



Lao People's Democratic Republic

Peace Independence Democracy Unity Prosperity

Ministry of Public Works and Transport

Resettlement Policy Framework

**The Northern Lao PDR Regional Economic Corridor
and Connectivity Project (P176088)**

Prepared by: Environmental Research and Disaster Prevention Division
(EDPD)

Public Works and Transport Research Institute (PTRI)

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Table of Contents

<i>Abbreviations</i>	<i>iii</i>
<i>Definitions</i>	<i>iv</i>
<i>Executive Summary</i>	<i>x</i>
1 PROJECT DESCRIPTION	1
1.1 Overview	1
1.2 Land Acquisition Impacts and Rationale for Resettlement Framework	5
2 LEGAL FRAMEWORK	7
2.1 GOL’s Policy ESS5 on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement	7
2.1.1 Policies:	7
2.1.2 Laws and Regulations:	7
2.2 World Bank Policy ESS5 on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement	13
2.3 Gap Analysis: WB’s ESS5 and GoL’s Framework on Involuntary Resettlement	15
3 PRINCIPLES AND OBJECTIVES	24
3.1 Principles and Objectives on Involuntary Land Acquisition	24
3.2 Overview of NR2W and BCFs based on the findings of the Pre-ESIA	25
3.3 Eligibility Criteria	35
3.4 Resettlement Process: Step by Step	41
3.5 Cut-off dates	41
3.6 Detailed Measurement Survey	41
3.7 Replacement Cost Study and Asset Valuation	42
3.8 Organizational procedures for entitlement	43
3.9 Compensation and Other Resettlement Assistance	44
3.10 Disadvantaged/Vulnerable Individuals or Groups	45
4 Institutional Arrangements	46
5 Recording and Reporting Resettlement	48
6 Grievance Redress Mechanism	49
7 Funding and Implementation Arrangements	53
7.1 Budget and Financing	53
7.2 Implementation Schedule	53
8 Information Disclosure and Consultations	54
8.1 Information Disclosure	54
8.2 Consultation and Participation for Components Involving Land Acquisition	55

9	Monitoring and Reporting	56
9.1	Internal Monitoring	56
9.2	External Monitoring	57
10	Annexes	58
	Annex 1: Screening Form for Land Acquisition and Resettlement	58
	Annex 2: Outline of the Resettlement Action Plan	60
	Annex 3: Indicative Internal Monitoring Indicators for Land Acquisition	61
	Annex 4: Form to Submit Grievances	63
	Annex 5: Sample Form of Grievance Redress Mechanism Monitoring	64
	Annex 6: Household Socio-economic survey form.	66

Abbreviations

AIIB	Asian Infrastructure Investment Bank
AH	Affected Household
AP	Affected Person/People
BCEL	Banque Pour Le Commerce Exterieur Lao Public
CERC	Contingent Emergency Response Component
CIQ	Customs, Immigration and Quarantine
COD	Cut-off Date
DAFO	District Agriculture and Forestry Office
DMS	Detailed Measurement Survey
DP	Development Partners
ESCOPE	Environmental and Social Code of Practice
EDPD	Environmental Research and Disaster Prevention Division
EG	Ethnic Group
ESF	Environmental and Social Framework
ESMP	Environmental and Social Management Plan
ESS	Environmental and Social Standard
FM	Financial Management
GoL	Government of Laos
GRM	Grievance Redress Mechanism
IDA	International Development Association
IOL	Inventory of Losses
M&E	Monitoring and Evaluation
MAF	Ministry of Agriculture and Forestry
MPWT	Ministry of Public Works and Transport
NLRECC	Northern Lao PDR Regional Economic Corridor and Connectivity Project
NR2	National Road 2
PAFO	Provincial Agriculture and Forestry Office
PO	Producer Organizations
PD	Project Director
PIB	Project Information Booklet
PM	Project Manager
PMU	Project Management Unit
PTRI	Public Works and Transport Research Institute
RAP	Resettlement Action Plan
RC	Resettlement Committee
RPF	Resettlement Policy Framework
SEP	Stakeholder Engagement Plan
WB	World Bank

Definitions

Compensation - payment in cash or in kind of the replacement cost of the acquired assets.

Cut-off Date - Date established by the government that establishes the eligibility for receiving compensation and the resettlement assistance by the project affected persons. As per WB ESS5 para 20, the COD needs to be well-documented. Persons not covered can be eligible in case they can show proof that they have been inadvertently missed during the census. The cut-off date is established in the RAP. It normally coincides with the date of the census of affected persons, or the date of public notification regarding the specific civil works that would cause displacement. Persons coming into the project area after the cut-off date are not eligible for compensation or other assistance.

Consultation. A process that (i) begins early in the project preparation stage and is carried out at different stages of the project and land acquisition cycle; (ii) provides timely disclosure of relevant and adequate information in Lao or other relevant language that is understandable and readily accessible to PAP; (iii) is undertaken in an atmosphere free of intimidation or coercion with due regard to cultural norms; and (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups.

Detailed measurement survey (DMS) – With the aid of detailed engineering design, this activity involves the finalization of the results of the inventory of losses, measurement of losses, 100% socio-economic survey and 100% census of displaced persons.

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.

Economic Loss. Loss of land, assets, access to assets, income sources, or means of livelihood as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or natural resources, including restrictions on access to legally designated parks and protected areas.

Eligibility. Eligible include all PAPs confirmed to be residing in, doing business, or cultivating land within the project affected area or land to be acquired or used for the project before the cut-off date are eligible for resettlement compensation for their affected properties. Compensation for land itself will be provided to those with ownership rights (legal or recognized) only.

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

Ethnic People. According to the World Bank’s Environment and Social Framework, the term “Indigenous Peoples” (herein referred to as “Ethnic Group”) is used in a generic sense to refer exclusively to a distinct social and cultural group possessing all the following characteristics in varying degrees:

- a) Self-identification as members of a distinct indigenous social and cultural group and recognition of this identity by others; and
- b) Collective attachment¹ to geographically distinct habitats, ancestral territories, or areas of seasonal use or occupation, as well as to the natural resources in these areas; and
- c) Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture, and
- d) A distinct language or dialect, often different from the official language or languages of the country or region in which they reside.

Ethnic people are those individuals identified as belonging to certain ethnic group with the above characteristics.

Grievance redress mechanism – Refers to an established mechanism to receive and facilitate the resolution of affected persons’ concerns and grievances/complaints about physical and economic displacement and other project impacts, paying particular attention to the impacts on vulnerable groups. As per WB ESS10, the grievance mechanism is expected to: (a) address concerns promptly and effectively, in a transparent manner that is culturally appropriate and readily accessible to all project-affected parties, at no cost and without retribution, and without preventing access to judicial processes. Affected people will be appropriately informed about the Grievance Redress Mechanism (GRM) and keep adequate records that are made publicly available, and (b) handling of grievances will be done in a culturally appropriate manner and be discreet, objective, sensitive and responsive to the needs and concerns of the project-affected parties. The mechanism will also allow for anonymous complaints to be raised and addressed. The GRM for handling grievances/complaints related to other safeguard aspects like, resettlement, compensation, environment safeguard requirements, labour and working conditions, Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH), Gender Based Violence (GBV), Violence Against Children (VAC) etc are stipulated in the Stakeholder Engagement Plan as per WB ESS10.

¹ Collective attachment means that for generations there has been a physical presence in and economic ties to land and territories traditionally owned, or customarily used or occupied, by the group concerned, including areas that hold special significance for it, such as sacred sites.

Household - means all persons living and eating together as a single social unit. The census used this definition and the data generated by the census forms the basis for identifying the household unit.

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.

Income restoration - means re-establishing income sources and livelihoods of PAPs to a minimum of the pre-project level.

Information Disclosure. The process of disseminating project information to stakeholder to allow them to understand the risks and impacts of the project, and potential opportunities. Information disclosure should be in line with the project's Stakeholder Engagement Plan and the requirements of ESS10, which require the disclosure of project information including: (a) the purpose, nature and scale of the project; (b) the duration of proposed project activities; (c) potential risks and impacts of the project on local communities, and the proposals for mitigating these, highlighting potential risks and impacts that might disproportionately affect vulnerable and disadvantaged groups and describing the differentiated measures taken to avoid and minimize these; (d) the proposed stakeholder engagement process highlighting the ways in which stakeholders can participate; (e) the time and venue of any proposed public consultation meetings, and the process by which meetings will be notified, summarized, and reported; and (f) the process and means by which grievances can be raised and will be addressed.

Inventory of losses. This is the process where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the Project Corridor of Impact (COI) are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of PAP will be determined.

Involuntary Resettlement. Resettlement is considered involuntary when directly affected persons or communities do not have the right to refuse project related land acquisition or restrictions on land use that result in their displacement.

Land acquisition -refers to all methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or rights of way. Land acquisition may also include: (a) acquisition of unoccupied or unutilized land whether or not the landholder relies upon such land for income or livelihood purposes; (b) repossession of public land that is used or occupied by individuals or households; and (c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible. "Land"

includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements, and appurtenant water bodies.

Meaningful Consultation. As per WB ESS10, is a two-way process that: (a) begins early in the project planning process to gather initial views on the project proposal and inform project design; (b) encourages stakeholder feedback, particularly as a way of informing project design and engagement by stakeholders in the identification and mitigation of environmental and social risks and impacts; (c) continues on an ongoing basis, as risks and impacts arise; (d) is based on the prior disclosure and dissemination of relevant, transparent, objective, meaningful and easily accessible information in a timeframe that enables meaningful consultations with stakeholders in a culturally appropriate format, in relevant local language(s) and is understandable to stakeholders; (e) considers and responds to feedback; (f) supports active and inclusive engagement with project-affected parties; (g) is free of external manipulation, interference, coercion, discrimination, and intimidation; and (h) is documented and disclosed by the Borrower.

Project Affected Persons (PAPs) - includes any person or entity or organization affected by the Project, who, on account of the involuntary acquisition of assets in support of the implementation of the Project, would have their (i) standard of living adversely affected; (ii) right, title or interest in all or any part of a house and buildings, land (including residential, commercial, agricultural, plantations, forest and grazing land) water resources, fish ponds, communal fishing grounds, annual or perennial crops and trees, or any other moveable or fixed assets acquired or possessed, in full or in part, permanently or temporarily; and (iii) business, profession, work or source of income and livelihood lost partly or totally, permanently or temporarily.

Physical Loss. Relocation, loss of residential land, or loss of shelter as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or resources, including restrictions on access to legally designated parks and protected areas.

Rehabilitation - the process by which displaced persons are provided sufficient opportunity to restore productivity, incomes and living standards. Compensation for assets often is not sufficient to achieve full rehabilitation.

Relocation. This is the physical relocation of a displaced person from her/his pre-project place of location and/or business to another location, including shifting back.

Relocation Assistance. Support provided to persons who are physically displaced by a project. Relocation assistance may include transportation, food, shelter, and social services that are provided to the displaced persons during their relocation. It may also include cash allowances that compensate displaced persons for the inconvenience associated with resettlement and defray the expenses of a transition to a new location, such as moving expenses and lost workdays.

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- 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 the 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.

Resettlement – is the general term related to land acquisition and compensation for loss of asset whether it involves actual relocation, loss of land, shelter, assets or other means of livelihood.

Resettlement Action Plan (RAP). Prepared when detailed designs or land demarcation have been completed and the full impacts following a DMS are known. When impacts are small, it can also be referred to as an Abbreviated Resettlement Plan (ARAP).

Resettlement Policy Framework. Prepared when project components are not known and therefore land acquisition needs cannot be identified. The RPF will guide the preparation of future Resettlement Action Plans (RAP) if these become necessary.

Restrictions on land use” refers to limitations or prohibitions on the use of agricultural, residential, commercial or other land that are directly introduced and put into effect as part of the project. These may include restrictions on access to legally designated parks and protected areas, restrictions on access to other common property resources, and restrictions on land use within utility easements or safety zones.

Unit Costs for Lands - The affected private lands will most likely fall under the land categories of either residential or commercial lands. The way to obtain data on market rates is to gather data on recent land sales at/around the subproject area. Methods for data collection include direct interviews (i) real estate agents in Commercial Business Districts (CBD), (ii) land owners at/around the subproject area who are both PAHs and non-PAHs, and (iii) local authorities at/around the subproject 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/Disadvantaged. Group of affected persons who are likely to be more adversely affected by land acquisition than others and who are likely to have limited ability to re-establish their livelihoods or improve their status. Disadvantaged/vulnerable individuals or groups includes 1) households below the poverty line established by the GoL, 2) households headed by elderly with no means of support; (3) female headed households, especially those below the poverty level; (4) households with a disabled member; and (5) Ethnic groups.

Executive Summary

This Resettlement Policy Framework (RPF) has been prepared by the Ministry of Public Works and Transport (MPWT) for the Northern Lao PDR Regional Economic Corridor and Connectivity Project (NLRECC) with assistance of international and national consultants, under the guidance of the Environment Research and Disaster Prevention Division (EDPD) under the Public Works and Transport Research Institute (PTRI). The RPF is part of the Environment and Social Management Framework (ESMF). This RPF will be applied to all investments to be financed by the World Bank (WB) Group for technical and/or financial support for the Project.

This document is considered a living document and shall be modified and updated in line with the changing situation or scope of the activities. Resettlement Action Plans (RAP) will be developed when and if necessary, in close consultation with affected stakeholders and the WB. Clearance of future RAPs by the WB will be necessary.

The proposed NLRECC project will support the Government of Lao PDR (GoL) to improve regional and domestic transport connectivity, the efficiency of logistics, and cross-border trade, and the capacity to manage multi-modal transport to benefit the people in selected economic corridors in Northern Lao PDR. It has five components:

- (a) Component 1: Lao PDR and Regional connectivity enhancement;
- (b) Component 2: Logistics services development and border-crossing management;
- (c) Component 3: Strengthening institutional capacity and regulatory framework in agriculture, transport, and investments planning;
- (d) Component 4: Project Management; and
- (e) Component 5: Contingency Emergency Response.

This RPF has been prepared in line with relevant legislation of Lao PDR, including the Decree 84 on Compensation and Resettlement of People Affected by Development Project (2016) and the WB's Environment and Social Framework (ESF). The RPF also addresses and clarified gaps between the GoL's land legislation and WB's ESS5.

The project's approach to manage resettlement follows the World Bank's mitigation hierarchy by:

- a) Adjusting designs to avoid impact on land and assets.
- b) When impacts cannot be avoided, minimize them.
- c) Where land acquisition impacts remain, deliver: (i) compensation at replacement cost for land and lost assets, or land-for-land replacement, and (ii) compensation paid before the beginning of the construction works, with

the resettlement framework/plan publicly disclosed and information provided about the grievance process.

This RPF covers resettlement where land, or assets, are involuntarily acquired.

Voluntary contributions by individuals will not be considered, as they would not meet the criteria under ESS5 that the donor is expected to benefit directly from the project.

The RPF outlines the Grievance Redress Mechanism to be established as a locally based arrangement for receiving, recording, assessing, and facilitating the resolution of complaints and grievances raised by the affected persons in relation to the Project. The RPF also describes the process for consultation and information disclosure for land acquisition. The draft RPF was disclosed prior to consultation meetings on 15 November 2021 at the MPWT's website: <https://www.mpwt.gov.la/> and consulted via virtual connection with the national level and other stakeholders on 29 November 2021; provincial level on 30 November 2021; and, districts and village levels on 01 and 03 December 2021 and re-disclosed on 06 December 2021. This was done prior to the WB's appraisal of the Project.

This Executive Summary should not be relied for full information; the full RPF together with other ESMF tools should be read for this purpose.

1 PROJECT DESCRIPTION

1.1 Overview

1. The proposed NLRECC seeks to improve regional and domestic transport connectivity and the cross-border trade efficiency for beneficiaries in selected corridors in Northern Lao PDR, and to provide immediate and effective response in case of an Eligible Crisis or Emergency.

2. The project consists of 5 Components:

➤ **Component 1: Lao PDR and Regional connectivity enhancement.** This Component will support MPWT to improve connectivity in the northern part of Lao PDR to provide safe, efficient, climate-resilient, and reliable infrastructure for both international transit routes and domestic connectivity through:

(i) **Sub-Component 1.1: NR2W climate resilient improvement and maintenance.** This sub-component supports the improvement and maintenance of condition, safety, and climate resilience of selected sections of NR2W² to meet the Asian Highway Class III standards, including widening of the road from 6 meters to 8 meters (6 meters of the carriageway and 2 meters of shoulders-one meter each side to accommodate pedestrian's safety) and rest areas. This subcomponent will implement the Output and Performance-Based Road Contracts (OPBRC), with 3 years for construction and 7 years for operations and maintenance. This subcomponent will ensure the equal opportunity of women and men from local communities in paid jobs under the road works contracts. The Department of Road (DOR), MPWT, will be the lead implementing agency for this sub-component. Local communities, with a particular focus increasing women's voice and agency in this male dominated sector, will participate in the monitoring of the OPBRC road improvement and maintenance contracts.

(ii) **Sub-Component 1.2: Local Road climate resilient improvement and maintenance.** This sub-component supports the improvement and maintenance of climate resilience and safety of selected local roads in Phongsaly, Oudomxay, Luang Namtha, Xayabouly, and Luangprabang. The performance-based contract (PBC) approach will be used for maintenance. This subcomponent will ensure the equal opportunities of women and men from local communities in paid jobs under roads maintenance. The Department of Road (DOR) and the provincial Department of Public Works and Transport (DPWT) will be the lead implementing agency for this sub-component. Local communities, with a particular focus increasing women's voice and agency in this male dominated sector, will participate in the monitoring of the road improvement and PBC maintenance contracts.

² The NR2E sections will be financed by EIB in parallel to this project.

- (iii) **Sub-Component 1.3: Improvement of the border crossing facilities.** This sub-component supports the improvement of the border crossing facilities road NR2 at (a) Pang Hok in Phongsaly bordering to Dien Bien Phu, Vietnam and (b) Muang Ngeun in Xayabouly bordering to Nan province, Thailand, through the upgrade of the existing facility and provision of goods and equipment for digitization of cross-border business processes. This subcomponent will ensure the equal opportunities of women and men from local communities in paid jobs under the cross-border facilities improvement contracts. This will also be led by the DOR with support from the Department of Urban Planning (DUP), MPWT.
 - (iv) **Sub-Component 1.4: Implementation support and supervision consultant.** This sub-component will finance (a) implementation support and supervision consulting services for the design and supervision of the NR2, local roads, and cross-border facilities improvement, and (b). The sub-component will also support MPWT and DPWT working on the mechanism for local road maintenance planning and financing. This sub-component will ensure the equal opportunity of women and men in road work supervision.
- **Component 2: Logistics services development and border-crossing management.** This Component will support the operations of cross-border trade and logistic development through:
- (i) **Sub-Component 2.1: Dry ports and logistics development.** This sub-component supports MPWT to improve the efficiency and competitiveness of Logistics services in the economic corridor through: (i) formulation of policies to improve enabling environment for competitive logistics services; (ii) FS for dry-ports and consolidation locations, including the development of the Standard Operation Procedures (SOPs) for the development of dry-ports and consolidation locations; (iii) provide public utilities to the dry-ports and consolidation locations, to be developed as Public-Private Partnerships. This sub-component will be led by the DOT and involved agencies concerned at the provincial level.
 - (ii) **Sub-component 2.2: Regional integration and cross-border transport agreements.** This sub-component will support GoL to improve cross-border transport efficiency. The proposed activities include technical assistance to (i) establish a platform for collaboration among Lao PDR, Thailand, and Vietnam; (ii) strengthen the capacity to implement cross-border transport agreements and address cross-border transport issues, such as harmonization of heavy vehicle dimensions and standards; permitted axle loads; driver licensing; climate change; road safety; communicable disease control; and, (iii) improve legislative frameworks to support implementation of cross-border transport agreements.

(iii) **Sub-component 2.3: Strengthening capacity CIQ and Border Management.** This sub-component covers: (i) financing technical assistance to review and improve secondary legislation in border management; (ii) providing training to strengthen institutional and operational capacity of CIQ, including communicable diseases and human trafficking; (iii) provide equipment and software customization to optimize border clearance; and (iv) promoting cross-border cooperation for improved CIQ management including information sharing. This sub-component will place a particular focus to ensure equal access to information related to CIQ for women and men. The Trade Facilitation Secretariat (TFS), MOIC, will be the lead coordinating agency for this sub-component.

➤ **Component 3: Strengthening institutional capacity and regulatory framework in agriculture, transport, and investments planning.** This component will support strengthening institutional and operational capacity in agricultural development, transport sector, and investment management at national and provincial levels.

(i) **Sub-Component 3.1: Support on agricultural trade and SPS Management.** The scope of this sub-component, which will be led by the Department of Agriculture (DOA), Ministry of Agriculture and Forestry (MAF), is mainly grouped into two parts:

a) Capacity development to support agricultural trade will focus on improving the enabling environment for agricultural trade activities. The key activities include: (i) financing technical assistance to review and improve business process for cross border trade for agriculture products through streamlining of export and import permits, raising awareness of traders' compliance with SPS requirements, and simplifying the registration of farm inputs; (ii) providing training to strengthen operational capacity for the MAF, Provincial Agriculture and Forestry Offices (PAFOs), and DAFOs in agricultural trade promotion; and (iii) capacity development to address key gender gaps in agricultural trade including unequal access to information for women, barriers registering businesses, accessing financial credit, technology and market

b) Capacity Building for SPS Management will focus on capacity building of MAF, Ministry of Health (MOH), PAFOs, District Agriculture and Forestry Offices (DAFOs), and border checkpoints for compliance of SPS requirements and reduce trade barriers in the targeted provinces and districts. Mainly, the activities cover (i) financing technical assistance to review and improve legislations relevant for SPS; (ii) providing training to strengthen institutional and operational capacity in SPS management; and (iii) financing technical assistance to carry out a laboratory assessment for upgrade and testing services.

- (ii) **Sub-Component 3.2: Support on Multi-Modal Transport.** This sub-component, led by DPC, MPWT, includes (a) review and development of the legal framework, regulations, tools, and guidelines to support the implementation of multi-modal transport law, logistics development strategy and transport sector strategy, (b) development of multi-modal transport network management framework and system, including investment planning for logistics sector development, (c) strengthening capacity for planning and implementation of the multi-modal transport network management framework and logistics development management at both national and provincial levels, (d) implementation of road safety action plan, (e) integrate disaster risk and climate change considerations into transportation and logistics investment decision-making processes, and (f) capacity development to address the gender gaps in the transport sector, including integrating gender and social inclusion (GESI) considerations in developing regulations and guidelines to support the implementation of the law and strategy. The sub-component will also develop and roll out annual advocacy and social and behavior change communication (SBCC) campaigns to support necessary changes for raising women's agency and voice, to change social norms to increase women's mobility and access to transport.
- **Component 4: Project Management.** This Component will provide technical and operational assistance for strengthening the environmental and social capacity of agencies concerned at national and local levels, the day-to-day management, monitoring and evaluation of the Project, and the carrying out of technical and financial audits. In addition, this component will provide support for compliance monitoring for environmental and social aspects. The sub-component will also strengthen the resilience of communities living along the project roads against human trafficking, communicable disease, road safety, sexual exploitation abuse and harassment through campaigns, training, dissemination of information. The following documents, which will also be prepared as part of the project requirement, include Project Procurement Strategy for Development (PPSD), including procurement plan, and Project Operational Manual (POM) - containing detailed information on the project implementation arrangements and processes, including coordination mechanism, project management, Monitoring and Evaluation (M&E) /reporting arrangement, procurement, financial management, disbursements, and safeguards.
- **Component 5: Contingency Emergency Response.** This component will provide an immediate response to an eligible crisis or emergency, as needed. In the event of an eligible crisis or emergency, the World Bank can re-allocate project funds to support emergency response and recovery.

1.2 Land Acquisition Impacts and Rationale for Resettlement Framework

3. Upgrading and widening of the road sections in NR2W is expected to be limited to 1m either side of the road alignment. NR2W passes by housing, commercial and agricultural land, as well as schools, temples and schools. It is likely that the 1m widening will lead to temporary and/or permanent economic displacement, though this will be defined in detail during the process of the full Feasibility Study (FS)/ Environment and Social Impact Assessment (ESIA). Impacted people in the project, for all components, may involve ethnic groups, due to the prevalence of these groups in the project area. An Ethnic Group Engagement Framework (EGEF) has been prepared to ensure that ethnic groups are not adversely affected, and their livelihood is not worst off as a result of project implementation. The EGEF should be read together with this RPF. Further details on the NR2W road alignment are provided in Section 3.2 of this report.

4. Construction of roadside drainage risks cutting off access to private and public properties, spiritual and cultural spaces, and other resources, if adequate crossing structures are not put in place to bridge these roadside drainage channels. Road design and construction will therefore include restoration of access to properties. If temporary economic impacts would occur during construction works, then these would need to be compensated.

5. The rehabilitation of Border Crossing Facilities (BCFs) may also lead to land acquisition depending on the extent of rehabilitation and/or other works. More information about the BCFs and land description is available in Section 3.2.

6. Rehabilitation of the feeder roads could potentially result in land acquisition, though rehabilitation is expected to follow the road's alignment and therefore impacts should be minimized. In addition, negative list/ineligibility criteria will guide the selection of feeder roads, to rule out road sections that would cause the relocation of people.

7. Component 2 activities relating to consolidation facilities are likely to have similar social impacts as Component 1, depending on their designs and locations, but at a smaller scale. For example, consolidation facilities may be able avoid land acquisition impacts by locating these facilities in areas of state-owned land without the presence of users. Consolidation facilities are expected to be identified during project implementation, and RAPs, as needed, shall be prepared then.

8. TORs for studies on dry ports, truck terminals etc. will include the need to assess and address social risks and impacts. Such facilities, to be identified at the full feasibility stage (expected in 2022), may require land acquisition for the facility and/or access roads and (temporary) construction camps, as well as water supply, electricity, and internet. The NLRECC will ensure that TORs include tasks and responsibilities

around identifying and planning for land acquisition needs and that any land acquisition is done in line with this RPF and WB ESS5 standards, including following the principle of trying to avoid land acquisition as much as possible.

9. There are several agricultural programs operating in northern Laos, financed by a range of development organisations, working on various livelihood programs, including value chains. The project will invest in distinct capacity building activities, including technical advice. There will be no support for agricultural infrastructure (irrigation systems) nor agricultural inputs to farmers. Component 3 of the project is focused on capacity building, extension services and training. No land acquisition nor associated facilities are expected as a result of this Component.

10. At this stage of project preparation, prior to World Bank appraisal, the precise location of works that involve construction (Components 1 and 2) and may require land acquisition or lead to livelihood disruption, will not be known prior to appraisal. Therefore, this Resettlement Policy Framework (RPF), including provisions for livelihoods restoration, is prepared. The RPF is informed by the Preliminary Environment and Social Impact Assessment (Pre-ESIA) part of the Environmental and Social Management Framework (ESMF) prepared for the project, which describes the landscape of NR2W and the BCFs in particular and the impacts expected due to project activities.

11. Detailed construction designs are required to determine the exact impacts on the selected road sections of NR2. The European Investment Bank (EIB) will finance a full “Feasibility Study and Environment and Social Assessment Study for the Improvement and Maintenance of National Road 2 in Lao PDR (referred to as ESIA)”. The ESIA will confirm the land acquisition needs in NR2W and BCFs, as well as any legacy issues, and also identify the selected feeder roads for rehabilitation and any land acquisition needs. At the ESIA stage, and following the identification of specific sites, Resettlement Action Plans (RAP) will be prepared.

12. The possible harmonization of the WB and EIB E&S risk management requirements, including the RPF, across the investments will be undertaken by the ESIA in order to leverage the EIB financed E&S work, and to minimize the risk of social conflict arising from different mitigation measures being applied in different districts along the corridor.

13. This RPF provides screening criteria for the sub-projects where there will be construction activities, to determine if any land acquisition impacts will occur, and if so, the steps required to address and mitigate any of the land acquisition impacts. A sample screening form is provided in

2 Annexes

15. Annex 1.

3 LEGAL FRAMEWORK

16. This section presents an overview of the national laws relating to land and property acquisition and compensation arrangements. These legal requirements are compared with those required for compliance with World Bank Policy (ESS5) on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement. Where there are gaps between national legislation and procedures on the one hand and World Bank policy and practice on the other, the more stringent of the standards will prevail.

3.1 GOL's Policy ESS5 on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement

3.1.1 Policies:

- 1) Constitution of the Lao PDR (2015);
- 2) Party Central Committee's Resolution on Land Development and Management in new Era, 026, 2017 (which guides the revision and implementation of the Land Law; and
- 3) Resolution of the Central Party Committee on Ethnic Minority Affairs in the New Era (1992).

3.1.2 Laws and Regulations:

- Environmental Protection Law (EPL, 2013);
- Environmental Impact Assessment Decree (No 21, January 31, 2019, which supersedes 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);
- Water and Water Resources Law (1996);
- Forestry Law (2007);
- Wildlife Law and Aquatic Law (2007);
- Law on Grievance Redress or the revised Law on Handling Petitions 012/NA approved by the National Assembly on December 5, 2014 and the President in 2015;

- Decree on Compensation and Resettlement of People Affected by Government Projects (No. 84/GOL, 5 April 2016); and
- Land Law (2019)

17. Summary of provisions of these laws and regulations are provided as follows:

- **Constitution of the Lao PDR (2015):** Article 17 of the Constitution (amended in 2015) stipulates that the State protects the property rights and inheritance rights of individuals and organizations, and that land is the property of the national community, where the State represents and manages across the country.
- **Party Central Committee's Resolution on Land Development and Management in New Era, 026, 2017 (which guides the revision and implementation of the Land Law):** The State can transfer land use rights from individuals, entities, collectives, and organizations for the purpose of the State's activities for the benefits of the public, including but not limited to, social economic development, with replacement of new land or compensation with reasonable price.
- **Resolution of the Central Party Committee on Ethnic Minority Affairs in the New Era (1992):** The 1992 policy on ethnic groups focuses on realizing equality between ethnic groups and gradually improving the lives of ethnic groups while promoting their ethnic identity and cultural heritage. The Lao Front for National Development (LFND) introduced an official ethnic classification into forty-nine main groups comprising four ethno-linguistic facilities, namely the Lao-Tai (62.4 percent), Mon-Khmer (23.7 percent), Hmong-lu Mien (9.7 percent), and Chine-Tibetan (2.9 percent)³, which are officially divided into 50 ethnic groups⁴.
- It focuses on gradually improving the living conditions of the ethnic communities, while promoting their ethnic identity and cultural heritage. The general policy of the Party concerning the ethnic communities include Build National Sentiment (national identity); Realize Equality among ethnic communities; Increase the Solidarity Level among ethnic communities as members of the greater Lao family; Resolve Problems of Inflexible and Harmful thinking, as well as economic and cultural inequality; Improve the living Conditions of the ethnic communities' step by step; Expand, to the

³ Lao Statistics Bureau. 2016. Results of Population and Housing Census 2015.

⁴ Douangtavanh Kongphaly. 2018. List of all ethnicities in Laos on <http://web.archive.org/web/20190322092204/https://kongphaly.la/2015/10/26/list-of-all-ethnicities-in-laos/> (Accessed May 2020)

greatest extent possible, the good and beautiful Heritage and ethnic Identity of each group as well as their Capacity to participate in the affairs of the nation.

- ***Decree No. 21/PM on Environmental Impact Assessment (2019)***: This Decree defines principles, regulations, and procedures on management, monitoring, and inspection of an Environmental Impact Assessment (EIA) so that the process can be implemented correctly, transparently, and consistently with the aims to prevent, reduce, and mitigate negative environmental impacts; to ensure that the affected peoples are reasonably compensated, resettled, and assisted in improving their living conditions better than existing situation while making the management and utilization of natural resources most effective and ensuring protection of the national and people rights and interests and contribution to the national socio-economic development in a sustainable and green manner.
- ***Decree No. 84/PM on Compensation and Resettlement of People Affected by Development Project (2016)***: This revised Compensation and Resettlement Decree describes the principles, regulations, and standards for mitigating adverse social impacts and compensating for damages resulting from unintentional acquisition or repossession of land and fixed or removal assets, including changes in land use, restriction of access to community or natural resources affecting community livelihood and income. The decree aims to ensure that the people affected by the project (PAP) are compensated for and assisted in improving or, at least, maintaining their pre-project income and standard of living, and are not made worse off than they would without the project. The decree describes the strict principles of compensation, particularly for those PAPs which do not have legal land title, land use certificate or other acceptable documentation indicating their right to land use. Unlike the previous Decree (No. 192, 2005), which granted this community of PAP the right to seek compensation not only for their lost assets but also for their lost rights and/or privileges of land use, the revised decree only grants the right to claim for their lost properties, such as homes, trees and/or crops.
- ***Ministerial Instruction on Public Involvement in the Process of Environmental and Social Impact Assessment of Investment Project (2013)***: This instruction introduces the ESIA by every investment project and activity of a public and private both domestic and foreign enterprise operating in Lao PDR that causes or is likely to cause environmental and social impacts. The instruction also brings into consideration four public involvement processes, which are information gathering, information dissemination, consultation, and participation, to ensure project activities are designed with consideration to minimize social and environmental negative impacts and to maximize positive impacts in the long run.

- **Law on Grievance Redress (No. 53/NA, 2014):** Disputes can be addressed through a legal dispute solution as a traditional or customary system or Village Dispute Mediation Unit. Above the villages are the Regional, Provincial and National Supreme Courts. Any urgent issues, complaints or inquires can be publicly voiced to the National Assembly members, or through the National Assembly Hotline, which is open during the National Assembly sessions. Grievance redress can also be pursued through administrative channels or Party channels, via the mass organizations (the Lao Front for National Development, concerning ethnic issues, and the Lao women's Union, concerning women's issues).
- **Law on Resettlement and Occupation (2018):** The new Law on Resettlement and Occupation (2018) was developed based on the compensation and resettlement Decree 84 (2016). The law, which applies for both government and private sector development projects aims to define, regulate, manage and monitor resettlement and livelihood for Lao population of all ethnic groups to ensure that those who are in areas identified for resettlement and provided with stabilized residential and production land and occupation with ultimate goals to address illegal relocation, eliminate poverty, improve livelihood, security and social order, develop small villages into rural small towns contributing to national socio-economic development and national security. Article 22.1 also states that people affected by settlement and livelihood program (governed under this law) will be provided with compensation for land and assets lost at a replacement cost, providing that s/he has official land (use or title) documents. Article 22.4 recognizes customary land use when certified by the local authority and concerned sector, and then the affected person is eligible for compensation as specified in the above Article. Article 22.5 discusses that in the event a person affected by settlement and livelihood program does not have official land (use or title) document, s/he will not be provided with compensation for the land lost (acquired) but assets (structures, trees, and crops) located on the land parcel acquired. Due to large similarity and consistency in the provisions, objectives, scope and provisions of this law and Decree 84, discussion is ongoing on whether the later will be revised or dropped and superseded by the former.
- **Land Law (2019):** According to Article 3 of the amended Land Law 2019, land is the property of the national community, where the State represents the owner of the rights in the management of land in a centralized manner across the country. The State grants the rights on long-term and secured land use to individuals, legal persons, collective groups, and organizations of Lao citizens.
- Lands are classified into agricultural land, forest land, water area land, industrial land, transport land, cultural land, land for national defense and

security, and construction land (Article 21). One category of land can be converted into another but doing so requires prior approval of the concerned management authorities (Article 25), including National Assembly (Article 28), the Government (Article 29) and People's Provincial Assemblies (Article 30), depending on the scale of the conversion.

- Lands are also distinguished as public land and Lao Citizen Land. Public lands are those under the management of Party's Organizations, State Agencies, including Mass Organization (Article 78) as well as public land use for collective utility at the village level. Public land for collective use includes land used for cemeteries, sacred forest, common ponds, temples, schools, health centers, village administrative offices, and markets (Article 81). Lao Citizens' Lands are those use by individuals, legal entities, and organizations by registering land books, certifying land use, issuing land titles, and registering movement and changes of land use rights (Article 85).
- According to Article 130, the State acknowledges and protects the customary land use rights of the person and proceeds with the registration of and titles in accordance with the laws and regulations. The acquisition of customary lands refers to land acquisition and use by Lao citizens through exploration, development, protection, and regular land use for more than 20 years before this Law becomes effective and without the need to provide document certifying the acquisition of the land but only a certificate from village administrative authorities and of the owner of nearby land certifying continuous land acquisition and use without any disputes or with disputes being already settled.
- **Forestry Law (2019):** The Forestry Law (2019) states (i) that forests and forest land can be converted to other uses (i.e. for transmission line right of way) when necessary and in the public interest (subject to approval) from responsible authorities; (ii) an individual or organization given permission to convert forest to another use is responsible for payment of a conversion fee, land reclamation and tree planting; (iii) provision for allowing long practiced activities such as collecting wood for fences and fuel, non-timber forest products (NTFP), hunting and fishing for non-protected species for household consumption, and other customary uses. For removal of forests, compensation is based on the volume of timber (m³) of a given class of tree that will be cut down. Compensation is only paid for timber removed from private forestry plantations. No compensation is paid for timber removed from natural forests on public lands. Nor is any compensation paid for removal of NTFP such as bamboo. There is no requirement to replant trees on degraded land located away from a transmission line corridor, such as compensation for removing trees to create transmission line right-of-way. Such forms of compensation only apply to reservoir clearing

projects where it is necessary to plant trees to stabilize slopes that could otherwise fail through a process of mass wasting.

- **Road Law (Amended 2016):** The Road Law (amended 2016) states that the Ministry of Public Works and Transport manages and uses the land for the road activity in conformity with the determination in the Land Law. Road width shall have the area consisting of the carriageway, shoulders, pathways, drainages, slope of road and Right of Way (Article 21, 22, 23, 24). Within the Right of Way, it shall be banned all constructions and other activities. Article 30, 31 and 32 (new) states that conducting feasibility study of road construction, maintenance and rehabilitation shall perform environmental impact assessment. Reasonable compensation must be paid to individuals whose land is expropriated for roads, relocation of replacement structures, and loss of trees and crops (Article 38 and 39); and it states that it is prohibited to construct within the road reserve (Article 38).
- **Development and Protection of Women Law (2004):** This Law is to guarantee and promote the roles of women, to define the fundamental contents of, and measures for developing and protecting, the legitimate rights and interests of women, among others. Its aims include eliminating all forms of discrimination
- **Ethnic Group Consultation Guideline, LFND (2013)** In 2013 the LFND released a National Guideline on Ethnic Group Consultation in line with the 2012 National Guideline on Public Involvement. It aims to ensure that all ethnic groups which benefit from a development project or are adversely affected by it, regardless of the source of funding, are fully involved in a meaningful consultation process at all stages from preparation to implementation. The guideline also aims to ensure that the potentially affected ethnic groups are fully informed of project objectives, as well as their potential positive and adverse impacts on their livelihood and their environment and provided with opportunities to articulate their concerns. The guidelines provide principles and processes to carry out meaningful consultations with, and obtain Free, Prior, and Informed Consent of, all ethnic groups affected by developments projects in a culturally sensitive manner. The guidelines consist of a) objectives and scope of the guidelines, b) consultation processes with ethnic groups at respective stages of development projects, c) consultation approaches and methods for different ethnic groups in a culturally sensitive manner, d) expected outcomes of consultation at each stage, and e) implementation arrangement and responsibility.
- **Law on Grievance Redress or the revised Law on Handling Petitions 012/NA:** The Law on Grievance Redress or the revised Law on Handling Petitions 012/NA approved on December 5, 2014 and the President in 2015 provides provisions of objectives, principles and process of applying and

handling different types of grievance, petition and complaints that may be raised by citizens. The Grievance Redress Law divides grievances into three categories as follows:

- a. Proposals is to be applied to and resolved by concerned authorities.
- b. Grievance is to be applied to and resolved by judicial institutions and court
- c. Petition is to be applied to and resolved by Provincial and National Assembly.
 - ***The Law on Handling of Petitions 012/NA, 2015***, which has superseded the old version of Law on Grievance dated November 5, 2005 applies and protects rights and interest of all citizens and entities, state organizations, community and individuals with the aim to ensure justice, social security and order.

3.2 World Bank Policy ESS5 on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement

18. The Objectives of this Policy are:

- To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives.
- To avoid forced eviction.
- To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.
- To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant; and
- To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

19. According to ESS5, replacement cost is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets exist, replacement

cost is the market value as established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and labor for construction of structures or other fixed assets, plus transaction costs. In all instances where physical displacement results in loss of shelter, replacement cost must at least be sufficient to enable purchase or construction of housing that meets acceptable minimum community standards of quality and safety. The valuation method for determining replacement cost should be documented and included in relevant resettlement planning documents. Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons. To ensure compensation at replacement cost, planned compensation rates may require updating in project areas where inflation is high or the period between calculation of compensation rates and delivery of compensation is extensive.

20. The applicability of ESS5 is established during the environmental and social assessment stage. This ESS applies to permanent or temporary physical and economic displacement resulting from the following types of land acquisition or restrictions on land use undertaken or imposed in connection with project implementation:

- Land rights or land use rights acquired or restricted through expropriation or other compulsory procedures in accordance with national law.
- Land rights or land use rights acquired or restricted through negotiated settlements with property owners or those with legal rights to the land if failure to reach settlement would have resulted in expropriation or other compulsory procedures.
- Restrictions on land use and access to natural resources that cause a community or groups within a community to lose access to resource usage where they have traditional or customary tenure, or recognizable usage rights. This may include situations where legally designated protected areas, forests, biodiversity areas or buffer zones are established in connection with the project.
- Relocation of people without formal, traditional, or recognizable usage rights, who are occupying or utilizing land prior to a project specific cut-off date.
- Displacement of people because of project impacts that render their land unusable or inaccessible.
- Restriction on access to land or use of other resources including collective property and natural resources such as marine and aquatic resources, timber and non-timber forest products, fresh water, medicinal plants, hunting and gathering grounds and grazing and cropping areas.

- Land rights or claims to land, or resources relinquished by individuals or communities without full payment of compensation (i.e. voluntary donations, which will not be considered by the NLRECC project activities); and
- Land acquisition or land use restrictions occurring prior to the project, but which were undertaken or initiated in anticipation of, or in preparation for, the project.

3.3 Gap Analysis: WB's ESS5 and GoL's Framework on Involuntary Resettlement

21. The WB's ESS5 recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. Table 1 presents gap analysis for the WB's ESS5; Decree No. 84/GoL on Compensation and Resettlement and the new Law on Resettlement and Occupation (2018):

TABLE 1: GAP ANALYSIS FOR GOL'S FRAMEWORKS FOR INVOLUNTARY RESETTLEMENT

Subjects	ESS-5 on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement (2018)	Compensation and Resettlement Decree No. 84/GOL (2016)	Gap	Project Measures
1. Land Property				
1.1. Policy objectives	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	PAP is 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.	Replacement in real term is not explicitly stipulated.	ESS5 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	Financial assistance to all project affected persons to achieve the standard 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)	PAP who does 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.	Entitlement to financial assistance for PAP who does not have legal land title/certificate or other documentation is not clearly stated.	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)

Subjects	ESS-5 on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement (2018)	Compensation and Resettlement Decree No. 84/GOL (2016)	Gap	Project Measures
				Vulnerable PAPs will receive special assistance. Procedures in ESS5 will be applied
1.3. Compensation for illegal structures	Compensation at full cost for all structures regardless of legal status of the PAP's land and fixed assets.	PAP who does 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 not explicitly stipulated.	Timely 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. Procedures in ESS5 will be applied
1.4. Land Donation	WB's ESS-5 is also applicable to cases where affected people choose to voluntarily donate land or assets based on conditions set in footnote 10 of ESS-5: (a) the potential donor or donors have been appropriately informed and consulted about the project and the choices available to them; (b) potential donors	This Degree deals with land acquisition and involuntary resettlement and therefore does not provide guidance on voluntary donations. Nonetheless, this matter was found in the Technical Guidelines on Compensation and Resettlement in Development Projects (2009).	No clear guidance on voluntary donations.	Voluntary land donations will not be considered in the NLRECC project.

Subjects	ESS-5 on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement (2018)	Compensation and Resettlement Decree No. 84/GOL (2016)	Gap	Project Measures
	<p>are aware that refusal is an option, and have confirmed in writing their willingness to proceed with the donation; (c) the amount of land being donated is minor and will not reduce the donor's remaining land area below that required to maintain the donor's livelihood at current levels; (d) no household relocation is involved; (e) the donor is expected to benefit directly from the project; and (f) for community or collective land, donation can only occur with the consent of individuals using or occupying the land.</p>			
2. Compensation				
2.1. Methods for determining	Compensation for lost assets is calculated at replacement cost.	Article 2: The compensation shall be in the form of land, material or money for the land, agricultural products,	Compensation for at full replacement	Independent appraiser conducts replacement cost study for all types of assets affected to establish compensation, which are appraised by Compensation and

Subjects	ESS-5 on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement (2018)	Compensation and Resettlement Decree No. 84/GOL (2016)	Gap	Project Measures
compensation rates	Compensation for lost land and other assets should be paid at full replacement costs in accordance with Footnote 6 of ESS5.	<p>livestock, and incomes that are affected by development projects based on compensation value.</p> <p>Article 4 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 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</p>	cost is not stated.	<p>Resettlement Committee and/or Grievance Redress Committee to ensure full replacement costs.</p> <p>Procedures in ESS5 will be applied</p>

Subjects	ESS-5 on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement (2018)	Compensation and Resettlement Decree No. 84/GOL (2016)	Gap	Project Measures
		<p>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>		
2.2. Compensation for loss of income sources or means of livelihood	Loss of income sources should be compensated (whether the affected persons must move to another location)	<p>Article 9 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>	Compensation for losses of income sources is not stated.	ESS5 Procedures will be applied - loss of income will be restored to pre-displacement rates regardless of the legal status of the affected person
2.4. Livelihood restoration and assistance	The Borrower will take possession of acquired land and related assets only after compensation in accordance with ESS-5 has been made available and, where applicable, displaced people have	<p>Article 13: 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</p>	Project possession of acquired land and related assets after compensation	ESS 5 will be applied with the project's possession of the acquired land and related assets after compensation and resettlement (if applicable) in a case by case basis due to the expected limited impacts.

Subjects	ESS-5 on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement (2018)	Compensation and Resettlement Decree No. 84/GOL (2016)	Gap	Project Measures
	<p>been resettled and moving allowances have been provided to the displaced persons in addition to compensation. In addition, livelihood restoration and improvement programs will commence in a timely fashion to ensure that affected persons are sufficiently prepared to take advantage of alternative livelihood opportunities as the need to do so arises. Provision of livelihood restoration and assistance to achieve the policy objectives.</p>	<p>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.</p>	<p>not explicitly stated.</p>	
<p>2.5. Consultation and</p>	<p>ESS1 requires that stakeholder engagement with affected and interested</p>	<p>Article 5:</p>	<p>Consultations throughout the project cycle is</p>	<p>Meaningful consultations as per WB ESS10 should be conducted, with particular attention to ensuring it is a two-way process,</p>

Subjects	ESS-5 on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement (2018)	Compensation and Resettlement Decree No. 84/GOL (2016)	Gap	Project Measures
Stakeholder Engagement	stakeholders will be throughout the project cycle in line with the project's Stakeholder Engagement Plan (SEP), including ongoing consultations and document disclosure.	The compensation and resettlement shall be carried out in compliance with the following principles: Protection of the rights and legitimate benefits of affected people. Ensure equality, correctness, transparency, disclosure, and fairness. Ensure coordination, consultation, and participation between the project owner, affected people, state agencies and other relevant stakeholders.	not clearly stated.	that allows for feedback from APs and they are informed how their feedback was incorporated.
3. Grievance Redress Mechanism				
Procedures for recording and processing grievances	Annex 1 of ESS10 includes details of administrative and judicial process on Grievances Redress Mechanisms to handle grievances/complaints under all ESS.	Article 23: 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)	Existing mechanism needs to be observed.	There will be consultations with APs at various stages including during the preparation of RAPs. Prior to the preparation of the RAP, consultation is carried out to confirm eligibility criteria and discuss entitlement matrix, and to introduce the GRM. In addition, copies of the Guidelines for GRM are translated in Lao language or local dialects of ethnic groups (if necessary) and provided and explained in

Subjects	ESS-5 on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement (2018)	Compensation and Resettlement Decree No. 84/GOL (2016)	Gap	Project Measures
		according to the procedures stipulated in paragraph 1, article 24 of this decree.		detail to APs during the public consultation process. There are clear mechanisms for grievance redress in the ESMF. While the mechanisms are clearly set out, Resettlement Committee will ensure it is accessible to all APs, in particular vulnerable APs and women.
5. Monitoring & Evaluation				
	Internal and external independent monitoring are required	Article 27: 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 plan, at each period.	No major gap.	The PMU of the MPWT and EDPD/PTRI in close coordination with DPWT's in the provinces will conduct internal monitoring on resettlement implementation. The monitoring will include progress reports, status of the resettlement plan 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 local authorities and submitted to PMU and WB on a quarterly basis.

4 PRINCIPLES AND OBJECTIVES

22. The purpose of this RPF is to ensure that all people who might lose any portion of the land or structure they own or use, or anyone who might lose any part of their livelihood from that land/location, even on a temporary basis, are adequately compensated, and that their living standards will be at the same level if not better than if there had been no project. This includes customary land rights.

23. The approach of the project will follow the World Bank's mitigation hierarchy by:

- Adjusting designs to avoid impact on land and assets.
- When impacts cannot be avoided, minimize them.
- Where land acquisition impacts remain, compensate people as per guidelines in this RPF.

24. This RPF covers resettlement where land, or assets, are involuntarily acquired. Voluntary donation will not be considered by the project.

4.1 Principles and Objectives on Involuntary Land Acquisition

25. Basic principles: The revised (2016) Decree 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 made worse off than they would have been without the project. The Decree (No. 84/GOL, 2016) is largely consistent with the main principles of the World Bank's ESS5. However, where there is gap, the World Bank's ESS5 will be applied.

26. Specific principles that shall guide the process of involuntary land acquisition for the project include:

- Avoid involuntary land acquisition or, when unavoidable, minimize involuntary land acquisition by exploring proposed project design alternatives.
- Avoid forced eviction.⁵
- Avoid involuntary land acquisition of poor or vulnerable persons.
- Ensure that the area of involuntary land acquisition is minor and will not reduce the affected persons' remaining land significantly.

⁵ Forced eviction is defined as the permanent or temporary removal against the will of individuals, families, and/or communities from the homes and/ or land which they occupy without the provision of, and access to, appropriate forms of legal and other protection, including all applicable procedures and principles in ESS5. The exercise of eminent domain, compulsory acquisition or similar powers by a Borrower will not be considered to be forced eviction providing it complies with the requirements of national law and the provisions of ESS5, and is conducted in a manner consistent with basic principles of due process (including provision of adequate advance notice, meaningful opportunities to lodge grievances and appeals, and avoidance of the use of unnecessary, disproportionate or excessive force).

- Improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.
- Mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- Ensure that activities to mitigate the impacts of involuntary land acquisition are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected; and
- Keep the affected persons fully informed about the process of compensation and other mitigation activities, and their related rights and avenues for redress, in line with consultation procedures outlined in this RPF and the Stakeholder Engagement Plan (SEP), with particular attention to gender.⁶

4.2 Overview of NR2W and BCFs based on the findings of the Pre-ESIA

27. The NLRECC covers 5 provinces, with 31 districts and 2,096 villages. These numbers are in these provinces, but not necessary under the NLRECC. The number of districts ranges from 5 districts in Luangnamtha to 12 districts in Luangprabang. The number of villages is also lowest in Luangnamtha (354 villages) and highest in Luangprabang (755 villages). Most villages in these provinces are in highland areas. In Phongsaly, this is almost 99%. Although the mountainous terrain of Phongsaly is a challenge for the province in terms of improving transport and agricultural land use, it is an advantage for the province to develop hydropower projects, particularly along the Nam Ou River.

28. NR2 has a total length of 295 km and is divided into two main sections, NR2 West (190 km) connecting the Thai border at Huai Kone via NR4A and NR2-East (150km) connecting with the Vietnamese border at Tay Trang, Dien Bien Phu province. NR2E will not be financed by the NLRECC.

29. NR2 West is in relatively flatland with agriculturally suitable areas alongside the road. Where the river turns west the steep side slopes are still maintained but some low terrace areas are now evident where side tributaries emerge and met the Mekong.

30. During the pre-ESIA, it was found that as of 2020 an estimated 256,000 people live in districts along NR2W; an estimated 19,000 people live in Meuang Ngeun district, where the Cross-border is located and an estimated 28,000 people living in Meuang Mai district, where the Cross-border is located. Most villages are accessible by roads

⁶ For instance, any financial compensation for involuntary acquisition of land or other assets should be provided jointly to a husband and wife, rather than just to the husband, even if the husband is the legal owner.

and some villages are along the main road or ROW of the NR2W including some schools and temples. Along the road also are some rivers, agricultural lands and forest areas and bridges.

31. Road rehabilitation for NR2W will involve widening from 6 meters to 8 meters (6 meters of the carriageway and 2 meters of shoulders-one meter each side. However, at this stage of project preparation it is not clear how much of the 190km road will be rehabilitated. Based on field work during the pre-ESIA, it was noted that the rehabilitation and improvement of road along NR2W will mostly have positive impacts on people by enabling them to have access to a more reliable, durable, improved and safer subproject roads. Those living or operating along the subproject roads stand to benefit the most from the Project as they will have better and safer roads that will connect them in much lesser time to markets, schools, hospitals and provincial or district centers. The NR2-West (145 km) connecting with the Thai border at Huai Kone via NR4A. According to the Lao Population and Housing Census of 2015, there are 81 villages with a population of 238,274 people living in the 5 districts along the NR2W of Oudomxay and Xayaboury. Please see Table 1.

32. Feeder roads are expected to be rehabilitated along the existing alignment, therefore land acquisition is expected to be minimal.

Table 1: Number of Villages along NR2W:

Province	District	Number of village
Oudomxay	Beng	28
	Houn	26
	Pakbeng	8
	Xay	5
	Sub-total	67
Xayboury	Meang Ngeun	14
	Sub-total	14
Grand Total		81

Photos 1 and 2: Residential Area along NR2W



Photo 3: Agricultural Land along NR2W



Photo 4: Markets, Small shops and Residential Area along NR2W



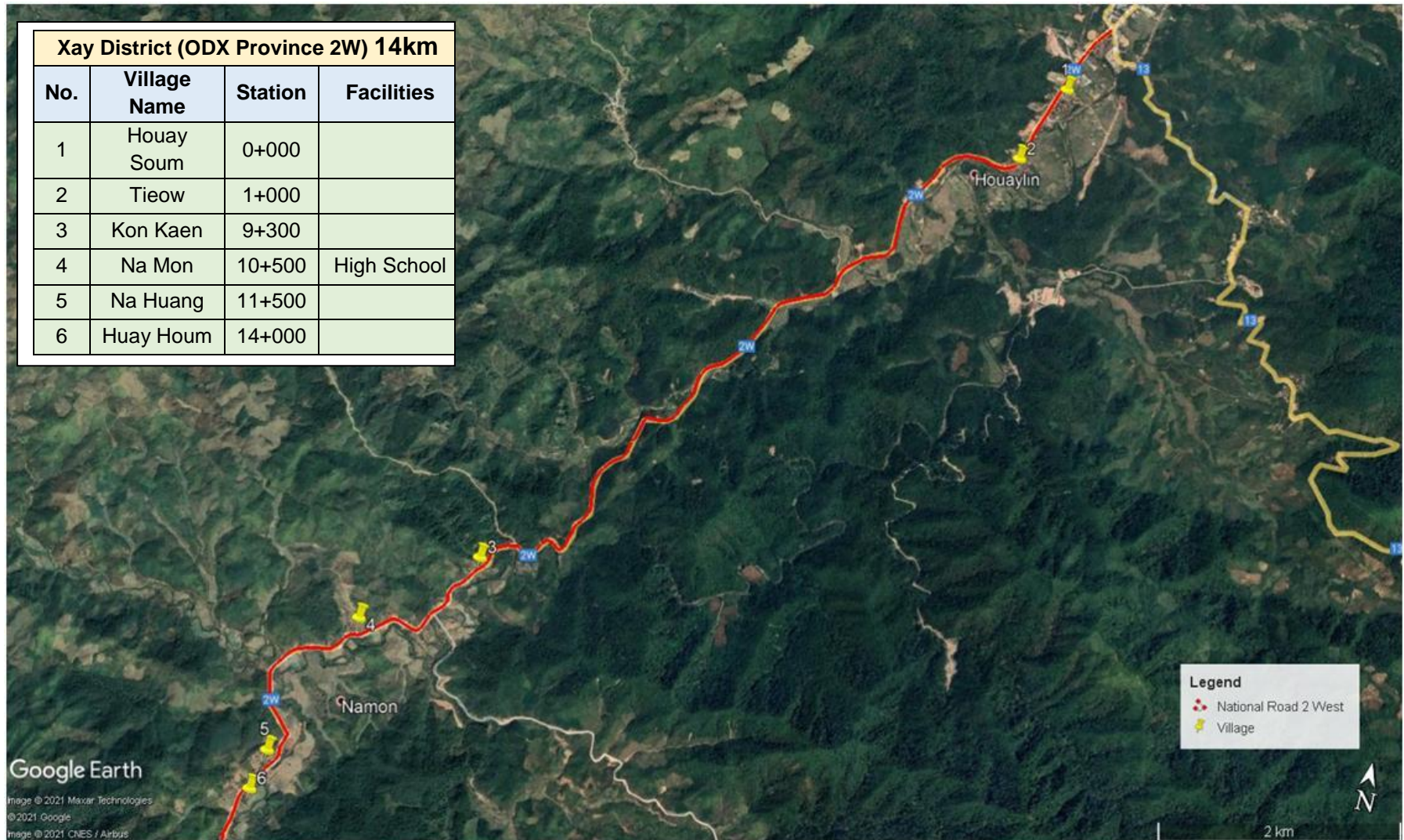
Map showing the Location of the Existing Nam Ngeun Border Crossing Facility



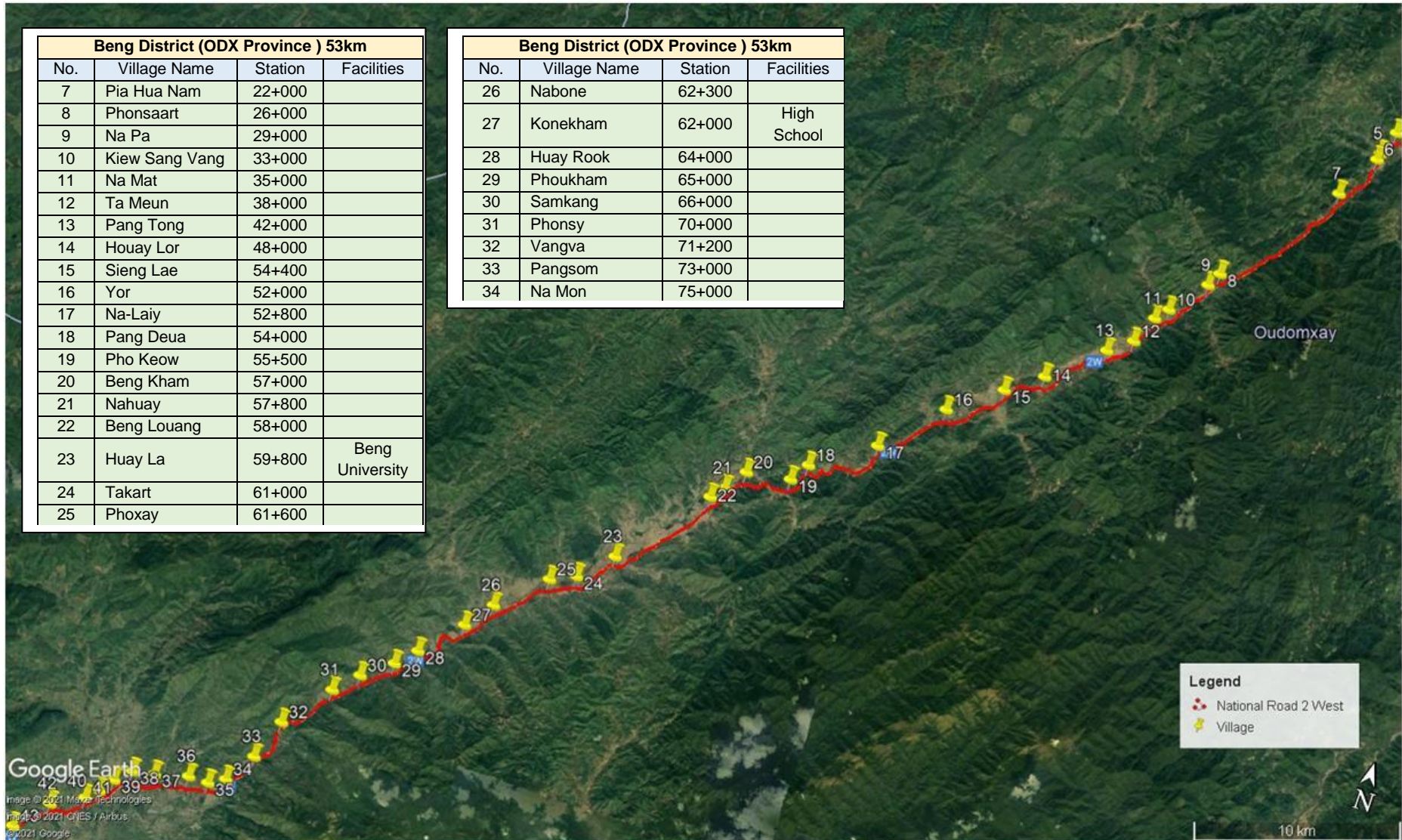
Photo 5: Existing Structures in the Nam Ngeun BCF



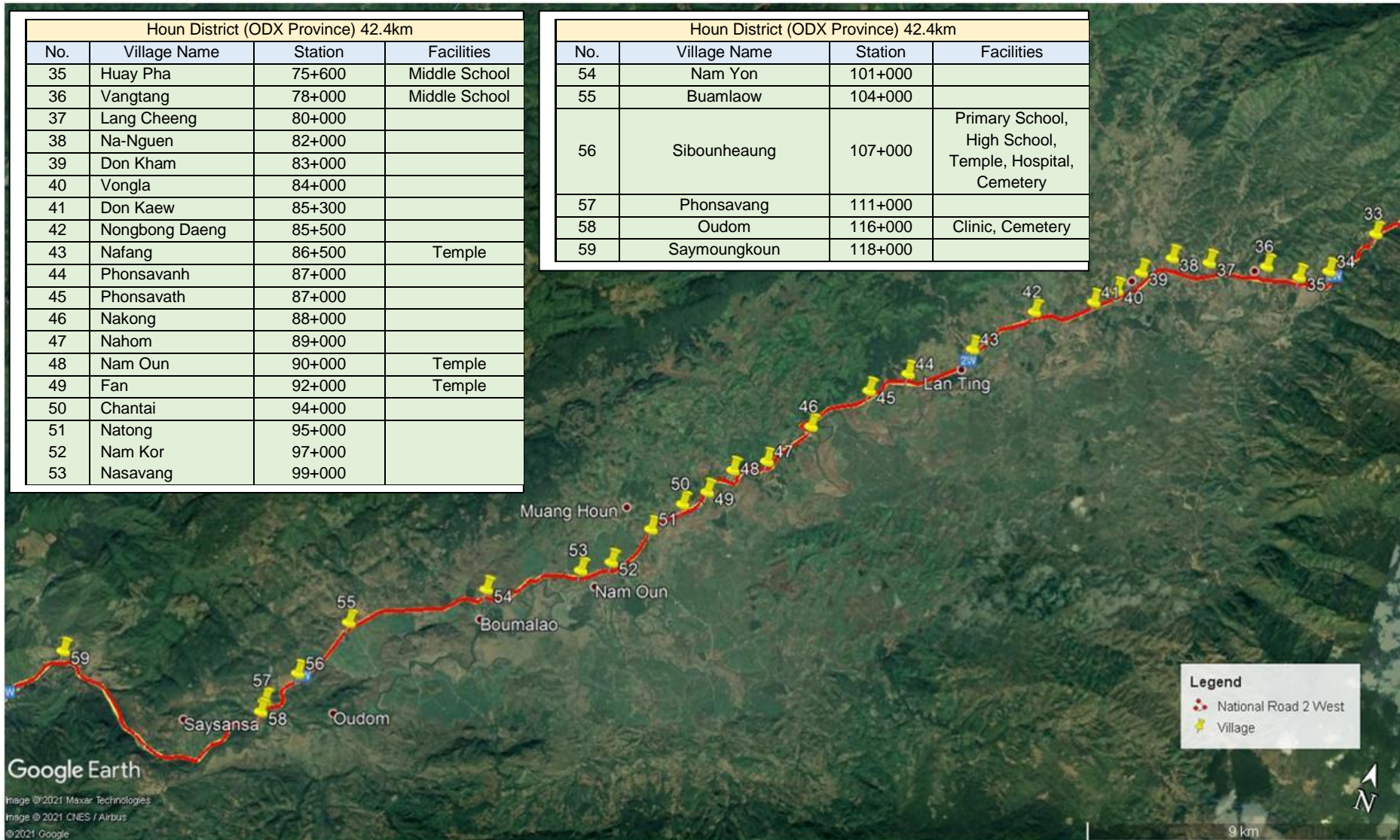
Maps showing the location of the villages and facilities along the NR2 West



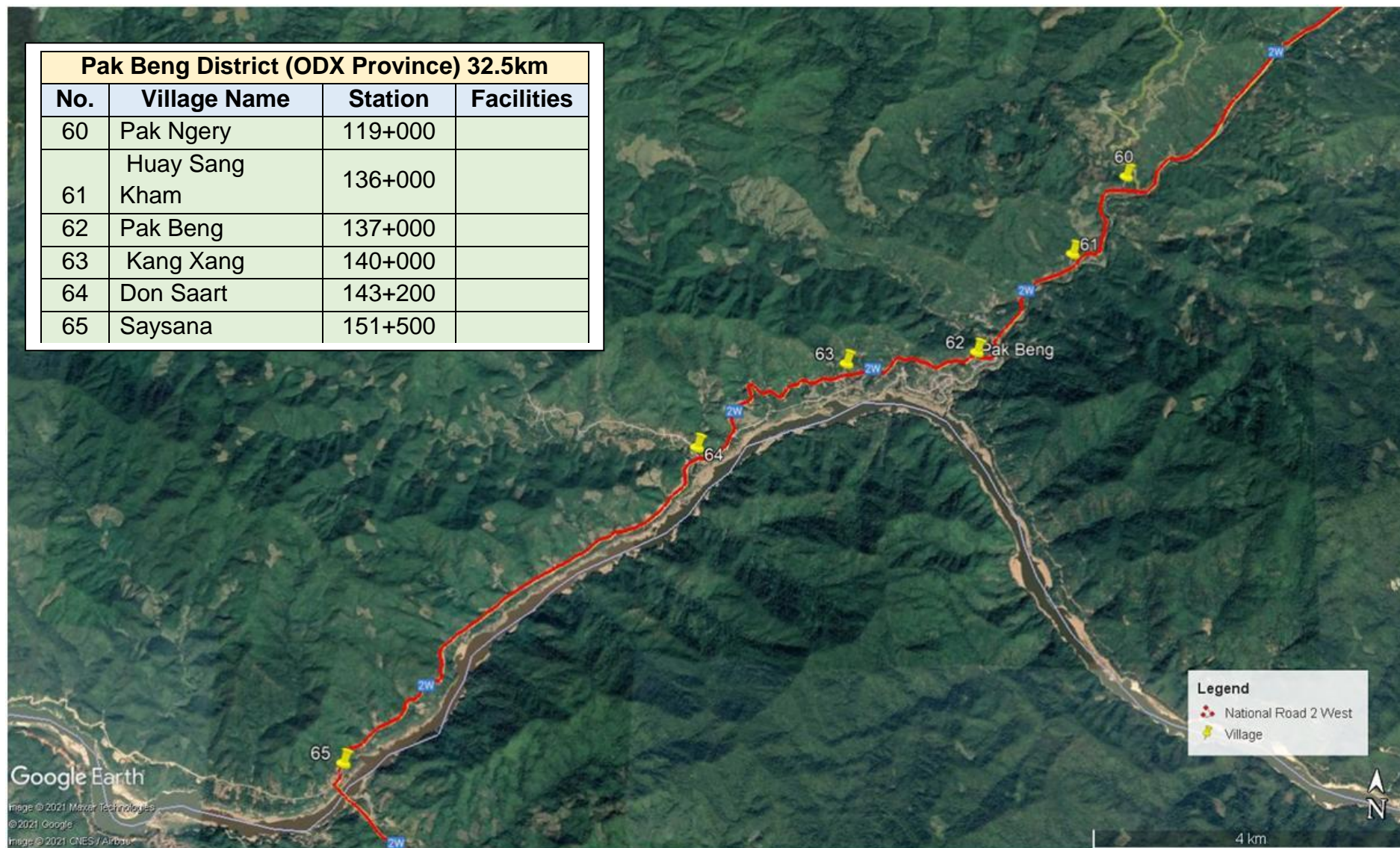
Note: Facilities recorded are within, or are in close proximity to NR2W



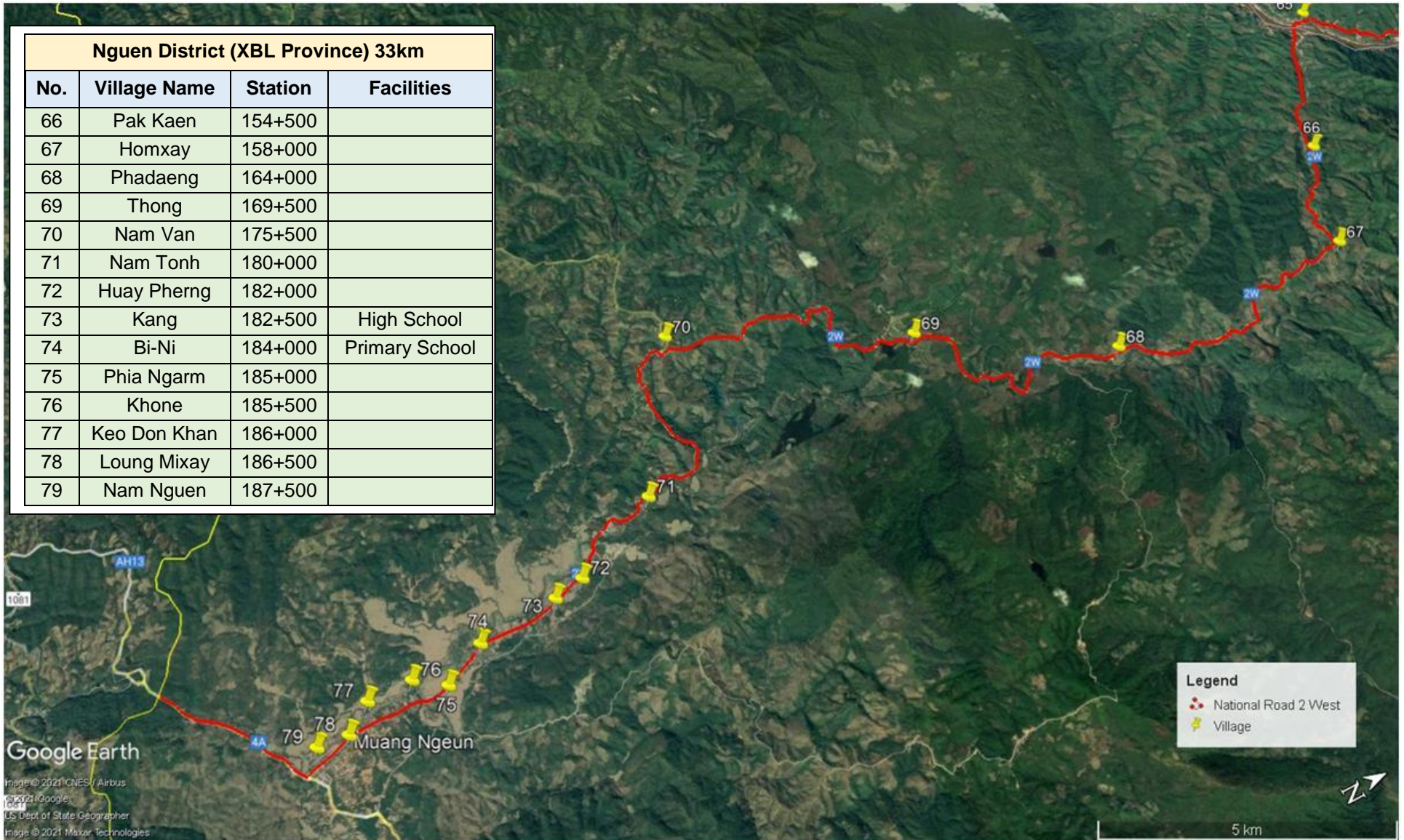
Note: Facilities recorded are within, or are in close proximity to NR2W



Note: Facilities recorded are within, or are in close proximity to NR2W



Note: Facilities recorded are within, or are in close proximity to NR2W



Note: Facilities recorded are within, or are in close proximity to NR2W

4.3 Eligibility Criteria

33. At this stage, it is not possible to identify the categories of people that could be affected given that NLRECC project works are undefined. It is thus not feasible to undertake a census or to provide a precise estimate of the total population that might be affected. This will be done during the ESIA stage in 2022. The ESIA will take this RPF as the basis for their assessment and the preparation of RAPs.

34. Under the World Bank Policy (ESS5) affected persons may be classified as persons:

- Who have formal legal rights to land or assets;
- Who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law;
- Who have no recognizable legal right or claim to the land or assets they occupy or use.

35. Where land acquisition or restrictions on land use are unavoidable, the Borrower will, as part of the screening process, conduct a census to identify the persons who will be affected by the project, to establish an inventory of land and assets to be affected, to determine who will be eligible for compensation and assistance, and to discourage ineligible persons, such as opportunistic settlers, from claiming benefits. The screening will also address the claims of communities or groups who, for valid reasons, may not be present in the project area during the time of the census, such as seasonal resource users. In conjunction with the census, the Borrower will establish a Cut-Off Date (COD) for eligibility. Information regarding the cut-off date will be well documented and will be disseminated throughout the project area at regular intervals in written and (as appropriate) nonwritten forms and in relevant local languages. This will include posted warnings that persons settling in the project area after the cutoff date may be subject to removal. As mentioned, the screening process, including census and COD, will be undertaken during the ESIA-phase of the NLRECC project, in 2022.

36. According to the PM Degree 84 on Compensation and Resettlement Management in Development Projects and the Law on Resettlement and Occupation (2018), and in line with WB ESS5, entitlements of the affected persons can be summarized as in Table 2. This will be further defined during the ESIA stage.

TABLE 2: ENTITLEMENT MATRIX

Type of Losses	Entitled Persons	Entitlements
A. Loss of Land		
Residential Land	Legal owner or occupant eligible as per RPF criteria 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. ▪ Without 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. ▪ Entitlements must be in accordance with ESS5 requirements.
Totally Affected Houses/Shops, and Secondary Structures (e.g. kitchen, rice bins, fences, etc) Partially Affected Houses/Shops but no longer viable (Would 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 ▪ Adequate time provided for PAP/PAH to rebuild/repair their structures. ▪ Timely provision of trucks for hauling personal belongings at no cost to the PAP.

Type of Losses	Entitled Persons	Entitlements
Partially Affected Houses and/or Shops and secondary structures (Would not require relocation since the remaining portion is still viable for use/living)	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. ▪ Affected houses and shops that are no longer viable are those whose remaining affected portion are no longer usable/habitable and may require relocation.
Electricity Poles	Electricity Companies.	<ul style="list-style-type: none"> ▪ Cash compensation for cost to dismantle, transfer and rebuild.
Productive Land (paddy, garden, teak, and other types of trees.)	Legal owner or occupant identified during census and tagging in line with RPF criteria.	<ul style="list-style-type: none"> ▪ 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 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.
Fishpond (Remaining area is still viable or can still meet expected personal or commercial yield)	Owner or user of affected fishpond.	<ul style="list-style-type: none"> ▪ 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). ▪ Adequate time provided for PAP to harvest fish stocks.

Type of Losses	Entitled Persons	Entitlements
		<ul style="list-style-type: none"> ▪ 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 ▪ Contractor 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.
Crops and Trees	Owner or users of crops and trees whether or not land is owned.	<ul style="list-style-type: none"> ▪ 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. ▪ For perennial crops and trees, cash compensation at replacement cost equivalent to current market value based on type, age, and productive capacity. ▪ For timber trees, cash compensation at replacement cost equivalent to current market value based on type, age and diameter at breast height (DBH) of trees.
Loss of business income during relocation or during dismantling/repair of affected portion (without relocation)	Owners or renters 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. ▪ 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 3 months of adjustment — 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.

Type of Losses	Entitled Persons	Entitlements
Impacts on vulnerable PAP	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 milled 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.
Transition subsistence allowance	Relocating households – relocating on residual land or to other sites.	<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 milled 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 heir productive land will be provided with cash or in-kind assistance equivalent to 16 kg of milled rice at current market value for 6 months per household member.
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. ▪ Compensation for any ceremonies required to be performed when physical resources are impacted.
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, such as required ceremony, will be paid in cash to each affected family.
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 landowner and the civil works contractor but should not

Type of Losses	Entitled Persons	Entitlements
		<p>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 landowner and the civil works contractor.</p> <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 landowner is adequately informed of his/her rights and entitlements as per the Project resettlement policy; and (iii) agreement reached between the landowner and the civil works contractor are carried out.
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. ▪ PAP/PAH may also opt for cash assistance. The amount (cost of labor and distance from relocation site) to be determined during implementation.

4.4 Resettlement Process: Step by Step

37. In line with requirements in ESS 1 (Assessment and Management of Environmental and Social Risks and Impacts) and ESS 5, the project will adopt a mitigation hierarchy which will:

- Adjust designs to anticipate and avoid land acquisition impacts.
- Where avoidance is not possible, minimize or reduce land acquisition impacts.
- Inform stakeholders of their right to compensation and the steps in land acquisition in line with this RPF.
- Where land acquisition impacts remain, compensate affected people in line with this RPF before civil works begin, with appropriate disclosure of information and available grievance mechanism as described in this document.

38. During the ESIA stage, conceptual engineering designs of NR2, BCFs and feeder roads will be undertaken with the above mitigation hierarchy in mind. In the event it is not possible to avoid land acquisition impacts, the Secretariat of the Steering Committee of the Project will inform the Resettlement Committee (RC), in accordance with the Decree 84. The RC will then conduct visits to assess the land acquisition impacts and the Secretariat will be responsible for sharing with the RC all information and construction plans concerning the areas to be impacted.

39. The RC, DPWT and EDPD/PTRI, supported by the ESIA consultants, will inform the affected persons along with local authorities of the extent of the land acquisition impacts. A census of all the affected households, including an inventory of the lost assets of those households, shall be conducted by the Secretariat (with assistance of consultants). Based on this, the ESIA consultants will prepare a Abbreviated Resettlement Action Plan/Resettlement Action Plan (RAP) with the assistance of the DPWT and technical support from EDPD/PTRI, including a detailed measurement survey of the parcels to be acquired and a replacement cost study of the assets to be acquired for all subprojects (i.e. NR2W, BCFs, feeder roads). The same process will apply once consolidation facilities are identified

4.5 Cut-off dates

40. The COD will be set by DPWT as the end of the first round of discussions with the affected persons at each site where there will be land acquisition impacts. The minutes of the meeting of those discussions will clearly record the cut-off date.

4.6 Detailed Measurement Survey

41. A Detailed Measurement Survey (DMS), consisting of census, household socioeconomic and inventory of loss information, will be conducted by the Consultant, with support of the DPWT and EDPD/PTRI, after the completion of the detailed construction plans showing the areas to be impacted, to prepare the inventory of land acquisition impacts on the affected households, assets, and businesses. The affected

households should be informed ahead of time of these dates, ideally during the consultations.

42. The measurement of the land, structures, and other productive assets to be affected by land acquisition is carried out during the DMS, which is the basis to determine the compensation package. The measurement is carried out with the full involvement of the affected persons, to avoid any disputes on incorrect measurements or calculations or underpayment of compensation. This will include involving both spouses and in the case of a household headed by elderly people, it will include at least one of their adult children if possible. The DMS Team will install pegs or markers for the demarcation of the affected land in the presence of the displaced persons and carry out the calculation of the land area and other assets that will be lost. The land is also classified at this time based on actual land use classification.

4.7 Replacement Cost Study and Asset Valuation

43. A Replacement Cost Study (RCS) is the method of valuation of assets at full replacement cost yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Transaction costs include administrative charges, registration or title fees, and any similar costs imposed on affected persons. The payment of compensation for lost assets is based on market value or at full replacement cost prevailing at the time of the DMS and is determined by an independent agent and confirmed by the RC following the criteria of WB ESS5 paras 12-16.

44. The RCS will be carried out in parallel with the DMS, (as a part of the ESIA). The RCS will consider, among others, the type of trees and maturity of the tree; the type of materials of structures, their quality and local market value; the costs to transport materials, etc. based on local conditions. The compensation amount for each affected person is calculated based on the DMS of the affected assets in the Inventory of Losses (IOL), and applying the unit costs from the RCS report to their measurements to arrive at the replacement costs of the affected assets, as well as any other eligibility based on the Entitlement Matrix. This will all be articulated in the RAP. The methods of valuing the affected assets and the calculation of the compensation for each eligible affected person will be at full replacement cost in line with ESS5 of the WB's ESF and international valuation standards. The agreement on the compensation package is confirmed under a formal and binding contract between the RC and the affected persons. If any errors are found during the consultation process, they will be corrected on the spot. Additional complaint procedures are available in the project Grievance Redress Mechanism.

45. The preparation of Resettlement Action Plan (RAP) will be in compliance with the Decree 84; the new Law on Resettlement and Occupation and the WB's ESS5. A detailed sample outline for a RAP, is included in Annex . Key tasks for RAP

preparations are summarized in Table 3. All RAP will be subject to prior review and approval by the Bank.

4.8 Organizational procedures for entitlement

46. The PMU-MPWT has the lead responsibility for implementation of the RPF. The Component Management Units of other implementing ministries in association with the Provincial Departments in the provinces of Oudomxay, Luangprabang, Luangnamtha, Phongsaly and Xayabouly will develop and implement the abbreviated resettlement action plan/resettlement action plan in the respective footprint for each subproject according to the policies and procedures articulated in the RPF, relevant Lao PDR national laws and decrees, and the World Bank ESF. The WB will clear the site-specific RAPs before its implementation.

47. The PMU-MPWT and DWPTs with the technical assistance and support from EDPD/PTRI are responsible for supervising and providing implementation support for safeguards, including the ESMP, ARAP/RAP and EGEP. Compensation will be reviewed and managed or monitored by the Provincial and District Resettlement Committees, which will be established in accordance to the Decree 84, 2016 on compensation and resettlement and in line with WB ESS5. Village Resettlement Sub-committees (VRS) will also be established as needed in villages where land acquisition and resettlement will occur, and 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 impact exist.

48. It is incumbent upon the DPWTs with the support from EDPD/PTRI 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 DPWTs with the support from EDPD/PTRI will have a supervisory role and will ensure that provisions contained in the ARAP/RAP are implemented, monitored and reported.

49. The PMU-MPWT will hire a firm to prepare the ARAP/RAP to ensure proper 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 and/or if relocation is required (a census and detailed socio-economic surveys need to be conducted on PAP within the RoW after confirmation of subprojects' footprint);

- Develop a detailed list of all PAP and PAH in the RoW;
- Conduct of Detailed Measurement Survey (DMS)
- 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.

4.9 Compensation and Other Resettlement Assistance

50. All persons whose land or other assets are within the area where construction is planned will be eligible for compensation for those lost assets regardless of their legal status. This includes those who have been using the state land, including the ROW, where construction will occur. It also includes those whose livelihoods will be disrupted temporarily during construction.

51. When affected persons have legal claims, or recognizable claims, to the land or other assets, compensation for land will be based on market or replacement rates based on the principles of WB ESS5.

52. Fruit trees, other economic trees and standing crops will be compensated according to the principles in the Decree 84 and the World Bank ESS5. Where possible, affected persons will be allowed to harvest crops before acquisition or temporary use of the land.

53. Businesses affected by land acquisition will be compensated for loss of income, as well as transport allowances where relevant.

54. Loss of structures or parts of structures (fences, etc.) will be compensated on the principles of replacement cost or moved to a new location. Transport allowances will be provided where relevant.

55. Affected persons whose land is used temporarily during construction will be compensated for loss of income from crops or other assets during the period of construction.

56. If any affected persons lose all or a part of their livelihood due to land acquisition or access restrictions, a Livelihood Support Plan will be prepared and livelihood restoration programs implemented to assure those APs will have a standard of living equal to, if not better than, they would have had without the project.

57. If acquisition of land or other assets of vulnerable households cannot be avoided, additional assistance will be provided to those vulnerable households. If it is a poor household, the assistance will assure their living conditions are improved and that they will have a standard of living above poverty level.

4.10 Disadvantaged/Vulnerable Individuals or Groups

58. Disadvantaged/vulnerable individuals or groups includes: (1) households below the poverty level established by the GoL; (2) households headed by elderly with no means of support; (3) women and female headed households with dependents, especially those below the poverty level; (4) households with a disabled member; (5) Ethnic people; (6) children; (7) landless without means of support.

59. These people/groups are disadvantaged/vulnerable due to their potentially significantly lower ability to access and/or understand information about the project and its impacts compared to other groups due to physical, social or cultural constraints.

60. These categories of people will be given particular attention through targeted methods that will enable information sharing and understanding of the nature of project activities and the anticipated positive and potential negative impacts of the project as well as their expectations. Specific meetings and focus groups as well as individual household visits with these groups of people with specific and tailored messages will be used in consideration of their existing challenges. This will include both the sharing of information as well as the gathering of information. So, for instance, impact assessment will ensure specific targeting of these groups to understand their specific needs and that risk assessment and mitigation take these into account. Information sharing activities will also ensure these groups are specifically targeted, to ensure they received information in an appropriate manner and are able to provide feedback.

61. Ethnic group in some parts of the project provinces such as Phongsali do not speak Lao. Meanwhile, some ethnic people may speak Lao, but their level of proficiency may be low, with low understanding and low literacy. While project information can be provided in written forms, vulnerable groups of people may still have difficulty in reading and understanding and may need different targeting methods.

Vulnerable groups of people will need to be provided with translation in a minority language or local dialects, as appropriate, sign language, large and readable print, etc. Other considerations may also need to be taken into account, such as choosing accessible venues for events; providing transportation for people in remote areas to the nearest meeting; having small, focused meetings where vulnerable stakeholders are more comfortable asking questions or raising concerns, etc. Interested stakeholders, especially organizations active in the project area which work with vulnerable people/groups (who may be more aware the best ways to engage various vulnerable groups), should be consulted and may be contacted for assistance in engaging with vulnerable groups.

62. If acquisition of land or other assets of vulnerable persons cannot be avoided, the RAP shall be prepared with their special needs taken into consideration. If lands or other assets of ethnic people are to be acquired, the RAP shall be prepared in coordination with an Ethnic Group Engagement Plan (EGEP) for that community, based on the project's Ethnic Group Engagement Framework (EGEF).

5 Institutional Arrangements

61. The NLRECC will be implemented using existing government structure. Please see ESMF for detailed description of the project implementation arrangement.

62. The EDPD/PTRI will work in close coordination and provide technical support to the Project Management Unit of MPWT and DWPTs who will be actually planning and implementing the project on the ground, including this EGEF. EDPD/PTRI will be tasked with overall supervision and monitoring of the EGEF implementation.

63. DWPTs will be responsible for ensuring that E&S requirements, including RPF requirements are mainstreamed in maintenance planning, design and pre-construction works including tendering and contracting process. At subproject level, DPWTs are responsible for planning and implementation of E&S activities including undertaking day-to-day monitoring of E&S measures to be carried out by contractors. The Project provinces will establish the Environmental and Social Unit (ESU) specifically to be responsible for the implementation of E&S measures. The DWPTs and the Safeguard Monitoring Working Groups (SMWGs) will be responsible to carry out subproject E&S impact screening, the required E&S planning activities and develop the necessary E&S action plans. The E&S plans will be submitted to EDPD/PTRI, who will review all the E&S documents (ESMP/Alignment Sheet, EGEP, RAPs) of the subprojects prior to submission to the World Bank to request No objection Letter. All the documents will be kept in the project files for possible WB review.

64. As relevant, DWPTs with the support from EDPD/PTRI will be responsible for implementation of the subproject ESMPs, EGEPs, and/or RAPs including the day-to-

day supervision of contractors through the Construction Supervision Consultant (DDIS) and/or filed engineers.

65. MPWT would be responsible for any resettlement as a result of NR2W, feeder roads, consolidation facilities and BCF. If a RAP is required, to ensure timely implementation of the RAP, at subproject level, DPWTs will be responsible for day-to-day planning and implementation including serve as the secretariat to the provincial Resettlement Committee (PRC) to be established in the subproject province. The District Resettlement Committee (DRC) and the Village Resettlement Committees (VRC) will assist the PRC and the relevant line departments as needed. Key roles of these committees are highlighted below.

66. Provincial Resettlement Committee (PRC): To ensure the smooth implementation of resettlement activities, a PRC will be set up headed by the provincial Vice Governor and composed by representative from the Department of Public Works and Transport (DPWT). In addition, the provincial Office of Natural Resources and Environmental (PONRE), the district Office of Natural Resources and Environment (DONRE), and other provincial agencies such as the Lao Women Union (LWU), the Department of Planning and Investment (DPI), Department of Finance, Land Management Office (LMO) under PONRE, the Department of Public Security and other relevant departments will also participate in the PRC. The PRC's main responsibilities are to enhance the leadership with respect to land compensation and/or relocations of the subproject and coordinate outside and internal relationship for the subproject to ensure the project land acquisition compensation and resettlement can go smoothly. The PRCs will undertake critical roles, including:

- Verification of the loss of land and other assets due to project implementation
- Establishing compensation rates (replacement costs) for affected assets
- Hold public consultation meeting and information disclosure
- Monitor and Report all the resettlement plan activities.
- Coordinate and solve conflicts and problems in the process.

67. District Resettlement Committee (DRC): The Resettlement Committee of relevant districts governments are led by the relevant vice District Governors and composed of officials from relevant line offices (i.e., OPWT, Financial Office, District Land Management Office, Natural Resource and Environmental Office). The major responsibilities of the DRC are as follows:

- Participate in project impact investigation and assist the compilation of resettlement plan.
- Organize public participation and publicize resettlement policies.
- Implement, monitor and record the resettlement activities within its town.
- Pay and manage land compensation fund.

- Supervise the land acquisition process.
- Report land acquisition compensation and resettlement situation to PRC; • Coordinate and solve any conflict and problem during the process.

68. Village Resettlement Committees (VRC): The resettlement committees of the affected villages are composed of the village chiefs, deputy chiefs, village elders/traditional leaders and PAP representative. Their responsibilities are as follows:

- Participate in social, economic and project impact survey.
- Organize the public consultation and publicize land acquisition compensation policies.
- Conduct land adjustment and allocation and other resettlement-related activities.
- Report affected people' opinions and suggestions to the superior authorities.
- Acting as "first step" grievance officers and ensure that grievance is resolved.
- Report the progress of resettlement; and
- Provide help to vulnerable people affected by the land acquisition.

69. Relevant Line Departments: Under the national regulations, resettlement and land acquisition are the responsibility of project owners (DPWT). As the project owners, they will play a key role in monitoring and coordination, including:

- Organize resettlement training for the major staff of the Resettlement Office.
- Organize and coordinate the development and implementation of RAPs.
- Guide, coordinate and supervise the resettlement activities and resettlement schedule.
- Organize and check the internal monitoring activities, and compile land acquisition compensation and resettlement progress report; and
- Identify the external monitoring organization and assist the external monitoring activities

6 Recording and Reporting Resettlement

70. The DPWTs with the support from EDPD/PTRI will maintain a complete database on every individual impacted by the project land use requirements including relocation, resettlement and compensation, land impacts or damages, and it will provide a copy to the village authorities. Each time land is used by the project; the database will be updated to determine if the individual or household is being affected to the point of economic non-viability and eligibility for compensation or its alternatives. Periodic reports on the database will be sent to the national, provincial and district

authorities and the World Bank. This will become part of the official documents of the project.

71. The impact of resettlement implementation will be measured by collecting of subsequent data six months after the implementation of all sub-projects. This exercise will determine whether or not PAPs are well off than they were before the project, and if not whether their circumstance have declined as result of the project, and what remedial measures may be necessary.

72. During the RAP preparation and implementation regular reporting on a monthly basis will be made to the World Bank by the PMU and DWPTs, detailing preparatory activities, emerging issues, progress, etc. This would be in addition to the regular progress reports prepared by the PMU-MPWT and DPWTs.

7 Grievance Redress Mechanism

73. The Grievance Redress Mechanism (GRM) to deal specifically with land acquisition issues, is set out below. The key principles of the grievance mechanism are to ensure that:

- The basic rights and interests of affected people, including ethnic groups, are protected.
- The concerns of affected people, including ethnic groups, arising from the project implementation process are adequately addressed.
- Entitlements or livelihood support for affected people, including ethnic groups, if required, are provided on time and accordance with the above stated government and World Bank's ESF, and
- Affected people, including ethnic groups, are aware of their rights to access grievance procedures free of charge for the above purposes.

74. All information about grievance procedures, grievance forms and responses will be available in English and Lao and shared with ethnic groups using their local dialects or an easily understandable format either by audio and photo or drawing /print (e.g. booklet or flyers) formats with the support from the Lao Front National Development (LFND).

75. Ethnic group interpreters will be used to address the language barrier to avoid misunderstandings and enhance cooperation and participation in activities. Therefore, at least one ethnic group interpreter will be used in each consultation and communication with ethnic group villages, regardless of where the village is located, to ensure that all villagers, especially the elderly and children, who often do not speak Lao, are able to understand information provided by the project. Also, since ethnic languages may not be written, communication materials will need to take this into account and adapt so that messages can still reach ethnic groups.

76. In order to facilitate women and vulnerable people's access to the mechanism, they will be specifically consulted with the support from the Lao Women's Union (LWU) to ensure they are able to access the grievance mechanism.

77. The project team shall seek to resolve complaints as soon as possible, and thus avoid escalation of issues. However, where a complaint cannot be readily resolved, then it must be escalated. In order to effectively and quickly resolve grievances of affected people, according to the Law on Grievance Redress or the revised Law on Handling Petitions 012/NA approved by the National Assembly on December 5, 2014 and the President in 2015, to ensure an effective and efficient grievance, a mechanism for the project is proposed as follows:

Stage 1: The first level of complaint resolution, following traditional methods in Laos, should be the Village through its Village Mediation Unit (VMU) and/or Sub-district (kum) level who may be able to resolve issues on the spot. The VMU at the village level would comprise of representatives of ethnic group community leaders, and head of mediation unit or village elder persons.

Complaints can be submitted in verbal or written forms. It is expected that some complainants such as ethnic minority or vulnerable individuals/households might not be able to write any complaints. Members of the VMU should support them in writing down their grievances. Complainants may also retain the right to bypass the VMU procedure and as such can direct their grievance directly to DWPTs, as provided by law in Lao PDR. This can be through a website, email, Facebook, and WhatsApp, for example.

The VMU shall make the arbitrated decision within 10 days. The Village/Sub-district level, specifically the Chief of Mediation Unit, Village Chief and/or Kum Chief, should record the grievance and how it was resolved and communicate it to the DWPTs. There are no fees or charges levied for the lodgement and processing of grievances at this level.

In cases where grievance is related to a labour dispute, the grievance may be first submitted to the contractor and/or human resource staff of the contractor directly as detailed in the project's Labour Management Procedures (LMP).

Stage 2: In cases where grievances cannot be resolved on the spot, in the second stage, people will be able to file grievances directly with PMU-MPWT. People will have been informed of the PMU-MPWT contact information during consultations. The safeguard focal person in the provinces will be able to record the grievance and offer a solution within 15 days, consulting with the Component Management Units, as needed. This may include a visit to the project site by the PMU-MPWT if necessary. There are no fees or charges levied for the lodgement and processing of grievances at this level.

Stage 3: in cases where grievance still cannot be resolved, or not resolved to the satisfaction of the any complainant, he/she shall have the right to submit a complaint to the Project Manager and Director of the PMU of MPWT as desired

by the complainant. The administrative arbitration organization shall make the arbitrated decision within 20 days. Like the two previous stages, there are no fees or charges levied for the lodgement and processing of grievances at this level.

Stage 4: if the complainants are still unsatisfied with the arbitrated decision made by the administrative arbitration organization at the Provincial level, after receiving the arbitrated decision, they can file a lawsuit in a civil court according to relevant laws and regulations of the Lao PDR. The complainant will bear the cost at this stage but will be reimbursed for their expenses by the MPWT if their complaint is successful.

It is important to note that the WB ESF and GRM do not apply to person-to-person disputes, but only state-to-person disputes. Person-to-person disputes should be dealt with by the regular land registration dispute resolution mechanism.

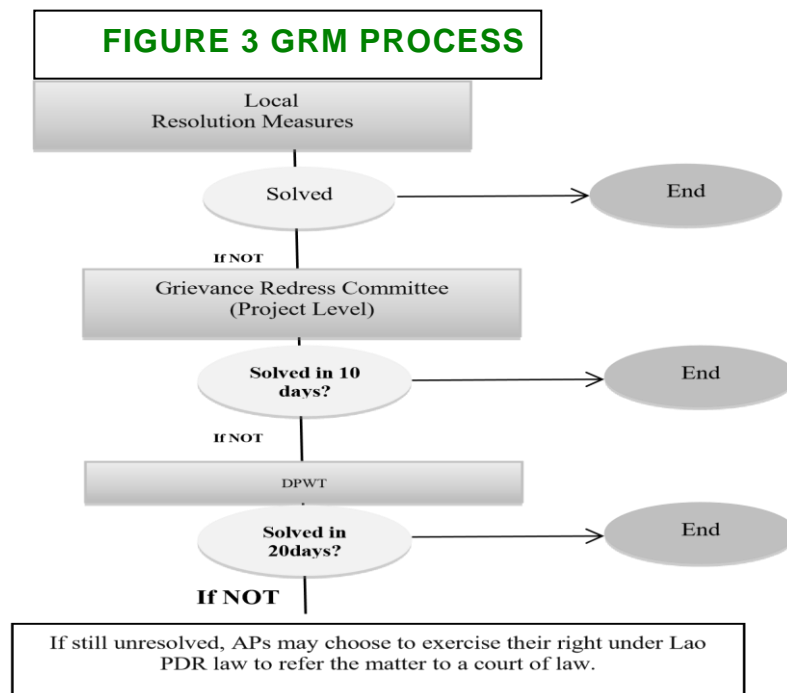
In cases where a grievance still cannot be resolved, or not resolved to the satisfaction of the person making the complaint, the person has the right to submit a complaint to the District or Province authorities, as desired by the complainant. The Complainant could also decide to submit to complaint directly to the Courts. The complainant will bear the cost for these steps but will be reimbursed for their expenses by the MPWT if their complaint is successful.

78. Where accessible, complainants may opt to raise their grievances directly to PMU of the DPC- MPWT as the Project Management Unit of the NLRECC Project via alternative means hotline call and/or text message (WhatsApp) largely used even in most rural area or via the project website to be set up under the project. Contact detail of focal staff from PMU-MPWT and DPWTs with the technical support form EDPD/PTRI are responsible for GRM should be provided in project information leaflet/booklet to be prepared and distributed to all project villages well in advance of consulting and GRM training for village mediation committees.

79. The project will provide GRM committee in all target villages and districts with a logbook where grievances are registered in writing and maintained as a database for monitoring and reporting. Sample templates for GRM logbooks and grievance forms are included in the RPF.

80. During the Pre-ESIA, some stakeholders interviewed during visits mentioned that local grievance mechanism in the village levels are functioning and well in place for any concerns or issues within their respective communities. Nevertheless, some sensitive cases of grievances, such as those relating to Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH) or Violence Against Children (VAC) may require a professional or concerned entities to be engaged to help investigate and resolve. Confidentiality shall be preserved for anonymous complaints.

81. As mentioned, if ethnic group are found, this GRM will need to be adjusted based on the needs of ethnic groups and this would be done in consultations with them.



82. PAP can make complaint or appeal on all aspects of project design and implementation, including issues related to resettlement. The Feedback Form will be developed under this Project and made available at villages in project areas including where PAP live, for use by PAP to raise complaints or grievances. PAP will be clearly informed of the complaint and appeal channels described above through village meetings and other channels. Media tools should be used to communicate the information. Opinions and suggestions on resettlement provided by various people and organizations should be documented and resettlement organizations at various levels should study and address these issues in a timely manner.

83. The organizations addressing the affected people’s complaint and appeal shall not charge any fee. Any expenses incurred due to complaint and appeal should be paid as unexpected expenses by the relevant project implementation agency. To make GRM more efficient and timely responsive, contact details including phone numbers of responsible site engineers and focal points at DPWTs will be provided in the project information leaflet to be prepared and distributed to all Project Affected Households (PAHs) and Project Affected Villages (PAVs).

84. The communities and individuals who believe that they are adversely affected by a WB supported project may submit complaints to existing project-level grievance redress mechanism or the WB’s Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns. Project affected communities and individuals may submit their complaints to the WB’s independent Inspection Panel which determines whether harms occurred, or could occur, as a result of WB non-compliance with its policies and procedures.

Complaints may be submitted at any time after concerns have been brought directly to the WB's attention, and Bank Management has been given an opportunity to respond. For information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS), please visit www.worldbank.org/grs. For information on how to submit complaints to the World Bank Inspection Panel, please visit www.inspectionpanel.org.

8 Funding and Implementation Arrangements

8.1 Budget and Financing

85. The budget for land acquisition and resettlement, as well as any livelihood restoration and grievances, shall be prepared after the detailed measurement survey (DMS) and replacement cost study (RCS) are completed and included in the Resettlement Action Plan (RAP). This will be done at the ESIA stage of the project.

86. The EDPD/PTRI will be responsible and accountable for all financial management functions relating to the use of the budgeted funds. Once the budget is approved by the Steering Committee, the funds are released by the Ministry of Finance and deposited into a project designated account established by the EDPD/PTRI for the Project in the Banque Pour Le Commerce Exterieur Lao Public (BCEL). Following an internal process, the funds are released from the project designated account, as and when necessary, and provided to the RC, which is responsible for making payments to the PAPs.

87. Payment to the PAPs shall be made directly to the bank accounts of the PAPs. If relevant, payments shall be made to a bank account held jointly by spouses. The DPWT and EDPD/PTRI will ensure that all PAPs have to set-up or open their own bank account with the assistance from the village authorities, if needed.

8.2 Implementation Schedule

88. The procurement of civil works will commence after the ESIA has been conducted, detailed construction designs have been completed, the cut-off date has been announced and disseminated and the demarcation of land is completed jointly by the DPWTs and the RC. The RAP will be included in bidding documents for civil works. In some cases – where there is a significant gap (usually over 18 months) between the time of the RCS and the implementation of the RAP, the RCS rates may need to be adjusted to reflect inflation and therefore the RAP budget may need to be updated. Once the RAP budget has been approved and funds have been released, compensation payments should be completed in no later than 2 months.

89. Civil works can commence only after compensation payments at full replacement cost and other entitlements have been provided to the APs, and an income restoration program, where applicable, supported by an adequate budget is in place.

90. In case any AP refuses the compensation payment or if complaints have been lodged for resolution under the GRM, civil works should commence only after the issues are resolved. If the Project determines the delay would be excessive, if for example the AP takes the matter to the courts, the Project may decide that civil works can commence, in which case funds should be put in a separate account, escrow account, on hold for the AP. If any assets are damaged during construction by the civil works contractor, the contractor will be required to restore those assets to their original or higher standard.

9 Information Disclosure and Consultations

91. Keeping PAPs and the general public informed about the proposed project, its expected benefits and potential impacts are crucial. Disclosure of relevant project information helps the APs and other stakeholders to understand the risks, impacts and opportunities of the development project. Meanwhile meaningful dialogue in consultations can avoid the potential for conflicts, address the concerns of persons to the extent possible, avoid bottlenecks to minimize project delays and contribute towards mitigating adverse impacts. The consultation and disclosure activities should be consistent with WB ESS10 including requirements for meaningful consultation and two-way dialogue, and the requirements of the SEP.

9.1 Information Disclosure

92. This RPF has been disclosed at the national level on the MPWT website: <https://www.mpwt.gov.la/> on TBD DATE. The RPF will also be consulted on and disclosed in national-level consultations on TBD DATE, as per guidelines in the SEP, ahead of the WB project appraisal. The updated version was re-disclosed after public consultation.

93. Relevant stakeholders will be consulted, and the proposed project information explained to them in Lao language and a Project Information Booklet (PIB) distributed at the time of the ESIA once the extent of impacts is known. The proposed project information in the PIB covers the following:

- (i) The purpose, nature, and the scale of the proposed project.
- (ii) The location of the proposed project and project components.
- (iii) The duration of proposed project activities.
- (iv) The corridor impacts, right of way, timing of detailed measurement survey, eligibility, entitlements and compensation policy, replacement cost study, and the timing of the establishment of the grievance redress mechanism.
- (v) Potential risks and impacts of the proposed project on local communities, and proposals for mitigating these, highlighting potential risks and impacts that might disproportionately affect vulnerable and disadvantage groups and describes the differentiated measures taken to avoid or minimize them; and

(vi) Names and contact details of key persons on land acquisition and resettlement.

94. The disclosure of relevant information will be made in a timely manner in places accessible to APs and the communities and in Lao language and other ethnic languages as appropriate. Information disclosed to PAPs relevant to land acquisition will be done during the first consultation stage, at second consultation stage at the time of the DMS and prior to preparation of the RAP, and at third consultation stage at the offer of the contracts. The RPF and the RAPs, without sensitive personal information, will also be disclosed on the MPWT and the WB websites.

9.2 Consultation and Participation for Components Involving Land Acquisition

95. Consultations will begin early, once areas that might require land acquisition are identified, during the preparation of the ESIA. These consultations will be led by the DPWT; EDPD/PTRI supported by ESIA consultants, who will work with the community to determine if there are alternative sites available to avoid or minimize land acquisition.

96. Once it is determined that some land acquisition or loss of productive assets will occur, all the APs will be informed of their rights to compensation and other entitlements (if relevant), and livelihood restoration options (if relevant), as well as the process for grievance redress and the proposed construction schedule. Key concerns raised by APs will be recorded in the minutes of the meeting in summary form, and incorporated in the land acquisition and resettlement process as much as possible. The consultation processes consist of several rounds and will be ongoing until the process is completed.

97. Key stakeholders in the consultation process for land acquisition will include:

- APs, with special attention to women, poor and vulnerable people, and Ethnic Peoples;
- MPWT and its Provincial and District Offices;
- RC at provincial, district, and village level,
- Provincial and Local authorities, including representatives of women's groups.
- Civil Society Organizations.

98. The aim of the first consultation will be to introduce the project, its aims, benefits, impacts and the land acquisition process. The Executive Summary of the RPF (translated in Lao language and available in local dialects of ethnic groups, if necessary) will be prepared by MPWT, and RC will be shared and made available at the village offices in the project area. It will also be distributed to all the attendees during the meeting. The GRM procedures and processes will be introduced to APs and their views sought.

99. The second round of consultations will focus on project impacts and will be undertaken jointly by the MPWT and RC. The ARAP/RAP will have been updated by EDPD/PTRI with information on entitlements, and the DMS and IOL process. This consultation will take place with PAPs and relevant authorities, such as village leaders or village elders, before the start of the DMS. The purpose is for the PAPs to confirm the loss of assets and the measurements and fully understand the basis on which the compensation will be paid for the lost assets and other entitlements. The GRM procedures will also be shared and discussed.

100. A third public consultative meeting will be held prior to the signing of the agreement or contract for the compensation package and is undertaken jointly by the EDPD/PTRI and RC. At this stage, the DMS and the RCS are completed, the compensation package for each PAPs is known and draft contracts will be prepared. The consultative meeting explains the compensation package, schedule, procedures, entitlements and GRM, among others. APs will be provided the option to sign the contract during this consultation stage or given 3 working days to submit the signed contract to the EDPD/PTRI and RC through the village offices.

101. If any PAPs are unable to participate in the meeting, best efforts will be made to visit them at their homes or seek the assistance of the village office to contact them.

102. Additional formal consultative meetings will be conducted when the compensation payments will be ready to be disbursed. Details on consultation entitlements, schedule and process will be provided as well as the GRM. This consultation will be undertaken jointly by the EDPD/PTRI and RC. The schedule for compensation payments will be informed to the APs at least one week in advance through the commune/village office.

10 Monitoring and Reporting

103. To ensure the smooth implementation of RAP and achieve the objective of adequately rehabilitating affected people, the project will carry out resettlement monitoring and evaluation in the whole process of land acquisition, demolition, and resettlement. If RAP is required, the monitoring and evaluation consists of two parts: the internal resettlement monitoring and the external resettlement monitoring and evaluation.

10.1 Internal Monitoring

104. The purposes of internal monitoring are to ensure the resettlement organizations at various levels can function soundly during the implementation of RAP and ensure the legitimate interests of the affected people will not be violated and the engineering work can progress smoothly. The internal monitoring of the project land acquisition, compensation and resettlement work should be organized by the DPWT with the overall guidance from EDPD/PTRI for all subprojects. The EDPD/PTRI will hire the consultants on environmental and social specialist who will assist the EDPD/PTRI and the DPWT, on matters related to resettlement and land acquisition.

To effectively monitor the work from inside, the personnel responsible for this work in the resettlement organizations will participate in the development and implementation of the RAP. Annex provides Indicative of internal monitoring indicators for land acquisition.

10.2 External Monitoring

105. In conjunction with internal monitoring by MPWT, 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 voluntary land donation for the project to assess whether objectives were achieved or not. 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 voluntary 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; and
 - Provide technical consulting services to the MPWT in terms of information investigation and processing.

11 Annexes

Annex 1: Screening Form for Land Acquisition and Resettlement

Name of Commune / Village _____

District _____

Province _____

Name of person completing form: _____

Position of person completing form: _____

Section 1:

Is the land to be used for the Project state land?

Yes _____ No _____

If Yes, Skip Section 2. Go directly to Section 3. If No, Proceed to Section 2

Section 2:

Is any of the land owned by individuals or households? Yes _____ No _____

[note: the land does not need to have official ownership deeds, but can be recognized by the community as owned by individuals or households]

If Yes, about how many individuals or households? _____

About how large an area? _____

Is any of the land considered community property? Yes _____ No _____

If Yes, about how large an area? _____

If answered 'Yes' to any of the questions in Section 2, please discuss this with Project Manager and refer to Section 3.3 of the RPF.

Section 3:

Is anyone living on the land (even if it is not their property)? Yes _____ No _____

If Yes, how many individuals _____ or households _____?

Is anyone using the land for agriculture (even if it is not their property)? Yes _____

No _____

If Yes, how many individuals _____ or households _____?

Is anyone using the land for another non-agricultural type of livelihood? Yes _____

No _____

If Yes, what type of use? _____ how many individuals _____ or households _____?

Is anyone using the land for any other purpose? Yes _____ No _____

If Yes, what type of use? _____ how many individuals _____ or households _____?

If answered 'Yes' to any of the questions in Section 3, please discuss this with the Project Manager and refer to Section 3.3 of the RPF.

Annex 2: Outline of the Resettlement Action Plan

The scope of requirements and level of detail of the resettlement plan vary with the magnitude and complexity of resettlement. The Resettlement Action Plan will include information on:

- Project Description
- Legal Framework
- Scope of Land Acquisition and Resettlement
- Socioeconomic Information and Profile
- Eligibility, Entitlements, Assistance, and Benefits
- Information Disclosure, Consultation, and Participation
- Grievance Redress Mechanisms
- Resettlement Budget and Financing Plan
- Institutional Arrangements
- Implementation Schedule
- Monitoring and Reporting
- Livelihood Restoration Measures

Annex 3: Indicative Internal Monitoring Indicators for Land Acquisition

Purpose	Activities	Monitoring Indicators
Identification of compensation recipients	Verify list of compensation recipients against eligibility criteria for compensation, disaggregated by gender	Number of persons in list of compensation recipients who do not meet eligibility criteria (included in error), disaggregated by gender
	Identification of persons who may claim eligibility for compensation but are not included in list of compensation recipients, disaggregated by gender. Separate verification should be performed for each claim.	Number of persons who meet eligibility criteria but not included in list of compensation recipients (excluded in error), disaggregated by gender
Verification of affected area and assets	Confirmation of area of affected assets, but with legal ownership and without, against the RAP	Area of land subject to acquisition, for which compensation has been paid
		Area of other assets subject to acquisition, for which compensation has been paid
Verification of compensation amount, processing, and payment	Examination of financial documents	Number of persons who received compensation in time and in full amount, disaggregated by compensation type and gender
	Identification and analysis of reasons for compensation not being paid in full and in time	Number of persons who did not receive compensation in time and in full, disaggregated by compensation type and gender
		Amount of funding allocated for payment of compensations
	Identification of reasons for which funds for compensation have been under- or overspent	Rate of spending of funds actually allocated for

		compensation, as % of amount envisioned in the RAP
Verification of compensation timeline	Identification of reasons payment of compensation is delayed (i.e., inheritance issues, court case)	Number of persons who received delayed compensation, disaggregated by compensation type and reason for delay and gender; and any changes in amount of compensation (if any)
Verification of consultation and participation	Determine level of involvement and reasons for inadequate participation, including by gender	Number of compensation recipients participating in consultations and coordination meetings at each stage of land acquisition / resettlement process, disaggregated by gender
	Examination of grievance cases; analysis of disputes and complaints content and the resolution of conflicts, disaggregated by gender	Number of complaints received, disaggregated by gender
		Number of complaints resolved

Annex 4: Form to Submit Grievances

Grievance Form ID Number: _____

Date: _____

Complaints Received by (please check (√) the appropriate box):

MPWT DPWT Provincial District Village

Complaint made via (please check (√) the appropriate box):

In person Phone E-mail SMS Website

Complaint Box / Other advice Community/Village Meeting

Others _____

FULL NAME AND LAST NAME of Complainant (or Anonymous):

GENDER: _____

AGE: _____

CONTACT DETAILS (by post, by telephone, by e-mail):

STATEMENT OF GRIEVANCE (Reason for complaint and activity leading to complaint. Please include as much details as possible to answer the following questions: (i) what happened, (ii) when did it happen, (iii) who did it happen to, (iv) what was the impact of what happened. Include additional information as needed/desired.

REMEDY REQUESTED BY COMPLAINT:

SIGNATURE: _____

DATE: _____

FOR ADMIN USE ONLY:

Grievance Received by: _____

Action taken or required: _____

Annex 5: Sample Form of Grievance Redress Mechanism Monitoring

Sample Form of Grievance Redress Mechanism Monitoring to be used by Village Grievance

Committee:.....; **Khumban/Village:**

District:.....; **Provinces:**.....

Grievance ID Number	Location (PK/Km) or village	Brief Description/nature of grievance	Grievance applied by and contact detail or code (Not mandatory)	Ethnic Group	Date of grievance received	Grievance received by	Status of action taken		Action taken by	Remarks/ Explanation
							Solved or what action taken	Date of action completed or taken		

Sample Form of Grievance Redress Mechanism Monitoring to be used by District Grievance Committee and PMU

District:.....; **Provinces:**.....,

Month/Year.....

ID #	Location (PK/Km)	Village	Brief Description/nature of grievance	Grievance applied by with contact detail or code (Not mandatory)	Ethnic Group	Date of grievance received	Grievance received by	Status of action taken		Action taken by	Remarks/ Explanation
								Solved or what action taken	Date of action completed or taken		

Annex 6: Household Socio-economic survey form.

Land Acquisition and Resettlement Questionnaire

Survey ID No.

A. Province/Municipality:

B. City/District:

C. Khum Ban/Village:

D. Name of Household Head:

E. ID/Family Card No.

The Household Head and their Spouse should participate in the survey and be the RESPONDENT to the questions below. The household head can be explained as the person who has authority to make decisions in the household and/or who represents the household in dealings with authorities and/or the wider community.

If the RESPONDENT is NOT the household head, it should be the SPOUSE/PARTNER of the household head. For questions to which there is no response, leave the box empty. For questions that are not relevant, leave the box empty.

1. Household Data

1.0 Is the Respondent the Household Head? (Y or N)

1.1 Gender of the household head? (M or F)

1.2 Age of the household head?

[1] 20 to 30 years; [2] 31 to 45 years old; [3] 46 to 60 years old; [4] 61 to 75 years old; [5] Over 75 years

1.3 Marital status of the household head?

[0] Not married; [1] Married; [2] Separated; [3] Divorced; [4] Widowed

1.4 Education of the household head?

[0] None; [1] Primary; [2] Secondary; [3] University; [4] Other

1.5 Does the household belong to an ethnic minority group? Please list.

1.6 Source of income (Y or N). Answer as many as relevant

- 1.6.1 Regular wages/salary (weekly, two-weekly, month)
- 1.6.2 Daily wages for casual labor
- 1.6.3 Non-waged earnings (pension, remittances, etc.)
- 1.6.4 Seasonal earnings (such as farming)
- 1.6.5 Irregular earnings (such as selling goods)
- 1.6.6 Does not earn an income

1.7 Main and the second most important source of income

[1] Government; [2] Private sector; [3] Services, Tourism, Hospitality; [4] Trade/Own business

[5] Construction; [6] Agriculture, fishing or forestry; [7] Daily or casual labor/Wage [8] Others

- 1.7.1 Main income source
- 1.7.2 Second most important source of income

1.8 Number of people in your household working FULL-TIME for wages/salary

- 1.8.1 Male
- 1.8.2 Female

1.9 Number of people in your household working PART-TIME for wages/salary

- 1.9.1 Male
- 1.9.2 Female

1.10 Total household income per year from the following sectors?

LAO

KIP/year

- 1.10.1 Government or public service (incl. education or health)
- 1.10.2 Private sector employment
- 1.10.3 Services, Tourism, Hospitality
- 1.10.4 Trade/Own business
- 1.10.5 Construction
- 1.10.6 Agriculture, fishing, forestry
- 1.10.7 Daily or casual labor/wages
-

1.10.8 Other, specify

1.11 Total non-earned (non-wage/labor) household income per year LAO
KIP/year

1.11.1	Government pension	<input type="text"/>
1.11.2	Government assistance/welfare	<input type="text"/>
1.11.3	Remittances from family members/relatives	<input type="text"/>
1.11.4	Rental income	<input type="text"/>
1.11.5	Other, specify	<input type="text"/>

1.12 Estimate of last year's income from the following sources (If applicable) LAO
KIP

1.12.1	Vegetables (beans, potatoes, carrots, tomatoes etc.)	<input type="text"/>
1.12.2	Rice	<input type="text"/>
1.12.3	Other crop	<input type="text"/>
1.12.4	Sale of livestock	<input type="text"/>
1.12.5	Sale of poultry (chicken, geese)	<input type="text"/>
1.12.6	Sale of wood/forest products	<input type="text"/>
1.12.7	Sale of handicrafts	<input type="text"/>
1.12.8	Other, specify	<input type="text"/>

1.13 Type of your house?

[1] Simple (thatch/sack, bamboo, clay/earth) [2] Wooden [3] Wood/Brick [4]
Brick/Concrete [5]

Corrugated iron [6] Other

1.13.1	Roof	<input type="text"/>
1.13.2	Walls	<input type="text"/>
1.13.3	Floor	<input type="text"/>

1.14 House ownership

1.14.1	Owner	<input type="text"/>
1.14.2.	Renter	<input type="text"/>
1.14.3.	User	<input type="text"/>

1.15 Number of MALES living in household by age group

1.14.1	1.14.2	1.14.3	1.14.4	1.14.5	1.14.6
Less than 6 years	6 to 16 years	17 to 25 years	26 to 45 years	46 to 65 years	Over 65 years

1.16 Number of FEMALES in household by age group

1.15.1	1.15.2	1.15.3	1.15.4	1.15.5	1.15.6
Less than 6 years	6 to 16 years	17 to 25 years	26 to 45 years	46 to 65 years	Over 65 years

1.17 Number of members who have a disability (visual, hearing, physical, communication, other) or have a long-term illness, if any

1.16.1 Males

1.16.2 Females

1.16.3 Specify illness

1.18 Number of nuclear families living in household

1.19 Main occupation of the Household Head

1.20 Main occupation of the Household Head's Spouse

1.21 Is the Household considered vulnerable? Y/N Please note

a Household is considered vulnerable if they are:

- (i) a single female-headed households (HH) with dependents and economic disadvantage (single, widow, disabled husband);
- (ii) people with physical or mental disability (loss of working ability);
- (iii) the poor/ near poor under Govt of Lao PDR standard;
- (iv) the elderly alone;
- (v) ethnic minority people;
- (vi) social policy families or
- (vii) others as defined by the project.

2. Affected Land, Crops and Trees

2.1 Ownership/Right of land (With land title)

- 2.1.1 Legal owner/rights
- 2.1.2 Tenure/Leased
- 2.1.3 Informal recognized rights
- 2.1.4 Traditional/customary land use
- 2.1.5 Renter
- 2.1.6 No legal right
- 2.1.7 Other

2.2 Number of plots of land by type, owned or used by your household. Answer as many as relevant

- 2.2.1 Residential
- 2.2.2 Agricultural
- 2.2.3 Commercial

2.3 Tenure of the land owner/used by your household that will be affected by the project?

[1] Have land use right certificate or other legal title documents [2] State land [3] No legal right or title for use [4] Traditional/customary land use [5] Lease or rent [6] Other

- 2.3.1 Residential
- 2.3.2 Agricultural
- 2.3.3 Commercial
- 2.3.4 Other

2.4 Total area of land (by type) owned/used by your household. Answer either m² or ha

	A. Area in square meter (m ²)	B. Area in hectares (ha)
2.4.1 Residential	<input style="width: 95%; height: 20px;" type="text"/>	<input style="width: 95%; height: 20px;" type="text"/>
2.4.2 Agricultural	<input style="width: 95%; height: 20px;" type="text"/>	<input style="width: 95%; height: 20px;" type="text"/>
2.4.3 Commercial	<input style="width: 95%; height: 20px;" type="text"/>	<input style="width: 95%; height: 20px;" type="text"/>

2.4.4 Other

2.5 Area of land affected by the project (by type) owned/used by your household?

	A. Area in square meter (m ²)	B. Area in hectares (ha)
2.5.1 Residential		
2.5.2 Agricultural		
2.5.3 Commercial		
2.5.4 Other		

2.6 Affected agriculture land currently planted/under harvest (Y/N)

2.7 Type of crop/garden and the area affected.	A. Area (m ²)	Rice	B.
Area (ha)			
Other Crops Specify			
Vegetable Garden			
Fruit			
Trees. Specify			

3. Affected Structure

3.1 Are structures owned or used by your household affected (Y or N)

If no, then no need to answer questions in this section

3.2 If Yes, number of structures affected

3.3 Type of structure (s) affected. Answer Y or N and as many as relevant

3.3.1 Main house	
3.3.2 Outdoor toilet/shower/bath	
3.3.3 Hut or shed	
3.3.4 Shop or kiosk	
3.3.5 Stable, animal pen	
3.3.6 Wall or fence	
3.3.7 Other structures 1. Specify	
3.3.8 Other structures 2. Specify	

3.4 TOTAL area of the structures

Area (m²)

3.4.1	Main house	<input type="text"/>
3.4.2	Outdoor toilet/bath	<input type="text"/>
3.4.3	Hut or shed	<input type="text"/>
3.4.4	Shop or kiosk	<input type="text"/>
3.4.5	Stable, animal pen	<input type="text"/>
3.4.6	Wall or fence	<input type="text"/>
3.4.7	Other structure 1	<input type="text"/>
3.4.8	Other structure 2	<input type="text"/>

3.5 Area of your structure (s) affected by the project

Area (m²)

3.5.1	Main house	<input type="text"/>
3.5.2	Outdoor toilet/shower/bath	<input type="text"/>
3.5.3	Hut or shed	<input type="text"/>
3.5.4	Shop or kiosk	<input type="text"/>
3.5.5	Stable, animal pen	<input type="text"/>
3.5.6	Wall or fence	<input type="text"/>
3.5.7	Other structure 1	<input type="text"/>
3.5.8	Other structure 2	<input type="text"/>

3.6 If structures partially affected, is remaining structure viable for use (Y or N)

3.7 Can the structure(s) be rebuilt on the same land (Y or N)

3.8 Main construction materials of the affected structure (s)

[1] Simple (hatch/sack, bamboo, clay/earth) [2] Timber with Tin Roof

[3] Wood and brick [4] Brick and concrete [5] Temporary/Unstable

3.9 Main house

3.10 Outdoor toilet/bath

3.11 Hut or shed

3.12 Shop or Kiosk

3.13 Stable, animal pen

- 3.14 Wall or fence
- 3.15 Other structure1
- 3.16 Other structure2
- 3.17 A. Roof
- 3.18 B.
Walls

- 3.19 C. Floor
- 3.20 Other structures affected
 - 3.20.1 Pagoda and Temples
 - 3.20.2 Graves
 - 3.20.3 Public. Specify

Brief Description

4. Other Livelihood Impact

4.1 Any other business or livelihood activities of your household affected by the project (Y or N)

If no, then no need to answer questions in this section

4.2 If Yes, type of business or livelihood activities. Answer (Y or N)

4.2.1 Shop, Kiosk or stall

(vegetables, fruit, grocery/household items etc.)

- 4.2.2 Food preparation or selling
- 4.2.3 Mechanic or repair shop
- 4.2.4 Café, restaurant, beer shops
- 4.2.5 Home gardening
- 4.2.6 Child care
- 4.2.7 Other, Specify
- 4.3 Number of members (by gender) in household involved in business or livelihood activities affected
 - 4.3.1 Male
 - 4.3.2 Female
- 4.4 Average monthly earnings (Lao KIP) from business or livelihood activity
- 4.5 Business registered. Answer Y or N
- 4.6 Estimate percentage of household costs that is reduced due to livelihood activity that does not earn an income (for example gardening that sustains family's diet, looking after children that avoids child care costs)

5. Resettlement Option

- 5.1 Preference for type of compensation for affected land legally owned by your household. Choose only one
[1] Cash at replacement cost [2] Replacement land (same size or productivity)
- 5.2 Preference for type of compensation for affected house and structures. Choose only one
[1] Cash at replacement cost [2] In-kind (material and help to build)
- 5.3 Preference for type of compensation for loss of crops, trees, etc.
Choose only one
[1] Cash at market value [2] Combination of seedlings and cash
- 5.4 Rating of importance of factors/criteria for selection of resettlement

site. Only for eligible households. Fill in all boxes. Rating [1] Most important [2] Important [3] Less important

- 5.4.1 Close proximity and close to existing Commune
 - 5.4.2 A site within the same district
 - 5.4.3 A site in another district but in the same province
 - 5.4.4 An area with access to schools and health center similar to current situation
 - 5.4.5 An area near a market similar to current situation
 - 5.4.6 An area near to a pagoda similar to current situation
 - 5.4.7 Accepted by host community
- 5.5 Preference. Answer Y or N
- 5.5.1 Group relocation to new site under the project
 - 5.5.2 Individual relocation on land available nearby
 - 5.5.3 Self-relocation

6. Other Relevant Information

- 6.1 Distance to closest health facility [1] Less than 1km. [2] 1-3km
[3] 3-5km [4] More than 5km
- 6.2 Distance to closest childcare services [1] Less than 1km [2] 1-3km
[3] 3-5km [4] More than 5km
- 6.3 Distance to closest primary school [1] Less than 1km [2] 1-3km
[3] 3-5km [4] More than 5km
- 6.4 Distance to closest secondary school [1] Less than 1km [2] 1-3km
[3] 3-5km [4] More than 5km
- 6.5 Distance to closest market [1] Less than 1km [2] 1-3km
[3] 3-5km [4] More than 5km
- 6.6 Distance to place of income source or livelihood for Household Head
[1] Less than 1km [2] 1-3km [3] 3-5km [4] More than 5km
- 6.7 Distance to place of income source or livelihood for Household Head's Spouse
[1] Less than 1km [2] 1-3km [3] 3-5km [4] More than 5km