBILITY CRITERIA

Following Lao PDR laws and regulations on acquisition of land and, in consideration of the World Bank *Involuntary Resettlement* policy (OP/BP 4.12), the basic principles of land acquisition and land donation for the project include the following elements:

- Minimize negative or adverse impacts as much as possible;
- Carry out land adjustment or compensation to improve or, at least, restore the pre-project income and living standards of PAP and PAH;
- Ensure free, prior and informed consultation with PAP and PAH on land donation, land acquisition and compensation arrangements, and ensure the process is well documented; and
- Provide compensation, if applicable, for private assets at replacement rates, prior to commencement of urban flood risk management infrastructure investments.

Displaced persons may be classified in one of the following three groups:

- a) Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country); will be entitled to compensation for the land they lose, all assets affixed to the land, as well as income restoration measures;
- b) Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets—provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan will be will be entitled to compensation for the land they lose, all assets affixed to the land, as well as income restoration measures; and
- c) Those who have no recognizable legal right or claim to the land they are occupying, will be entitled to all assets affixed to the land, as well as income restoration measures. In cases where the remaining portion of land is no longer viable they will be entitled to a replacement plot.

Persons covered under a) and b) are provided compensation for the land they lose, and other assistance in accordance with para. 6. Persons covered under c) are provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the sub-project area prior to a cut-off date established by the borrower and acceptable to the Bank.

All PAP and PAH comprised of different populations (see Table 2: Entitlement Matrix) will be provided with compensation (if deemed legal owner or occupant during census), and

rehabilitation and restoration if: (i) their land is acquired for project purposes (ii) their income source is directly and adversely affected; (iii) their houses are partially or fully demolished; and (iv) other assets (i.e., crops, trees and facilities) or access to these assets will be reduced or damaged due to land acquisition. Those PAPs or PAHs who have encroached upon public land will have the right to claim compensation for their lost assets such as house/structures, trees and/or crops, and will not necessarily have the right to compensation for land that they cannot establish ownership of or a right of access to. Table 1 compares applicable GoL legislation with the WB's *Involuntary Resettlement* operational policy (OP/BP 4.12).

Thus, land acquisition and/or land donation and its effect on income sources of the affected people - either on a temporary or permanent basis, will apply to all proposed sub-projects in Lao PDR under the ACP Project regardless of whether they are directly funded by the World Bank or not. The policy applies to all PAP and PAH regardless of the number or the severity of the induced impact.

As mentioned, attention is to be given to the needs of different populations (ethnic peoples and vulnerable groups – women and female/male youth and children, the elderly and disabled, landless, and poor, etc.).

6.0 LEGAL FRAMEWORK ASSESSMENT

Under Component A of the project: Improved Agriculture Efficiency and Sustainability aiming at enhancing productivity of farming systems, minor land acquisition are envisaged from the rehabilitation of existing irrigation schemes. These potential impacts can be avoided or if not avoidable, minimized through proper design, impact assessment, consultation and application of mitigation measures. Given that the feasibility studies for the irrigation subprojects from the long list the long list of have not been finalized until project implementation, a Compensation and Resettlement Policy Framework (CRPF) was developed to be applied by the project which is in compliance with OP/BP 4.12 requirements. The CRPF will complement the EGPF and ESMF, especially in terms of implementation arrangements. If land or asset loss are unavoidable, the principles and procedures described in the CRPF will be applied to address negative impacts.

The key Lao PDR legislation and policies relevant to the environmental and social management of the project include:

- Constitution of the Lao People's Democratic Republic (1991, amended 2003 and 2015);
- Environmental Protection Law (EPL, 2013);

- Ministerial Instruction No. 8030/MONRE on Environmental and Social Impact Assessment (ESIA) and Initial Environmental Examination (IEE) of Investment Projects (2013);
- Public Involvement Guideline (2012);
- Guideline for Consultation with ethnic groups (2012)
- Water and Water Resources Law (1996);
- Forestry Law (2007);
- Wildlife Law and Aquatic Law (2007);
- Decree on Compensation and Resettlement of People Affected by Government Projects (No. 84/GOL, 5 April 2016); and
- Land Law (2013).
- Law on Handling of Petitions (2015)

Lao PDR has formulated many laws, decrees, regulations and guidelines for assessment and management of environmental and social impacts associated with development projects. The revised Environmental Protection Law (EPL, 2013) is the nation's principal environmental legislation. The EPL set up unified environmental management for environmental resources with the objective of preserving and facilitating sustainable use of natural resources. The EPL includes measures for the protection, improvement, mitigation and restoration of the environment and guidelines for environmental management and monitoring. MONRE is responsible for implementation of the EPL and various ministries have issued guidelines for implementing provisions of the EPL.

Lao PDR regulations applicable to the development of infrastructure projects include the *Ministerial Instruction No. 8030/MONRE* (2013) and the *Environmental Assessment Guidelines* (2012) which provide direction to the environmental and social assessment process in Lao PDR. Additionally, the more recent *Ministerial Instructions on Public Involvement in the Process of Environmental Impact Assessment of Investment Projects* provide updated guidance on the environmental and social assessment process.

Established in 2005 and revised in 2016, the *Decree on Compensation and Resettlement of People Affected by Development Projects* has particular relevance to the ACP. The decree describes the principles, rules and measures to mitigate adverse social impacts and to compensate for damages that result from involuntary land acquisition or repossession of land and fixed or movable assets, including changes in land use and/or restriction of access to community or natural resources affecting PAP livelihood and income sources. The decree aims to ensure that PAP and households are compensated and assisted to improve or

maintain their pre-project incomes and living standards, and are not made worse off than they would have been without the project. The provisions will be applied during the preparation and implementation of the social impact assessment (SIA), the social impact mitigation and monitoring plan, and/or the ARAP/ RAP.

The World Bank states that economic development requires, to varying degrees, providing infrastructure and facilities that improve livelihoods and well-being through the expansion of economic opportunities. WB investment projects must pass the litmus test of its own environment and social safeguards policies and the borrower country for a sub-project to receive funding. These safeguards policies help decision-makers to identify, prevent (avoid), minimize or mitigate harms to people and their environment. The World Bank safeguards policies also require borrower governments (GoL) to address specific environmental and social risks as a prerequisite to obtaining WB financing for development projects.

The project is characterized by a number of proposed sub-projects for rehabilitation of existing irrigation schemes in the 5 target provinces. The ESMF provides an overarching safeguards document governing the approach, processes and specific instruments to guide and inform the Environmental and Social Management Plan (ESMP), ARAP/RAP and Ethnic Group Development Plan (EGDP), and other safeguard instruments and measures (if applicable) during sub-project infrastructure investment feasibility and design studies.

Most aspects of the World Bank's *Involuntary Resettlement* Policy (OP/BP 4.12) are adequately addressed in Lao PDR law. The overarching objective of the project in relation to land and asset acquisition is to assist the PAP and PAH to restore their livelihoods, at least, to the level equal to their pre-project level. Specific principles that apply include:

- Where possible, investments in rehabilitation of irrigation schemes, and agricultural machines and processing equipment to be funded through the Matching Grant, should avoid land acquisition and physical resettlement which causes adverse impacts on PAPs' livelihood and assets. Where avoidance is not possible, land acquisition should be minimized through exploring technical design options.
- Develop fair and transparent procedures, as defined in the Entitlement Matrix of this CRPF to determine compensation for (i) temporary impact on land and/or assets during civil works; (ii) permanent acquisition of land and/or impact on assets of local peoples; and (iii) restrictions on use of land that may be applied to areas adjoining the sub-projects' river conservation zone footprint and RoI;
- Acquire land (or right to use land) through negotiated agreements and with the use of the eminent domain approach only as a last resort;

- In the event of temporary land acquisition, upon completion of the civil works, restore the affected land to its original condition to enable land owners/users/lessees to resume their pre-sub-project activities;
- Keep PAP and PAH, and communities fully informed about the sub-projects, the process that will be followed to acquire and compensate for land, affected assets , their related rights and avenues for redress;
- Ensure that aggrieved PAP and PAH will have redress and recourse options and that solutions are in line with principles stipulated in this CRPF and, more importantly, are employed;
- All PAP and PAH, regardless of the legal status of property, will receive necessary support- as per the principles set out in the Entitlement Matrix (see Section 8.0, Table 2), to assist them in their efforts to restore their livelihoods and well-being to the pre-project level. PAP and PAH who may have adverse possession of land (i.e., squatters) will be compensated for the land they use but will receive compensation for loss of their assets that area associated with the affected land, and for the loss of income sources as a result of land acquisition to restore their income generation activities/livelihoods . Detailed measures to be implemented will be determined based on a RoI census and socio-economic baseline survey conducted when the ARAP/RAP is developed;
- PAP and PAH will be notified of the project implementation schedule and consulted with regarding the principles of land acquisition and loss of, or damage, to assets; and
- Damages to assets, such as standing crops, trees, fences and loss of income (including loss of harvest) will be avoided, or will be compensated for if not avoidable. Compensation for affected assets will be made regardless of legal status of affected land according to the Entitlement Matrix illustrated in Table 1.

The recently revised (2016) *Decree # 84 on Compensation and Resettlement of People Affected by Development Projects* provides the principles, mechanisms and procedures to mitigate adverse social impacts and to compensate damages that result from involuntary land acquisition or repossession of land and fixed or movable assets. The Compensation and Resettlement (C&R) decree aims to ensure that PAP and PAH are compensated and assisted to improve or maintain their pre-project incomes and standard of living, and are not worse off as a result of the project. The Decree (No. 84/PM, 2016) is largely consistent with the main principles of the World Bank's Involuntary Resettlement policy (OP/BP 4.12). However, there are few gaps or inconsistencies identified between this World Bank policy

and the Decree No. 84/PM. Table 1 provides a gap analysis between the World Bank's OP/BP 4.12 and the Decree No. 84/GOL.

Table 1 Gap analysis between the World Bank Involuntary Resettlement Policy (OP/BP 4.12) and Lao PDR 2016 Decree on Compensation and Resettlement of People Affected by Development Projects.

Subjects	OP 4.12	Compensation and Resettlement Decree No. 84/GOL (2016)	Project Measures
1. Land Property			
1.1. Policy objectives	<i>PAPs (Project Affected Persons) should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher</i>	PAP are compensated and assisted to improve or maintain their pre-project incomes and living standards, and are not made worse off than they would have been without the project.	OP 4.12 Policy Procedures will be applied - cash compensation at replacement cost for land and structures will be paid without deduction for depreciation or salvageable materials. Also – income additional payments will be made to restore incomes, crops, trees as well as moving costs.
1.2. Support for affected households who have no recognizable legal right or claim to the land they are occupying	<i>Financial assistance to all project affected persons to achieve the policy objective (to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher)</i>	PAP who do not have legal land title, land use certificate or other acceptable documentation indicating their land use right, including customary and traditional land use right, only provides the right to claim compensation for their lost assets such as house/structures, trees and/or crops, and not land.	PAPs who do not have legal title, land use certificates or other acceptable documentation indicating their land use right will still be entitled to Financial assistance to achieve the objective of the involuntary resettlement policy (to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher) Vulnerable PAPs will receive special assistance. OP 4.12 Policy Procedures will be applied.
1.3. Compensation for illegal structures	<i>Compensation at full cost for all structures regardless of legal status of the PAP's land and structure.</i>	PAP who do not have legal land title, land use certificate or other acceptable documentation indicating their land use right, including customary and traditional land use right, only provides the right to claim compensation for their lost assets such as house/structures, trees and/or crops, and not land.	Compensation at full replacement cost will be given for all structures affected, regardless of legal status of the land and structure. Provide moving allowance based on structure types. OP 4.12 Policy Procedures will be applied.

Table 1 (Cont'd.)

Subjects	OP 4.12	Compensation and Resettlement Decree No. 84/GOL (2016)	Project Measures
2. Compensation			
<i>2.1. Methods for determining compensation rates</i>	<i>Compensation for lost land and other assets should be paid at full replacement costs,</i>	<p>Article 2:</p> <ul style="list-style-type: none"> ▪ The compensation shall be in the form of land, material or money for the land, agricultural products, livestock and incomes that are affect by development projects based on compensation value. <p>Article 4</p> <p>6. Compensation value means the value calculated in the form of material, money or land, constructed facilities, agricultural products, livestock and incomes which have been affected by development projects.</p> <p>Article 9</p> <ul style="list-style-type: none"> ▪ Project owners, in collaboration with the committee for compensation and resettlement at the local level, must estimate the value for compensation for land, constructed facilities, crop products, livestock and potential incomes and organize consultations with affected people by selecting the right and appropriate options based on prices applied by the state, market prices or average prices applicable for period of compensation and based on the types of properties and locations. ▪ The prices applied by the state (middle prices) are the prices specified in a separate regulation which are identified and regulated by the Ministry of Natural Resources and Environment from time to time. 	<p>Independent appraiser conducts replacement cost study for all types of assets affected in order to establish compensation, which are appraised by IRC/GDR to ensure full replacement costs.</p> <p>OP 4.12 Policy Procedures will be applied</p>
<i>2.2. Compensation for loss of income sources or means of livelihood</i>	<i>Loss of income sources should be compensated (whether or not the affected persons must move to another location)</i>	<p>Article 9</p> <ul style="list-style-type: none"> ▪ Provision of agriculture land in appropriate ways including the creation of new livelihood options and stable income generation activities and promotion of local crafts/industry in addition to agricultural production activities for the affected people. 	<p>OP 4.12 Policy Procedures will be applied – loss of income will be restored to pre-displacement rates regardless of the legal status of the affected person</p>

Table 1 (Cont'd.)

Subjects	OP 4.12	Compensation and Resettlement Decree No. 84/GOL (2016)	Project Measures
2.4. Livelihood restoration and assistance	<i>Provision of livelihood restoration and assistance to achieve the policy objectives.</i>	<p>Article 13:</p> <ul style="list-style-type: none"> ▪ In parallel with the establishment of resettlement plan as prescribed in article 10 of this decree, the project owner must coordinate with the compensation and settlement committee at the local level to collect information on livelihood and income generation matters of the affected people in details to establish the livelihood rehabilitation plan to contribute to the management and monitoring social and environmental impacts within the project development framework. 	Because the impacts are expected to be minor, income restoration will be addressed on a case by case basis, with additional payments being made to restore incomes and livelihoods to pre-displacement rates.
2.5. Consultation and disclosure	<i>Participation in planning and implementation, specially confirming the eligibility criteria for compensation and assistance, and access to Grievances Redress Mechanisms</i>	<p>Article 5:</p> <p>The compensation and resettlement shall be carried out in compliance with the following principles:</p> <ol style="list-style-type: none"> 1. Protection of the rights and legitimate benefits of affected people; 2. Ensure equality, correctness, transparency, disclosure and fairness; 3. Ensure coordination, consultation and participation between the project owner, affected people, state agencies and other relevant stakeholders. 	<p>Extensive consultation and participation will be conducted at every stage of RAP planning and implementation.</p> <p>OP 4.12 Policy Procedures will be applied.</p>
3. Grievance Redress Mechanism			
<i>Procedures for recording and processing grievances</i>	<i>Grievance redress mechanism should be under Government Officials Responsibilities for handling grievances with clear procedures for recording and processing grievances</i>	<p>Article 23:</p> <p>In case the affected view that the project owner does not comply with the plan for compensation, resettlement and rehabilitation of people's livelihood in accordance with this decree or other related plans that affect their interests, they are entitled to request to related authorities to solve the request(s) according to the procedures stipulated in paragraph 1, article 24 of this decree.</p>	Grievances from PAP and PAHs in connection with the implementation of the RP will be handled through negotiation with the aim of achieving consensus. Complaints will go through three stages before they may be elevated to a court of law as a last resort.
4. Monitoring & Evaluation			
	<i>Internal and external independent monitoring are required</i>	<p>Article 27:</p> <ul style="list-style-type: none"> ▪ The project owner must set up a management unit of compensation and resettlement to take charge of monitoring and examination by himself other than other parties. The unit is obliged to make reports to the state audit-inspection organizations concerning the monitoring and examination of the implementation of the plan for compensation, allocation and relocation, and rehabilitation of people's livelihood of the development project as stipulated in the overall plan, at each period. 	In close coordination with GDR-IRC will conduct internal monitoring on resettlement implementation. The monitoring will include progress reports, status of the RP implementation, information on location and numbers of people affected, compensation amounts paid by item, and assistance provided to PAHs. The report of monitoring results will be prepared by MRD and submitted to IRC and WB on a quarterly basis.

Certain principles must be supported to address the gaps between the existing Lao PDR legal provisions and the World Bank's OP 4.12. The CRPF is based on a philosophy that the project must serve the needs of society and ensure the livelihoods/living standard/income of the PAP and PAH are at least restored to the pre-project level. This can be ensured through the following objectives:

- Avoid involuntary resettlement where feasible and minimize resettlement where population displacement is unavoidable;
- Ensure that displaced people receive compensation, assistance and livelihood restoration support so that the livelihoods/living standard/income of the affected households could be restored to the pre-project level.
- PAP and PAH will benefit from the sub-projects;
- Project stakeholders (including PAP and PAH) are consulted and given the opportunity to participate (as practical) in the design, implementation and operation of the sub-projects; and
- Appropriate assistance and compensation (cash or in-kind) is provided to adversely impacted PAP and PAH, and different populations who may have usage or customary right to the land or other resources taken for sub-projects.

7.0 ASSET VALUATION

The GoL agreed to a methodology for valuing affected assets as per the World Bank-financed Lao Road Sector Project 2 (LRSP-2). Accordingly, the following narrative draws heavily from the LRSP-2's best practice CRPF example and is complemented by the field visits undertaken as part of this assignment, stakeholder and community consultations, and professional judgment.

The CRPF also includes guidance on voluntary donation of land or other assets (including restrictions on asset use) caused by project and sub-project implementation either through contribution or with compensation by communities, which are described in Section 14.0 and Appendix A2 of this document. The MPI will establish principles and procedures to ensure equitable treatment for, and restoration of, any person adversely affected by project implementation.

Two forms of acquisition of land will be considered under the ACP including:

- *Land acquisition through Voluntary Contributions:*

There are possibly cases where local communities, PAP and PAH choose to donate their affected land without compensation because they recognize the project benefits. In this case, land donation should only be acceptable if:

- a) Donated land is less than 10 % of an individual's landholding,
 - b) Donating households should not be from vulnerable group – as defined by this CRPF.
 - c) Subproject requires no physical relocation,
 - d) Verification (for example, notarized) of the voluntary nature of land donations is obtained from each person donating land,
 - e) All donating households are informed of the project's compensation policies (from the project's CRPF) to make their informed choice in donating their land.
- - *Land acquisition through Voluntary Contributions with Compensation*: persons who contribute land or other assets have the right to seek and receive compensation². In such cases, project authorities will ensure that compensation terms are agreed to before sub-projects are undertaken. These terms will include:
 - Replacement of land with an equally productive plot or other equivalent productive assets;
 - Materials and assistance to replace fully solid structures that will be demolished;
 - Replacement of damaged crops and commercial-value trees, at market value; and
 - Other acceptable in-kind compensation.

In cases where land will be purchased, replacement cost will be paid. **Replacement cost** – is the method of valuation of assets which determines the amount of compensation sufficient to replace lost assets, including any necessary transaction costs. Compensation at replacement cost is defined as follows: For agricultural land, it is the pre-sub-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in vicinity of the

² Lao PDR ACP Project funds may be used to compensate for land acquired under the project as well as pay expenses such as income restoration and moving allowances for both formal and informal occupants at the impacted sites.

affected land, plus the cost of any registration and transfer taxes. For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures so as to meet the replacement cost standard

Replacement costs will be calculated on the basis of a replacement cost study (RCS). The main objective of the RCS is to determine the rate of land prices based on actual transaction records of the affected areas, of affected main and secondary³ structures and other immovable assets. This study would be conducted by an independent appraiser. The methods to be applied include a sales comparison approach (using official land transaction records combined with a survey of price expectations from local land owners/users), a quantity and market price survey of all land affixed assets (structures, crops, trees etc.). Based on the results of RCS, the PAH will receive compensation at replacement cost from the GoL for their loss of land and property due to the sub-project. The RCS will be implemented during the SIA.

Where necessary, the GoL will also provide special assistance in the form of suitable land, rental allowances, livelihood restoration payments, disruption allowances, as well as special payments to vulnerable populations affected by the project (ethnic peoples, women and female/male youth and children, the elderly and disabled, landless, and poor, etc.). The main principle is that PAP and PAH are not made worse off by implementation of the proposed sub-projects.

8.0 ORGANIZATIONAL PROCEDURES FOR ENTITLEMENTS

As the DOPF, the MAF has the lead responsibility of implementation of the sub-projects and the CRPF. The MAF DOPF in association with the PAFO will develop and implement the abbreviated RAP/RAP required for sub-projects identified during project implementation. A-RAP/RAP will be prepared in accordance with the CRPF.

³ This includes fences, wells, toilets, kitchens, etc.

In addition to MAF DOPF, a number of other government departments will play instrumental roles in the design, construction and operation of the project. Pursuant to the active legislation, MONRE is responsible for environmental issues. MPI is responsible for legal matters regarding land ownership and land acquisition. Table 2 shows the general entitlements for compensation and livelihoods restoration assistance for the project. Depending on specific situation, ARAP/RAP may provide more specific details or additional allowances.

As the DOPF, MAF DOPF is responsible for supervising and providing implementation support for safeguards, including the ESMP, ARAP/RAP and EGDP. Compensation will be reviewed and managed or monitored by the PAFO and DAFO, which will be established in accordance to the Decree 84, 2016 on compensation and resettlement. Village Resettlement Sub-committees (VRS) will also be established as needed in villages where land acquisition and resettlement will occur. The VRS will facilitate compensation and consultation with the project affected people and their households and manage the grievance redress mechanism at the village level. The VRS will be established within villages where land acquisition and resettlement take place.

It is incumbent upon the DOPF to assist in the formation of the resettlement committees and provide training and capacity development in relation to the compensation entitlements and ARAP/RAP. The DOPF will have a supervisory role and will ensure that provisions contained in the ARAP/RAP are implemented, monitored, evaluated, and reported.

The MAF DOPF will be responsible for the organizational arrangements associated with implementing and delivery of entitlements relevant to mitigating adverse impacts and compensation. The process for implementing the mitigation measures should include:

- Determine if land acquisition and loss of other assets will occur or voluntary land donation or relocation is required (a census and detailed socio-economic surveys need to be conducted on PAP within the RoI after confirmation of sub-projects' footprint);
- Develop a detailed list of all PAP and PAH in the RoI;
- Determine what each PAP and PAH would lose in terms of livelihoods and assets (land, crops, trees);
- Determine what the timeframe is for compensation, if any;
- Development of a ARAP/RAP and submission to the World Bank for "no objection" to proceed;
- Provide compensation in-kind or cash, if applicable; and

- Determine what the preferred compensation is, ensuring a participatory process.

Table 2 - Entitlement matrix.

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
<i>A. Loss of Land</i>			
Residential Land	Legal owner or occupant identified during census and tagging.	<ul style="list-style-type: none"> ▪ <u>With</u> remaining land sufficient to rebuild houses/structures: (i) Cash compensation at replacement cost which is equivalent to the current market value of land of similar type and category, and free from transaction costs (taxes, administration fees) and (ii) District government to improve remaining residential land at no cost to PAP/PAH (e.g., filling and leveling) so PAP/PAH can move back onto a plot. ▪ <u>Without</u> remaining land sufficient to rebuild houses/structures: (i) Replacement land equal in area, same type and category, without charge for taxes, registration and land transfer, with land title (assuming Land Titles are available in the area); if not, land survey certificate, OR (ii) cash compensation at replacement cost which is equivalent to the current market value of land of similar type and category, free from transaction costs (taxes, administration fees) plus assistance to purchase and register land. 	<ul style="list-style-type: none"> ▪ Legal owners are those who have land use certificates or land titles from the Land Titling Project. ▪ Voluntary donation of minor strips of residential land will only be allowed by the project provided that the following criteria are strictly complied with: (i) the land lost is less than 10% of the PAP's total residential land area; (ii) if the PAP/PAH's total residential land area is more than 10%, and (ii) there are no houses, structures or fixed assets on the affected portion of land. ▪ Voluntary donation according to these criteria will follow the process in accordance with World Bank's Operational Policy, which is largely in line with as the Government's Decree 84/PM/2016.
<i>B. Loss of Structures</i>			
Totally Affected Houses/Shops, and Secondary Structures (kitchen, rice bins) Partially Affected Houses/Shops but no longer viable (Will require relocation)	Owners of affected houses whether or not land is owned (regardless of legal status).	<ul style="list-style-type: none"> ▪ Cash compensation at replacement cost for the entire structure equivalent to current market prices of (i) materials, with no deduction for depreciation of the structure or salvageable materials; (ii) materials transport; and (iii) labor cost to cover cost for dismantling, transfer and rebuild; and ▪ Timely provision of trucks for hauling personal belongings at no cost to the PAP. 	<ul style="list-style-type: none"> ▪ Adequate time provided for PAP/PAH to rebuild/repair their structures. ▪ Affected houses and shops that are no longer viable are those whose remaining affected portion are no longer usable/habitable.

Table 2 (Cont'd.)

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
<i>B. Loss of Structures (Cont'd.)</i>			
Partially Affected Houses and Shops and secondary structures (Will not require relocation)	Owners of affected houses whether or not land is owned.	<ul style="list-style-type: none"> Cash compensation at replacement cost for the affected portion of structure equivalent to current market prices of (i) materials and labor, with no deduction for depreciation of the structure or for salvageable materials (ii) materials transport, and (iii) cost of repair of the unaffected portion. 	
Electricity Poles	Electricity Companies.	<ul style="list-style-type: none"> Cash compensation for cost to dismantle, transfer and rebuild. 	
<i>C. Loss of Livelihoods Activities Including Crops, Trees and Ponds</i>			
Productive Land (paddy, garden, and Teak Plantation)	Legal owner or occupant identified during census and tagging.	<ul style="list-style-type: none"> For marginal loss of 10% (or less) of land, cash compensation at replacement cost which is equivalent to the current market value of land within the village, of similar type, category and productive capacity, free from transaction costs (taxes, administration fees), or Replacement land of similar type, category and productive capacity of land within or nearby the village, with land title. If the impacts on the total productive land is 10% or more, as a priority, replacement land of similar type, category and productive capacity of land within or nearby the village, with land title (assuming Land Titles are issued in the area). If not, land use certificate to be issued. Alternatively, at the request of PAP or PAH, cash compensation at replacement cost plus assistance to purchase and register land. 	<ul style="list-style-type: none"> Legal owners are those who received land utilization certificates or land titles from the Land Titling Project. Voluntary donation will not be applied for any assets except for very minor losses of land holding as defined under this CRPF.

Table 2 (Cont'd.)

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
<i>C. Loss of Livelihoods Activities Including Crops, Trees and Ponds (Cont'd.)</i>			
Fishpond (Remaining area is still viable or can still meet expected personal or commercial yield)	Owner of affected fishpond.	<ul style="list-style-type: none"> <li data-bbox="696 323 1451 448">▪ Cash compensation of affected portion at replacement cost which is equivalent to the current market value of fishpond, labor and rent of equipment to excavate fishpond, free from transaction costs (taxes, administration fees). <li data-bbox="696 472 1451 596">▪ If the currently held fish stocks will not be harvested before the project takes possession of the fishpond, then cash compensation for the projected mature value of fish stock held at the time of compensation. <li data-bbox="696 620 1451 735">▪ District government to restore/repair remaining fishpond. If support cannot be provided by the contractor, the PAP will be entitled to cash assistance to cover for payment of labor and rent of equipment to restore/repair fishpond. 	<ul style="list-style-type: none"> <li data-bbox="1487 323 2119 352">▪ Adequate time provided for PAP to harvest fish stocks. <li data-bbox="1487 472 2119 528">▪ Voluntary donation of fishpond land will not be allowed by the project.
Crops and Trees	Owner of crops and trees whether or not land is owned.	<ul style="list-style-type: none"> <li data-bbox="696 762 1451 919">▪ If standing annual crops are ripening and cannot be harvested, cash compensation at replacement cost equivalent to the highest production of crop over the last three years multiplied by the current market value of crops. <li data-bbox="696 943 1451 1031">▪ For perennial crops and trees, cash compensation at replacement cost equivalent to current market value based on type, age, and productive capacity. <li data-bbox="696 1054 1451 1145">▪ For timber trees, cash compensation at replacement cost equivalent to current market value based on type, age and DOPF meter at breast height (DBH) of trees. 	

Table 2 (Cont'd.)

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
<i>C. Loss of Livelihoods Activities Including Crops, Trees and Ponds (Cont'd.)</i>			
Loss of business income during relocation or during dismantling/repair of affected portion (without relocation)	Owners of shops.	<ul style="list-style-type: none"> ▪ For businesses (shops) cash compensation equivalent to the average daily revenue for the business over the previous 12 months. 	<ul style="list-style-type: none"> ▪ It is estimated that it will take one day to move the shops if made of traditional materials (bamboo)/movable (can be carried without totally dismantling the structure) and approximately four weeks – maximum - to re-establish business in another location. It will take about two days to remove and repair affected portion of shop made of permanent materials (such as good wood and concrete). Because these structures will not be relocated, business can commence as soon as repairs are completed. ▪ The rate will be verified through interviews with informal shop owners to get an estimate of daily net profit.
Severe impacts on vulnerable PAP (Relocating PAP and those losing 10% or more of their productive assets)	Vulnerable PAP/PAH such as the poorest, or households headed by women, the elderly, or disabled, and ethnic group.	<ul style="list-style-type: none"> ▪ An additional allowance of 1-month supply of rice per person in the household. ▪ Eligible to participate in income restoration program. ▪ The contractors will be required make all reasonable efforts to recruit severely affected and vulnerable PAP as laborers for road construction and road maintenance works. 	<ul style="list-style-type: none"> ▪ The poorest will be those below the national poverty line as defined in the poverty partnership agreement with World Bank.
Transition subsistence allowance	Relocating households – relocating on residual land or to other sites. Severely affected PAP losing 10% or more of their productive land.	<ul style="list-style-type: none"> ▪ Relocating PAP/PAH without any impact on business or source of incomes will be provided with cash or in-kind assistance equivalent to 16 kg of rice at current market value for 3 months per household member. ▪ Relocating PAP/PAH with main source of income affected (i.e., from businesses) or PAP losing more than 10% of their productive land will be provided with cash or in-kind assistance equivalent to 16 kg of rice at current market value for 6 months per household member. 	

Table 2 (Cont'd.)

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
<i>D. Loss of Common Property Resources</i>			
Permanent loss of physical cultural resources/public structures/village or collective ownerships	Villagers or village households.	<ul style="list-style-type: none"> ▪ Compensation at replacement cost for present/existing structures based on its present value. 	
Graves located in the affected areas	Owners of graves.	<ul style="list-style-type: none"> ▪ Compensation for the removal, excavation, relocation, reburial and other related costs will be paid in cash to each affected family. 	
<i>E. Temporary Impacts Due to Sub-Project Construction or Maintenance</i>			
Temporary Use of Land	Legal owner or occupant.	<ul style="list-style-type: none"> ▪ For agricultural and residential land to be used by the civil works contractor as by-pass routes or for contractor's working space, (i) rent to be agreed between the affected households and the civil works contractor but should not be less than the unrealized income and revenue that could be generated by the property during the period of temporary use of the land; (ii) cash compensation at replacement cost for affected fixed assets (e.g., structures, trees, crops); and (iii) 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 affected households and the civil works contractor. 	<ul style="list-style-type: none"> ▪ 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 affected households is adequately informed of his/her rights and entitlements as per the Project resettlement policy; and (iii) agreement reached between the affected households and the civil works contractor are carried out.
Transportation allowance	Relocating households – to other sites.	<ul style="list-style-type: none"> ▪ Provision of dump trucks to haul all old and new building materials and personal possessions. 	<ul style="list-style-type: none"> ▪ PAP/PAH may also opt for cash assistance. The amount (cost of labor and distance from relocation site) to be determined during implementation.
Temporary loss of crop production due to loss of access to water during construction works	Agricultural Producers affected by the works on irrigation sites	<ul style="list-style-type: none"> ▪ Compensation sufficient to restore incomes based on market rates for quantity of crops lost during construction works. 	<ul style="list-style-type: none"> ▪ Timing construction works to correspond with period where production is not taking place ▪ Payment should be made before works are initiated, and additional payments should be made if delays are anticipated.

MAF DOPF as the DOPF would be responsible for public consultation and public disclosure of information to national and subnational government, stakeholders and civil society organizations (Non-Profit Associations, Community Based Organizations (CBO), communities, and PAP and PAH. Consultations and community participation would be conducted throughout the sub-projects' planning process, design and implementation stages. Planning and acquisition of land and other assets from PAP and PAH will follow a free, prior and informed consultation process and be well documented. PAP and PAH will receive prior information regarding the form of compensation (if applicable), relocation and other assistance available to them, including:

- Relevant details about the sub-project;
- ARAP/RAP and various degrees of sub-project impact;
- Details of entitlements under the ARAP/RAP and PAP and PAH requirements for accessing entitlements;
- Compensation process and rates;
- Relocation and resettlement site development consultations to obtain agreement through free, prior and informed consultation and support of PAP and PAH from participation in the consultations;
- Implementation schedule with timetable for delivery of entitlements; and
- Information concerning grievance redress mechanisms and how to utilize them.

9.0 LINKING RESETTLEMENT TO CIVIL WORKS

At this stage, it is envisaged that the project will not cause any physical relocation as a result of nature of proposed irrigation rehabilitation sub-projects.

Acquisition of land would be identified during project implementation when feasibility studies of proposed subprojects become available, which allow assessment of the scope land acquisition and its potential impact on local people. At this stage, it is anticipated there would be no physical resettlement while land acquisition (both permanent and temporary) would be minor and local.

Cut-off dates for Eligibility

A census and household survey will be conducted as soon as the list of sub-projects have been confirmed. Care will be taken to set cut-off dates immediately after the determination of the final sub-projects are confirmed.

The household survey will be used to develop an inventory of loss so as to assess the potential impact. A binding legal instrument will be used to record all loss of assets which will be signed by PAP and PAH, their neighbors, and representatives of local government. Compensation paid to each affected entity will be based on the legal instrument and a detailed methodology to calculate compensation which is articulated in the ARAP/RAP.

Relocation / Taking Possession of Site / Commencement of Civil Works

Once a binding legal agreement is signed, compensation and other assistance (replacement land, transportation allowance, etc.) must be provided in a prompt manner (within one month), and in accordance with the principles set forth in RAP. The DOPF cannot take full possession of the land until the required compensation and assistance is provided and the PAP and PAH have vacated the land in accordance with the legal agreement signed. Also, civil works cannot commence on the land until the land is vacated and the DOPF has taken full possession.

10.0 GRIEVANCE REDRESS MECHANISM

A grievance redress mechanism will be established at the village level, as well as the district and provincial level using the existing country structures starting from the village mediation unit or committee (VMU/C) established in all villages, District Office of Justice (DOJ) and DAFO at district level and the Provincial Assembly and PAFO at the provincial level. These grievance redress institutions (GRIs) will be used and strengthened to deal with resettlement related grievances as they arise. The institutions will receive, evaluate and facilitate the resolution of PAP and PAH concerns, complaints and grievances in accordance with the Law on Handling of Petitions (2015). VMU/C would be comprised of representatives of PAP and PAH, community leaders, and independent civil society organizations (Non-Profit Association and CBO) in addition to representatives from village and district levels. If the grievance relates to a dispute over the valuation of an asset to be acquired, then the DOPF will acquire of an additional independent assessor and MONRE or PONRE to inform the decision of the relevant grievance redress committee. The grievance redress institutions will function, for the benefit of PAP and PAH, during the entire life of the sub-projects, including the defects liability period.

Consultation with PAP and PAH will take place early in the process of the project planning. Prior to sub-project commencement, village leaders will conduct a survey of directly affected people's land and assets. Village leaders will conduct free, prior and informed consultation with affected groups, including businesses and PAP and PAH to discuss options in the case of land acquisition and land donation. The whole process will be well documented.

All complaints and grievances will be received in writing, or if given verbally then written at the same time and place, from PAP and PAH and duly recorded by each level of the grievance committee. PAP and PAH will be exempted from all administrative and legal fees incurred pursuant to the grievance redress procedures. Grievances related to any aspect of the proposed sub-projects will be dealt with through negotiations with the ultimate aim of reaching a consensus. Grievance redress procedures aim to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns linked to the sub-projects. These grievance redress procedures are not meant to circumvent the government's inbuilt redress process, nor provisions of the national laws, but rather to address PAP and PAH concerns and complaints promptly, making it readily accessible to all segments of PAP and PAH and different populations and scaled to the risks and impacts of the sub-projects.

The ARAP or RAP will establish the means for PAP and PAH and displaced businesses to bring complaints to the attention of relevant project authorities. Grievance procedures should include reasonable performance standards, including time required to respond to complaints and should be provided without charge to those displaced persons. The ARAP/RAP should also state other avenues available to aggrieved persons if the project-related procedures fail to resolve complaints. Article 23 and 24 of the C&R Decree (No. 84/GOL, 2016) requires the project to establish an effective mechanism for grievance resolution.

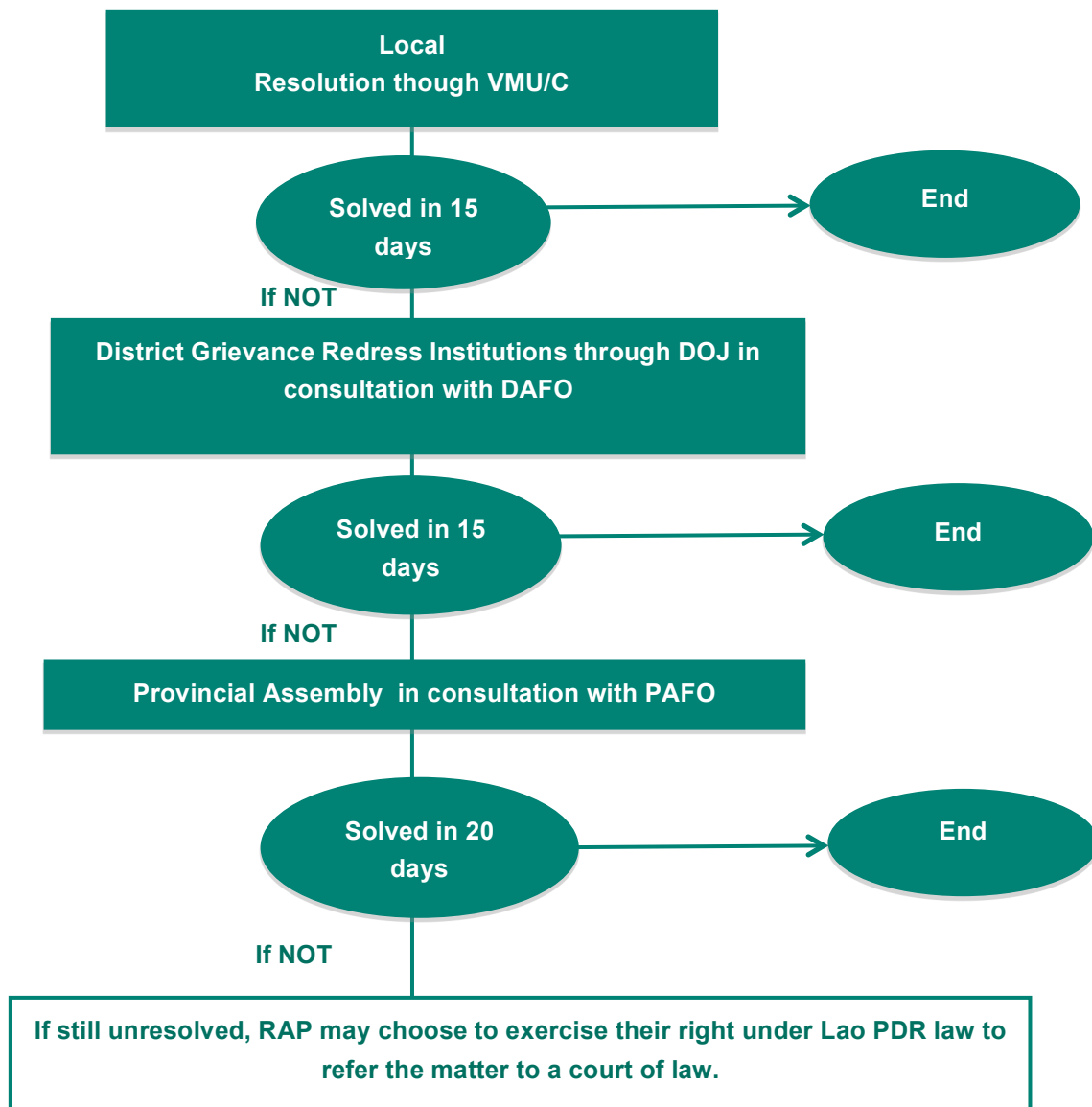
The ESMF contains details on the grievance redress mechanism for the ACP. Grievances related to environmental and social issues from directly or indirectly affected ethnic groups as a result of implementation of sub-projects will be resolved by the GRIs through the project grievance redress mechanism presented in Figure 1.

In order to effectively and quickly resolve grievances PAP and PAH may have, the following process will be applied:

- Stage 1: if PAP and PAH are not satisfied with the resettlement plan or its implementation, PAP and PAH can issue a verbal or written complaint to the Village Mediation Unit or Committee (VMU/C). If it is a verbal complaint, the village should deal with this complaint and document it in a written record. The VMU/C should resolve the complaint or grievance within two weeks or calendar 15 days;

- Stage 2: if PAP and PAH are not satisfied with the result in Step 1, PAP and PAH can file an appeal with the District Office of Justice (DOJ) via DAFOs after PAP and PAH receives the decision made in Step 1. The DOJ should make a decision within two weeks or 15 calendar days;
- Stage 3: if PAP and PAH are not satisfied with the result of Step 2, PAP and PAH can file an appeal with the Provincial Assembly (PA) via PAFO for administrative arbitration after receiving the decision made by the DOJ. The administrative arbitration organization should make the arbitrated decision within 20 calendar days ;
and
- Stage 4: if PAP and PAH are still unsatisfied with the arbitrated decision made by the administrative arbitration organization, after receiving the arbitrated decision, PAP and PAH can file a lawsuit in a civil court according to the relevant laws and regulations in Lao PDR.

Figure 1 GRM process.



PAP and PAH can make a complaint or appeal on any aspects of the sub-projects’ design and implementation, including issues related to compensation and resettlement. A complaint and grievance feedback form will be developed under the project and made available at VMU/C at project villages. PAP and PAH will be clearly informed of the complaint and appeal channels described above through village meetings and other forms of communication. Information and Communications Technology (ICT) tools should be used to communicate issues and information. Opinions and suggestions on resettlement provided by concerned people and organizations should be documented and resettlement organizations, at various levels, should study and address any issue in a timely manner.

The organizations addressing the PAP and PAH complaint and appeal process shall not charge fees. Any expenses incurred due to submission of complaints and/or appeals should be classified as unexpected expenses, and paid for by the relevant DOPF.

11.0 ARRANGEMENTS FOR FUNDING RESETTLEMENT

The RAP will include detailed description of the costs for compensation, support, and other livelihoods restoration entitlements as part of the process to compensate affected PAP and PAH. Arrangements will be made for PAP and PAH property and assets to be classified on the basis of agricultural land, residential land, business land, houses, business assets and other holdings. Detailed budgetary estimates will make adequate provision for contingencies and the ARAP/RAP will explicitly establish sources for all funds required. The ARAP/RAP will ensure that fund flows are compatible with the timetable for payment of compensation and provision of all other assistance. The costs of resettlement (compensation for land, structures, livelihood restoration, etc.) will be financed from the operating budget of the DOPF. Exact costs for resettlement are unknown at this stage of the project but will be determined by the resettlement cost study methodology outlined in the CRPF, in accordance with the Decree No. 84 on Compensation and Resettlement Management in Development Projects (2016) and the 2005 Technical Guidelines on Compensation and Resettlement in Development Projects and complemented by the WB OP 4.12 Involuntary Resettlement.

12.0 INFORMATION DISCLOSURE, PUBLIC CONSULTATIONS, AND PARTICIPATION

12.1 OBJECTIVE OF INFORMATION DISCLOSURE, PUBLIC CONSULTATION AND PARTICIPATION

Information disclosure: The World Bank requires that sufficient information about project's potential risks and impacts be made available to the affected project people - in a form and language that is understandable to project affected people and project's stakeholders, and in an accessible place and in a timely manner. This is to enable affected peoples to provide meaningful feedback for project design and mitigation measures.

Consultation and participation: The World Bank requires that Project Owner has to engage with project affected people through information disclosure, consultation, and informed participation. Depending on the nature of the project, the consultation and participation of project stakeholders should be done in a way that is proportionate to the risks to and impacts of the project on the affected peoples. In case where ethnic minority peoples are present in the project area, Free, Prior and Informed Consultation (FPIC) need to be conducted with the affected ethnic minority peoples - in a way that is culturally appropriate to them.

As discussed above, PAP and PAH will participate throughout the development and implementation process of land acquisition and the land donation process. PAP and PAH will be consulted by the relevant village councils or VRS, district and provincial authorities. The

PAP and PAH will be invited to participate in public meetings in the early stages of the process and will be provided with reliable information on the proposed sub-projects, its impacts and proposed mitigation measures and livelihoods restoration activities. Information publicly disclosed will also include cut-off dates for each sub-project, eligibility criteria and entitlements, modalities of compensation, complaints, grievance redress procedures, monitoring and evaluation plan, and RAP implementation plan.

The PAP and PAH, including those who are not affected will be provided with opportunities to present their ideas and suggestions as inputs into the planning and implementation of the sub-projects. This will be accomplished through a series of participatory exercises and focus group discussion (FGD) with PAP and PAH, to ensure affected parties have a stake in the process.

The PAP and PAH will also benefit from a dedicated consultation process during the preparation of the relevant ARAP/RAP. This will include consultation meetings at the beginning of the ARAP/RAP preparation process to discuss the potential impacts and possible mitigation measures, and prior to the finalization of the ARAP/RAP to ensure the PAP and PAH are in agreement with the mitigation measures proposed. Throughout, ARAP/RAP implementation, monthly meetings will be held with PAP and PAH to garner their feedback on how the process can be improved. There will also be face to face meetings with individual PAPs throughout the process, as well as a meeting to finalize and sign the compensation agreement.

As previously mentioned, PAP and PAH will be involved in various committees, including the grievance redress committee (to be established), which will ensure their participation in the decision-making process throughout various stages of the ARAP/RAP process, including preparation and implementation. Following sub-project completion, a survey could be undertaken by the MAF DOPF amongst PAP and PAH to assess their level of satisfaction with the process and results of the ARAP/RAP.

12.2 MECHANISM FOR INFORMATION DISCLOSURE, PUBLIC CONSULTATION AND PARTICIPATION

During project preparation: consultation was conducted with local people on the basis of the preliminary project information that was disclosed to local people. The following information was disclosed to the project affected household and project stakeholders:

- Project description and objectives
- Brief information on project donor (World Bank)
- Process and methods of consultations
- Outline of potential social impacts

- Key principles for compensation, support, resettlement (WB's OP 4.12 on Involuntary Resettlement).
- Mitigation measures

During project implementation: As the project starts its implementation, more information related to the list of subprojects and feasibility studies will become available. The project will identify subprojects that involve land acquisition and will subproject-RAP(s) accordingly.

12.3 CONSULTATION APPROACH ADOPTED FOR PREPARING THIS CRPF

This Compensation and Resettlement Policy Framework (CRPF) has been developed on the basis of consultations with the households which are likely to be affected by the project – through qualitative research (public meeting, focus group discussions

The following consultation sessions have been conducted to support the RPF preparation.

No.	Project Province	Time	Venue	Participants
1	Bolikhambay Province	6 Sep 2017, 8:00 am	Community Center of Houana village, Bolikhan District	<ul style="list-style-type: none"> ▪ Village: 23 persons, including representatives from Lao Lung, Hmong, Khmou. ▪ Representatives Village, including ▪ Representatives of District and Provincial Agriculture and Forestry Office
2	Xayabouly Province,	8:00 am, 8 Sep 2017	Thad Village, Xienghone District	<ul style="list-style-type: none"> ▪ Approximately 170+ people attending the consultation meeting, including 9 people from Hmong ethnic group; 11 from Khmou ethnic group; 1 from Lue ethnic group, and all remaining 100+ are from Nhouan ethnic group.
3	Xayabouly Province,	10:00 am, 8 Sep 2017	Dontan Village, Xienghone District	<ul style="list-style-type: none"> ▪ Approximately 126 people attending the consultation meeting. There are 6 ethnic minority groups in this village attending the consultation: Lao (3), Lue (100); Hmong (5); Khmou (11); Pray (2); Nhouan (6)

No.	Project Province	Time	Venue	Participants
4	Bolikhamxay Province,	13 Sep 2017	Sysomxay Village, Thaphabath District	<ul style="list-style-type: none"> ▪ 25 peoples attending the consultation (7 are women). There are 3 ethnic groups participating, including 7 from Katang ethnic people, 12 from Tai ethnic group and 6 Lao ethnic group).

This CRPF was disclosed in English on Bank’s website on X date and locally in Lao language at project site – prior to commencing project appraisal.

13.0 MONITORING AND EVALUATION

Monitoring and Evaluation of RAP implementation is a key aspect of the project implementation. To ensure activities and commitments described in the approved RAP is implemented fully and timely, monitoring and evaluation of the RAP implementation should be maintained by the DOPF.

While monitoring of the RAP implementation aims to collect, on a regular basis, information reflecting the RAP implementation results, evaluation of RAP implementation aims to analyze the information collected throughout monitoring process, to evaluate - at outcome level, to extent to which the RAP is executed in accordance with the agreed schedule and methods, and that the RAP implementation meets the objective of the World Bank’s Operational Policy 4.12 on Involuntary Resettlement. In case where gaps (between resettlement action plan and actual implementation) are identified during the implementation process, corrective measures will be proposed for timely action by DOPF.

13.1 Internal Monitoring

As the DOPF, MAF DOPF will appoint an adequate full-time staff to undertake the internal monitoring of RAP implementation. These staff will monitor the process of land acquisition or land donation in collaboration with local village or district authorities. Specifically, this staff will conduct internal monitoring with following key assignments:

- Coordinate with related agencies in process of RAP implementation;
- Collect necessary data – as required by the CRPF, to set up a database of resettlement for RAP implementation progress reports for internal monitoring purpose;
- Identify any pending issues/non-compliance issues during RAP implementation;

- Work closely with the External Monitoring Consultant to oversee the implementation of RAP;
- Receive and report complaint of affected people to competent authorities for resolving

Depending on the nature and complexity of the RAP, and RAP implementation stages, the internal monitoring can be maintained weekly, monthly, and quarterly. A quarterly report should be prepared, as a minimum, to ensure PAFO is aware of the a) RAP implementation progress, b) any issues that may arise so as to take timely and appropriate action.

Contents of the internal monitoring reports that will be issued on a monthly basis include:

- Payment and use of the funds for land acquisition compensation and restoration;
- Support to the vulnerable groups;
- Land readjustment and reallocation;
- Quality and quantity of newly reclaimed land;
- Schedule of the above activities;
- Implementation policies and rules in the resettlement plan;
- Participation and consultation of the affected people during the ARAP/RAP implementation; and
- Staffing, training, work schedule and resettlement operation at various levels.

Quarterly monitoring visits will be undertaken as per specific activities in order to:

- Improve environmental and social management practices;
- Ensure the efficiency and quality of the environmental and Consultation processes;
- Establish evidence- and performance-based environmental and social assessment for the project; and
- Provide an opportunity to report the results of safeguards instrument impacts and proposed mitigation measures' implementation.

With regard to the sub-project implementation, the MAF DOPF will conduct monitoring activities during the feasibility studies and ESMP to determine the extent to which mitigation measures are successfully implemented. Monitoring will focus on three key areas: (i) compliance monitoring; (ii) impact monitoring; and (iii) cumulative impact monitoring.

Monitoring done by staff of DOPF, MAF DOPF should be coordinated with external monitoring consultant when the external monitoring consultant is engaged and start their service.

13.2 External Monitoring

In conjunction with internal monitoring by MAF DOPF staff, it will be important to include procedures for external monitoring and evaluation (M&E). The external M&E function aims to provide regular monitoring and evaluation of land acquisition and land donation for the project to assess whether objectives are achieved. Through formal surveys, interviews with PAP and PAH, FGD and other information collection methods, the external M&E function would look at the whole process of land acquisition or land donation for PAP and PAH. The external monitoring will also provide an early alarm function for the project management department and a complaint and grievance channel for PAP and PAH. External monitoring indicators will include:

- Progress: including the preparation of the ARAP/RAP, and implementation of compensation;
- Quality: including to what extent PAP and PAH are satisfied with compensation and restoration;
- Compensation Fund: including the payment and use of the funds for land acquisition compensation;
- Affected People: including PAP and PAH socio-economic situation before and after the project and economic restoration of the affected people;
- A qualified external monitoring entity will come from an independent organization, such as a civil society organization (Non-Profit Associations [NPA], CBO), academic research institute or consultancy in Lao PDR. The major responsibilities of the external monitoring organization will include:
 - Develop the ARAP/RAP in conjunction with the internal monitoring team;
 - Observe all the aspects of the ARAP/RAP and its implementation; provide M&E reporting to the World Bank through the PRO; and
 - Provide technical consulting services to the PRO in terms of information investigation and processing.

14.0 VOLUNTARY LAND DONATION (ANNEX) FRAMEWORK

In accordance with community customary practices, villagers may choose to voluntarily contribute land or assets without compensation, under certain conditions. This may be justified if the sub-project provides a direct benefit to the affected people; provisions for voluntary land donations (VLDs) are included in Appendix A2 (Land Donation Process) and a draft form in Appendix A3. However, most of the infrastructure projects that will be financed by the Project (e.g. irrigation channel, water heads, etc.) would not meet the principles for VLD as these are site-specific infrastructure.

1. **Scope of voluntary land donation.** VLD is applied for beneficiary communities with no involuntary land acquisition and based on community-driven demand. VLD will be accepted when small areas of private land and assets where the affected users of the assets and land have agreed to donate their land and other assets as a voluntary contribution to the sub-project based on their informed choice. Individual or family will not lose more than **10%** of their land, Additionally, the land portion to be voluntarily donated shall be free of houses, structures or other fixed assets. The land to be donated should also be free of squatters, encroachers or any other claims from other potential owners. For this type of sub-project, the DOPF should prepare a report showing that the land users have been fully informed about the sub-project, and about their right to refuse to give their land and other assets without compensation. This report will be called the “**Voluntary Land Donation Report**”.
2. **Voluntary contribution is an act of informed consent.** Sub-project staff will assure that voluntary contributions are made with the prior knowledge that other options are available including compensation at replacement values, and are obtained without coercion or duress. PAPs have the right to refuse to donate assets and receive their entitlement and compensation for their land and assets lost. They will be fully informed of their rights and access to grievance mechanisms described in this CRPF. The DOPF social safeguards specialist must verify the voluntary nature of the donation well in advance of civil works.
3. **Due Diligence.** The voluntary land donation due diligence will be documented in the sub-project investment’s feasibility assessment report and will incorporate at a minimum the following:

- a) Verification and documentation that land required for the project is given voluntarily and the land to be donated is free from any dispute on ownership or any other encumbrances;
 - b) Verification that no individual household will be impoverished by the land donation (i.e., no more than 10% of total landholding of an individual donating land) will require that community development groups negotiate livelihood restoration measures such as reduction in operation and maintenance fees or sharing of cultivable land of other beneficiary community members;
 - c) Verification that land donation will not displace tenants or bonded labor, if any, from the land;
 - d) Meaningful consultation has been conducted in good faith with all potential land donors. Documented verification that land donors are in agreement with the sub-project and its benefits. Separate discussions to be held with women and community groups as required to facilitate meaningful participation; and
 - e) Assurance that a community mechanism for investment activity implementation is operational and has a fair system of grievance redress, as well as a system for project monitoring and reporting; and
 - f) Verification that the sub-project requiring the land is not site specific (dependant on the unique locational or physical characteristics of the land).
4. **Documentation.** Sub-project staff will prepare the due diligence report for the voluntary land donation in each beneficiary community involved with donation of private land. They will ensure completion of the written consent form for land donation (see sample in Appendix A3). The donation will be verified by two witnesses who are community leaders but not the direct beneficiaries of the investment activity, to ensure that the land was voluntarily donated without any form of coerce or duress. The voluntary land donation due diligence information will be verified during sub-project detailed design and updated as necessary.
5. **Voluntary Land Donation Monitoring.** The voluntary land donation issues will be monitored internally by sub-project staff, and externally by the external monitoring consultant. The World Bank will periodically review the land donation agreement forms and randomly interview the land donors. During review missions, WB will verify that land donation due diligence has been conducted in accordance with the above procedures. The agreement form should be included in the RAP completion report -

as an annex with the original hard copy provided to the PAP or PAH for their reference.

6. **Grievance Redress Mechanism.** Anticipated grievances may relate to coercion for land donation or a donation of more than 10% of private land holding, leading to impoverishment. Any complaint will go to the grievance redress institution (GRI) established for the sub-projects. Procedure for handling the complaint is described in Section 10.0.

15.0 COSTS AND BUDGET

The costs of resettlement will be calculated on the basis of the replacement cost study, and the estimated cost of income restoration, using the information from the socio-economic household assessment. This will be the basis for calculating the budget for resettlement, an itemized version of which will be included in the RAP/ARAP, and which will be financed out of the MAP operating budget.

ANNEXES

ANNEX 1A - Social Screening Form

Proposed Activity:

Brief Description:

.....

Location:

Filled out by:

Organization:

Date:

Attachments:

Prepared with the following Partner Organizations / Community Representatives:

Remarks:

General Instructions:

- This checklist is to be completed to support the verification of the project activity or sub-project that involves land acquisition, compensation, and/or restriction of resources access. It focuses on social issues to ensure that social dimensions are adequately considered during selection of the activities/sub-projects. If applicable please use the "remarks" section to discuss any suggested mitigation measures. The information should be collected in consultation and coordination with local government, communities, NGOs and leaders of affected community.*

QUESTIONS	No	Yes	MITIGATION MEASURES REQUIRED?
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A. PROJECT SITING

ARE THERE ANY OF THE FOLLOWING STRUCTURES OR RESOURCES IN THE SUB-PROJECT CONSTRUCTION AREA?

• Private households	<input type="checkbox"/>	<input type="checkbox"/>	
• Private small businesses/shops	<input type="checkbox"/>	<input type="checkbox"/>	
• Roads, footpaths or other access routes	<input type="checkbox"/>	<input type="checkbox"/>	
• Agricultural land	<input type="checkbox"/>	<input type="checkbox"/>	
• Natural resources shared by community members	<input type="checkbox"/>	<input type="checkbox"/>	
• Cemetery or other area/structures of religious or cultural significance	<input type="checkbox"/>	<input type="checkbox"/>	
• Other:	<input type="checkbox"/>	<input type="checkbox"/>	

ADDITIONAL REMARKS/SUGGESTIONS:

B. POTENTIAL SOCIAL IMPACTS

WILL THE SUB-PROJECT CAUSE:

• Temporary loss of land or resources for any families?	<input type="checkbox"/>	<input type="checkbox"/>	
• Permanent loss of land or resources for any families?	<input type="checkbox"/>	<input type="checkbox"/>	
• Conflicts in water supply rights and related social conflicts?	<input type="checkbox"/>	<input type="checkbox"/>	
• Impediments to movements of people and animals?	<input type="checkbox"/>	<input type="checkbox"/>	
• Dislocation or involuntary resettlement of people?	<input type="checkbox"/>	<input type="checkbox"/>	
• Potential social conflicts arising from land tenure and land use issues?	<input type="checkbox"/>	<input type="checkbox"/>	
• Deterioration of livelihoods or living conditions of women or the poorest families in the sub-project service area?	<input type="checkbox"/>	<input type="checkbox"/>	

QUESTIONS	No	Yes	MITIGATION MEASURES REQUIRED?
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- **Other:**

C. OTHER REMARKS:

4

D. Involuntary Resettlement Category

After reviewing the answers above, the DOPF or PAFO or their consultants agree, subject to confirmation, that the project is a:

[] “The affected people are not physically displaced and less than 10% of their productive assets are lost”, an abbreviated Resettlement Action Plan is required

[] The proposed sub-project may result in more significant impacts, i.e. displacement of people and more than 10% of their productive assets are lost, then a RAP will be prepared.

[] No anticipated displacement, and loss of assets are negligible

**E. POTENTIAL SOCIAL IMPACTS ON
VULNERABLE GROUPS, IF ANY:**

WILL THE SUB-PROJECT:

- Affect poverty group?

⁴ World Bank OP 4.12, Policy on Involuntary Resettlement

QUESTIONS	No	Yes	MITIGATION MEASURES REQUIRED?
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• Affect women headed households?	<input type="checkbox"/>	<input type="checkbox"/>	
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• Affect Ethnic Groups or Indigenous People?	<input type="checkbox"/>	<input type="checkbox"/>	
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• Affect other vulnerable groups?	<input type="checkbox"/>	<input type="checkbox"/>	
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F. OTHER REMARKS:

REQUIRED SAFEGUARD DOCUMENTS:

• Resettlement Action Plan/Abbreviated RAP?	<input type="checkbox"/>	<input type="checkbox"/>	
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• Ethnic Group Engagement Plan (EGDP)?	<input type="checkbox"/>	<input type="checkbox"/>	
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• Land Titles or Documentation?	<input type="checkbox"/>	<input type="checkbox"/>	
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• Community Declarations?	<input type="checkbox"/>	<input type="checkbox"/>	
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• Other?	<input type="checkbox"/>	<input type="checkbox"/>	
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G. OTHER REMARKS:

H. CONCLUSIONS/RECOMMENDATIONS:

I. SIGNING OFF:

QUESTIONS	No	Yes	MITIGATION MEASURES REQUIRED?
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IMPLEMENTING AGENCY:

**PROJECT SAFEGUARD
COORDINATOR:**

NAME:
.....
POSITION:.....
DATE:.....

NAME:
.....
POSITION:.....
DATE:

ANNEX 1B - Abbreviated Resettlement Action Plan (ARAP): Annotated Document Contents and Information Requirements

Introduction

- Project (one paragraph): refer to the CRPF that covers the project and provides the policies and principles for the ARAP;
- Brief description of the sub-project development objectives and intended beneficiaries; and
- Describe the activities that will give rise to impacts that require “resettlement” (i.e., anything that causes loss of land, assets or elements of PAP livelihood – not only physical relocation, but also, loss of trees, temporary relocation of roadside stall (kiosk), and comprised access.

Census of PAP and Inventory of Assets

- Brief description of how the data was gathered (e.g., household survey);
- Table of PAP and PAH, contact details, affected livelihoods, assets, value of affected dwelling/structures/assets; and
- Brief comment about any significant differences, sources of vulnerability of PAP and different populations (ethnic peoples and vulnerable groups – women and female/male youth and children, the elderly and disabled, landless, and poor, etc.), or state that they are representative of the general socioeconomic profile of the country.

Compensation to be Provided

- Forms of compensation to be provided (e.g., cash or in-kind);
- Description of the conditions for voluntary donation (if applicable), including:
 - Free, prior and informed consultation made of the PAP own volition and is un-coerced with the decision-making ability to withhold consent;
 - No severe impacts on living standards; no physical relocation and less than 10 % of PAP livelihood assets affected;
 - Availability of complaints and compensation procedure; and
 - Documentation and independent verification of the donation of land or assets.

Consultation with Affected Persons

- Brief description of the general public disclosure communications to announce the project and invite comment;
- Subsequent consultations with known or self-identified PAP;
 - Alternatives discussed with PAP and the community; and
 - Dissemination of information about the cut-off date for registering as PAP; availability of a complaints/grievance mechanism (details in CRPF Section 10.0).

- Arrangements for formal disclosure of resettlement instrument; availability for public disclosure, review and comment, and posted on MAF and the World Bank websites.

Institutional Responsibilities for Delivery of Compensation

- Responsible agency;
- Method of notification to PAP;
- Timing of settlement (before the incidence of the loss to be compensated);
- Method of verification, disclosure and witnessing of the settlement (i.e., annex form for recording and witnessing handover of entitlement); and
- Process for handling complaints or grievances, appeals.

Implementation Reporting and Monitoring

- Institutional responsibilities for reporting and monitoring of the ARAP;
- Independent participation in monitoring (e.g., CSOs, research institutes, etc.); and
- Summary report on consultation with the wider community (append attendance register to document).

Timetable and Budget

- Time and task matrix; and
- Source and flow of funds:
 - Consultation costs;
 - Personnel costs;
 - Office overhead expenses;
 - Compensation funds; and
 - Monitoring and reporting costs.

Resettlement Action Plan (RAP): Annotated Document Contents and Information Requirements

Introduction

- General description of the project in relation to policies and principles which inform the RAP;
- Describe sub-project development objectives and intended beneficiaries briefly; and
- Describe the activities that will give rise to impacts that require “resettlement” and comprised access.

Scope

- Level of detail varies with the magnitude and complexity of the resettlement;
- Collect up-to-date and reliable information, including:
 - The proposed resettlement and its impacts on the displaced persons and other adversely affected groups; and
 - Legal issues involved in resettlement.
- Any issue described below which is not relevant to sub-project circumstances, should be explained.

Description of the Sub-projects

- Short detailed narrative on sub-projects and activities; and
- Identification of the sub-projects and/or activities’ project area and footprint.

Potential Impacts Identified

- Project component or activities that give rise to resettlement;
- Zone of impact and Rol of sub-projects;
- Alternatives considered to prevent (avoid) or minimize resettlement; and
- Mechanisms established to minimize resettlement, to the extent possible, during project implementation.

Main Objectives of the Resettlement Program

- Defines the purpose and objectives.

Socio-economic Studies

- Conducted in early stages of sub-project preparation and with the involvement of potentially displaced people, including:
 - The results of a census survey covering:
 - ♦ Current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;

- ♦ Standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (i.e., production levels and income derived from both formal and informal economic activities) and standards of living including health status and well-being of the PAP and PAH;
 - ♦ The magnitude of the expected loss of assets (i.e., total or partial) and the extent of displacement, physical or economic;
 - ♦ Information on vulnerable groups or persons (OP/BP 4.12, paragraph 8) for whom special provisions may have to be made; and
 - ♦ Provisions to update information on the displaced PAP and PAH livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.
- Other studies describing the following:
 - Land tenure and transfer systems, including an inventory of common property natural resources from which PAP derive their livelihoods and sustenance, non-titled usufruct systems (i.e., fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the sub-project footprint;
 - Patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the sub-projects;
 - Public consultation and social services that will be affected; and
 - Social and cultural characteristics of displaced communities, including a description of formal and informal institutions (i.e., civil society organizations including CBO, NPAs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

Legal Framework

- Findings of an analysis of the legal framework, covering:
 - The scope of the power of eminent domain and the nature of compensation associated with it in terms of both the valuation methodology and the timing of payment;
 - The applicable legal and administrative procedures, including a description of the remedies available to displaced persons (PAP and PAH) in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the sub-projects;
 - Relevant law (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights; customary personal law related to displacement; and environmental laws and social welfare legislation;

- Laws and regulations relating to the agencies responsible for implementing resettlement activities;
- Gaps, if any, between local laws covering eminent domain and resettlement and the World Bank's resettlement policy (OP/BP 4.12), and the mechanisms to bridge such gaps; and
- Any legal steps necessary to ensure the effective implementation of resettlement activities under the sub-projects, including (as appropriate) a process for recognizing claims to legal rights to land (i.e., claims that derive from customary law and traditional usage – see OP/BP 4.12, paragraph 15 b).

Institutional Framework

- Findings of an analysis of the institutional framework, covering:
 - Identification of agencies responsible for resettlement activities and CSOs that may have a role in project implementation;
 - Assessment of the institutional capacity of such agencies and CSOs; and
 - Any steps that are proposed to enhance the institutional capacity of agencies and CSOs responsible for resettlement implementation.

Eligibility

- Definition of displaced persons (PAP and PAH) and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

Valuation of Land

- Methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets.

Resettlement Measures

- Description of the packages of compensation and other resettlement measures that will assist each category of eligible displaced persons (PAP and PAH) to achieve the objectives of the policy (see OP/BP 4.12, paragraph 6). In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the displaced persons, and prepared in consultation with them.

Site Selection, Site Preparation, and Relocation

- Alternative relocation sites considered and explanation of those selected, covering:
 - Institutional and technical arrangements for identifying and preparing relocation sites, whether urban or rural, for which a combination of productive potential, locational advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;

- Any measures necessary to prevent land speculation and influx of ineligible persons at the selected sites;
- Procedures for physical relocation under the sub-projects; including timetables for site preparation and transfer; and
- Legal arrangements for regularizing tenure and transferring titles to resettlers.

Housing, Infrastructure, and Social Services

- Plans to provide (or, to finance PAH provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services, etc.); plans to ensure comparable services to host populations; any necessary site development, engineering, and architectural designs for these facilities.

Environmental Protection and Management

- Description of the boundaries of the relocation area; and an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the ESMP of the main investment requiring the resettlement).

Community Participation

- Description of the strategy for consultation with and participation of PAH and hosts in the design and implementation of the resettlement activities;
- Summary of the views expressed and how these views were taken into account in preparing the resettlement plan;
- Review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individual families or as parts of pre-existing communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g., places of worship, pilgrimage centers, cemeteries); and
- Institutionalized arrangements by which displaced people (PAP) can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such different populations (ethnic peoples and vulnerable groups – women and female/male youth and children, the elderly and disabled, landless, and poor, etc.), are adequately represented.

Integration with Host Populations

- Consultations with host communities and local governments;
- Arrangements for prompt tendering of any payment due the hosts for land or other assets provided to PAH;
- Arrangements for addressing any conflict that may arise between PAH and host communities; and
- Any measures necessary to augment services (e.g., education, water, health and productive services) in host communities to make them at least comparable to services available to PAH (i.e., resettlers).

Grievance Procedures

- Affordable and accessible procedures for third-party settlement and disputes arising from resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

Organizational Responsibilities

- Organizational framework for implementing resettlement, including identification of agencies responsible for delivery of resettlement measures and provision of services;
- Arrangements to ensure appropriate coordination between agencies and jurisdiction(s) involved in implementation; and
- Measures (including technical assistance) needed to strengthen the implementing agencies' capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or PAH (resettlers) themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.

Implementation Schedule

- Schedule covering all settlement activities from preparation through implementation, including target dates for the achievement of expected benefits to PAH (resettlers) and hosts and terminating the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

Costs and Budget

- Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds; and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

Monitoring and Evaluation

- Arrangements for monitoring and evaluation activities by the implementing agency, supplemented by independent monitors as considered appropriate by the World Bank, to ensure complete and objective information;

- Performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities;
- Involvement of the displaced persons (PAP and PAH) in the monitoring process; and
- Evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed using results of resettlement monitoring to guide subsequent implementation

ANNEX 2A - Process of Land Donation

Official information and initial assessment. Determining the appropriateness of VLD in the circumstances of the project. Activities that will require VLD as a result of the screening process and the land study specifically the Voluntary Land Contribution Report sub-project staff will inform the village head and villagers or land owners through official notification on where the activities will be implemented that will require VLD. Record and document the reasons why donation of land is appropriate for the project. The DOPF will take into consideration the following details for such documentation:

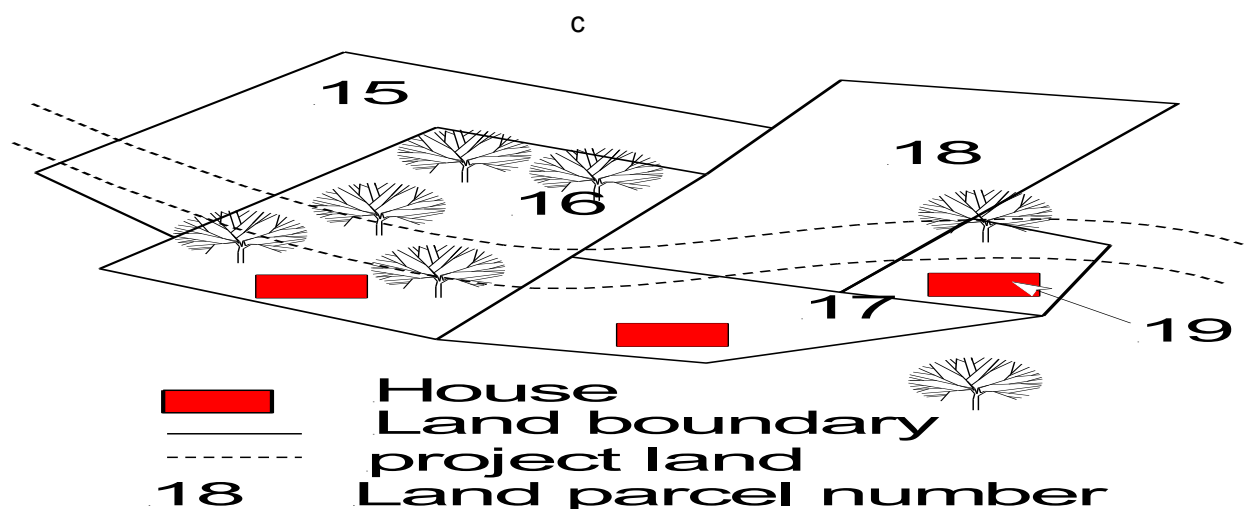
- What the land will be used for;
- How much land the project will require on both a permanent and temporary basis;
- How much of the land will be donated;
- What alternatives to donation exist (e.g., right of use, right of way);
- The terms of the donation;
- The identities of the parties who intend to donate;
- The beneficiary of the donation; and
- Any details that are relevant to why donation may be appropriate.

Preparation of land survey map and schedule of land acquisition

1. After collected the information related to land and assets which will be affected by sub-project implementation, the responsible official, with assistance from the related persons, will prepare a land survey map and a schedule of land acquisition.

The land survey map shows each parcel of land that will be affected, and each parcel of land should be given a code (a letter or number).

Figure A2.1 Example of land survey map.



2. Verification of voluntary donations. The following conditions will be confirmed by the Committee including the Village Chief.
 - a) Confirmation that affected people agree to donate land or asset, based on a face to face meeting;
 - b) Affect individual/household should not lose more than 10% of the total productive assets;
 - c) No physical relocation necessary.
3. Initial Village Consultation. Under the village head leadership, a consultation process will be launched to invite different interest parties, including land owners to discuss and ratify the appropriateness of the voluntary basis of land donation.
4. Transferring and formalizing the land. Process for land donation includes very clear procedures that explain the process that should be followed to transfer the land, and appropriate ways to formalize the respective transfer. The process includes consideration of the legal and administrative requirements based on the legal framework of Lao PDR. The process will describe a clear and transparent decision-making process.
5. Verification process (surveys) to identify land ownership and use. Village Chief and Technical Assistant will ensure that the land study will include specific surveys to understand the type of land rights that exist in the sub-project area, and to identify any particular issues relating to land ownership and use. The specific surveys must be conducted on each parcel of land proposed for donation to identify:
 - a) The owner or owners of the land;
 - b) The users of the land, or any parties that occupy the land (either physically or through ownership of an asset or conduct of livelihood or business activities on the land);
 - c) Any competing claims of ownership or use;
 - d) Structures and assets on the land; and
 - e) Any encumbrances on the land.
6. It is important to: (i) identify the right that is being transferred (an ownership right, a use right, a right of way, etc.); and (ii) check whether the transferee actually has the right s/he claims to have. In many circumstances where careful due diligence has not been carried out, significant conflict has arisen at a later stage when another party claims that they have the same or a competing right. In some circumstances – but not all – the transferee will have documentary evidence of such right. Where no such evidence exists, the due diligence can establish rights by speaking with local community officials and neighbours.
7. Public consultations and disclosure. The decision to donate must be taken on the basis of a full understanding of the sub-projects and the consequences of agreeing to donate the land. Accordingly, the parties that will be affected by the donation (the owners and users of the land) must be provided with accurate and accessible information regarding what the land will be used for, for how long, and the impact the donation will have on them and their families. It is important that prior written notification indicating the location and amount of land that is sought be provided and that its intended use for the sub-project is disclosed.

8. Where the intention is to deprive the parties affected by the donation of the land permanently, or for a significant length of time, this must be made clear. It should be noted that in many communities the concept of alienation of land is uncommon and difficult to understand, and care needs to be taken to ensure that the implications of this are fully understood. It is also important to decide who else should be consulted about the proposed donation; for example, spouses and older children.
9. There should be a clear agreement as to which party will pay the costs associated with the donated land. This could include measurement costs, documentation and notarial fees, transfer taxes, registration fees. It should also include the costs of re-measuring/re-titling the transferee's remaining land and any new documentation relating to it.

Establishing informed consent

1. The Village Chief, in coordination with sub-project staff, verifies the informed consent or power of choice by the people who would donate land or an asset. In particular, the following will be verified and documented in the voluntary donation report:
 - a) What the land is going to be used for, by whom and for how long;
 - b) That they will be deprived of the ownership or right to use the land, and what this really means;
 - c) That they have a right to refuse to donate the land;
 - d) Whether there are alternatives to using this land;
 - e) What they will need to do to donate the land (e.g., execute documents, get spousal consents, pay taxes);
 - f) The effect of the donation on their family, and what they can do if they (or their family or heirs) want the land back; and
 - g) All conditions provided in the paragraph 2 above.
2. The right to refuse must be a legitimate right, unconditional, and the potential transferee must be capable of exercising it in the local community and political context. For this reason, it is important to be sure that the decision to donate is undertaken without coercion, manipulation, or any form of pressure on the part of public or traditional authorities. For collective or communal land, donation must be based upon the informed consent of all individuals using or occupying the land.
3. Proper documentation. During the VLD process for sub-project investments, it is important to distinguish between: (a) the agreement to donate the land; and (b) the document that carries out and evidences the legal transfer of the land. While it is important to have evidence of an intention and agreement to donate the land, it is equally important to ensure, where required and appropriate, that the land is legally transferred. While the process relating to the legal transfer of the land is frequently complicated and time consuming, it must be addressed. [In specific circumstances, for example where the land is being transferred to the community, it may not be necessary to legally transfer the land. However, experience indicates that lack of formal transfer can create significant uncertainty in the future, which impacts on the sustainability of the infrastructure and services, and can have a negative effect on community relations.] (Appendix A3)

4. Village Chief and sub-project staff should:
 - a) Identify the appropriate documentation, including the agreement to make the transfer and any legal documentation that may be required;
 - b) Ensure that the agreement:
 - Refers to the consultation has taken place;
 - Sets out the terms of the transfer;
 - Confirms that the decision to transfer was freely made, and was not subject to coercion, manipulation, or any form of pressure;
 - Attaches an accurate map of the land being transferred (boundaries, coordinates);
 - Sets out who will bear the costs of the transfer (e.g., notarial fees, taxes, title issues) and documenting the residual land rights;
 - c) Ensure that all necessary parties sign the documents, including obtaining consent from spouses and children over a certain age;
 - d) Ensure that the transfer and title is registered or recorded; and
 - e) Ensure that the land remaining after the donated land is excised is properly titled, registered or recorded.
5. It is also important to maintain a record of the process that has been followed. Such documents could include the following:
 - a) The notification indicating the location and amount of land that is sought and its intended use for the project, with a record of when and where this was made public;
 - b) Records of the consultations that were held and what was discussed;
 - c) A copy of the due diligence that was conducted;
 - d) Copies of each of the formal statements of donation, establishing informed consent as described above, and signed by each owner or user involved;
 - e) Copies of all documents, registrations or records evidencing the legal transfer of the land; and
 - f) A map, showing each parcel of land.

The Project Management Unit should maintain a record with documentation for each parcel of land donated. Such documentation must be available for World Bank review, and for review in relation to any grievances that may arise.

Grievance redress arrangements.

The sub-project specifies means by which donors (and, potentially, persons whose use or occupancy was not recognized in the transfer of land) may raise grievances, and measures to ensure consideration of, and timely response to, grievances raised. The grievance process includes participation of reviewers not directly affiliated with the project implementing agency. The grievance process imposes no cost upon those raising grievances, and participation in the grievance process does not preclude pursuit of legal remedies under the laws of the country.

ANNEX 2B - Voluntary Land Donation Form

Province / Region:	
District:	
Village:	
Sub-project ID:	

Name of land owner:	ID Number:	Beneficiary of the project: Y/N		
Sex:	Age:	Occupation:		
Address:				
Description of land that will be taken for the project:	Area affected:	Total landholding area:	Ratio of land affected to total land held:	Map code, if available:
Description of annual crops growing on the land now and project impact:				
	Details	Number/Quantity		
Crops destroyed or lost				
Trees that will be destroyed				
Fruit trees				
Trees used for other economic or household purposes				
Mature forest trees				
Other				
Describe any other assets that will be lost or must be moved to implement the project:				
Value of donated assets:				

1. By signing or providing thumb-print on this form, the land user or owner agrees to contribute assets to the sub-project with full awareness of her/his/their entitlements and edibility for compensation or rights to refuse and claim for compensation. The contribution is voluntary with informed consent. If the land user or owner does not want to contribute his/ her assets to the project, he or she should refuse to sign or provide thumb print, and ask for compensation instead.

Date:

Date:

DAFO and DONRE representative's signatures

Affected persons' signature
(for PAH, signatures of both husband and wife are required)

ANNEX 3A – Suggestive Gender Action & Monitoring Plan for RAP

According to the requirements of the World Bank, this project needs to be informed on three gender dimension; *gender analysis*, *gender action*, and *gender monitoring* and evaluation (M&E). A quick gender analysis of the socioeconomic characteristics of the affected population should be analyzed the following gender action and monitoring plan could be used for a subproject RAP.

Gender Action: As part of RAP implementation, the following gender actions will be made.

- **Participation.** Women should be invited to all consultation sessions throughout project cycle, particular to consultation done in groups to allow them chance to express their opinion, concerns, and to provide feedback on their resettlement and income/livelihoods restoration process. Women are prioritized to work in the project if needed.
- **Well-informed of Project Impact.** The potential impact of resettlement and livelihoods restoration should be further informed to the affected women so that they are fully aware of the potential impact on their household as well as their income generation activities, and as such propose measures that the project should do to avoid or minimize the impact.
- **Intra-household gender disparities:** as the gender analysis indicates, women spend more time than men doing housework and care of their children. Some also work to earn extra income. As a result, the relocation process, particularly for those losing shelter, would apparently take them more time and effort as a result of relocation, and affect their ability to earn income for if they work as hired labor, or are directly involved in crop care/cultivation, which eventually increase their burden.
- **Income/Livelihoods Restoration.** As some households may change their jobs, i.e. households who depend on seasonal income – primarily from crops and/or fruit trees. Counseling and training of new job skill to this group should be done with the capacity of men and women in mind to make the training knowledge applicable and the possibility of success with the new job is enhanced.
- **Safety Assurance.** As women take care of children, they need to be notified/warned of potential risks are inherent during the relocation of their houses. In many cases where both men and women are directly involved in the relocation/house building/new business operation, they need to arrange a safe, alternative person to take care of their children.
- On the basis of more gender based consultations, as mentioned above, the methods of compensation payment, particularly the coordination between PAFO, and severely affected households, will be worked out carefully to ensure difficulties and challenging of severely affected women are avoided, or minimized.
- More consultation needs to be carefully done among affected EM households to ensure the support and compensation provided to them are cultural appropriate to them, and that both men and women could participate in and received economic and social benefits provided to them through development activities proposed under subproject EGDP.

Gender Monitoring. During monitoring on RAP implementation, the key indicators (underlined below) of gender should be monitored and reflected in internal and external monitoring reports.

- *Consultation participation:*

Ensure women are invited to participate in public consultations and group discussions during the RAP updating and implementing process. At least 30% of participants in consultation meeting are women.

- *Compensation disbursement.*

Ensure that the process of compensation disbursement is transparent and that compensation is in the name of both spouses. Presence of both husband and wife at the compensation payment session should be encouraged.

Local government must ensure that the affected persons are guided carefully on how the compensation would be made – in cash or through bank transfer so that affected households have sufficient time to prepare themselves and a safe reception of the compensation money.

- *Livelihoods Restoration*

Assess women's requirements for skills training to facilitate income restoration. 100% of severely affected households who confirm their need for job counseling/training/job introduction will be invited to consultation session(s) with participation from women representing these households.

Consider including women among the group to receive any employment opportunities generated through the project. All contractors participating project construction will inform PAFO of job opportunities appropriate for women, and PAFO will inform the affected households.

Explore opportunities to link women to self-help groups and microfinance programs.