LAO PEOPLE'S DEMOCRATIC REPUBLIC

Peace Independence Democracy Unity Prosperity

MINISTRY OF AGRICULTURE AND ENVIRONMENT

LAO - WATER INFRASTRUCTURE FOR SUSTAINABILITY, EFFICIENCY AND RESILIENCE (WISER)

RESETTLEMENT POLICY FRAMEWORK

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Definitions

Affected People (AP)/ Affected Households (AHs). In the context of involuntary resettlement, AP are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically affected (loss of land, assets, access to assets, income sources, or means of livelihood) as a result of (i) land acquisition and involuntary resettlement; or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. In the case of AHs, it includes all members residing under one roof and operating as a single economic unit who is adversely affected by the project or any of its components. They can also be referred to as Displaced Persons. In this Resettlement Policy Framework (RPF), the term used will be "AH."

Simplified Resettlement Plan (SRP). A public document that specifies the procedures and actions to be undertaken to mitigate adverse effects related to land acquisition, economic displacement, resettlement, including compensation payment and livelihood support. An SRP is recommended for a subproject with less than 200 project affected people and involve no physical resettlement.

Region of Influence (RoI). It is the area which is required for construction of the planned civil works under the Project. The RoI is agreed by the implementing agency and is demarcated by the civil work consultant within which the construction activities will take place.

Disadvantaged individuals/groups. Refers to individuals or groups who, due to certain own circumstances such as their age, gender, disabilities, health, economic and ethnic status, and so forth, are more likely affected adversely by the project impacts and/or more limited in their ability to take advantage of project benefits. Disadvantaged individuals/groups are more likely excluded from, or unable to participate fully in the mainstream consultation process and may require specific assistance to promote inclusion.

In this project, disadvantaged individuals/ groups are defined as those who have the following characteristics: i) from an ethnic minority group, (ii) female headed household with dependents, (iii) landless/ limited productive land, (iv) frequent lack of male labor at home (e.g. migrant workers); (v) jobless, or limited economic opportunities; (vi) family member(s) with chronic illness, or disabilities; (vii) elderly who live on their own; (viii) people living in an especially difficult circumstance, and (ix) people don't meet above criteria but are concurred by local community as vulnerable to poverty and need project's support to reduce their vulnerability. Disadvantaged individuals are usually from a poor, or a near-poor household.

Economic displacement. Refers to loss of land, assets or access to assets, loss of income sources or means of livelihood, as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected.

Eligibility. All AHs 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 COD are eligible for resettlement compensation for their affected properties.

Entitlements. Refers to a range of measures comprising compensation payment for loss of assets, resettlement assistance, income restoration and other non-financial support for physical relocation and livelihood restoration, etc. which are due to the AHs, depending on the type and severity of their losses, to restore their economic and social base.

Income Restoration. Improve, or at least restore, the livelihoods of all persons displaced by the Project through: (i) where possible, land-based resettlement strategies when affected livelihoods are land-based or where land is collectively owned; or cash compensation at replacement cost for land, including transitional costs, when the loss of land does not undermine livelihoods; (ii) prompt replacement of assets with assets of equal or higher value; (iii) prompt compensation at full replacement cost for assets that cannot be restored; and (iv) capacity building programs to support improved use of livelihood resources and enhance access to alternative sources of livelihood.

Indigenous Peoples. "Indigenous Peoples" Is used in a generic sense to refer exclusively to a distinct social and cultural group possessing all the following characteristics – in varying degrees:

- Self-identification as members of a distinct indigenous social and cultural group and recognition of this identity by others; and
- Collective attachment[1] to geographically distinct habitats, ancestral territories, or areas of seasonal use or occupation, as well as to the natural resources in these areas; and
- Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture, and
- A distinct language or dialect, often different from the official language or languages of the country or region in which they reside.

Information Disclosure. The process of disseminating project information to stakeholders to allow them to understand the risks and impacts of the project, and potential opportunities.

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 right of way are identified, measured, their owner identified, their exact location pinpointed, and their replacement costs calculated.

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 process and methods that are adopted to acquire land for the project purpose. This 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 for income or livelihood purpose; (b) repossession of public land that is used or occupied by individuals or households; and (c) project impacts that result in land being flooded or otherwise rendered unusable or inaccessible. Land acquisition refers to anything growing on or permanently affixed to land, such as crops, buildings, and other improvements.

Meaningful consultation. Two-way process that (a) begins early in project planning process to gather initial views on 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

[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.

risks and impacts arise; (d) is based on prior disclosure and dissemination of relevant, transparent, objective, meaningful and easily accessible information in a timeframe that enables meaningful consultation with project stakeholders in a format culturally appropriate, and 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 Government. Under the RPF, meaningful consultation refers to consultation in respect of land acquisition, economic displacement, and physical resettlement which is clearly stipulated in the Government's Standard Operating Procedures (SOP) for Land Acquisition and Involuntary Resettlement (LAR) and incorporates all the above elements.

Physical Displacement. 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 on access to legally designated parks and protected areas.

Relocation. This is the physical relocation of an AH from her/his pre-project place of location and/or business to another location.

Replacement Cost. A method of valuation that yields compensation sufficient to replace affected assets, plus necessary transaction costs associated with asset replacement. Where markets are active, 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. Planned compensation rates may be subject to updating where inflation is high or the period of time between calculation of compensation rates and delivery of compensation is extensive.

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 Plans if they become necessary.

Voluntary donation. The voluntary transfer of land needed for the Project without payment of full compensation. Subject to prior World Bank approval, the Project may accept a donation only where the Project demonstrates that all conditions are met (See definition in Chapter 5.2). Under WB's ESS5 (paragraph 6), ESS5 does not apply to voluntary, legally recorded market transactions unless such voluntary land transactions may result in displacement of persons other than the seller.

Vulnerable individuals/ households. In this project, vulnerable individuals/ households are defined as those who live just above the national poverty line, including 1) the near-poor, and 2) those whose income is marginally above the near-poor line. People who are from Disadvantaged Groups (as defined in this project) are considered as vulnerable group (See definition for Disadvantaged individuals/groups). For Laos PDR, the WB proposes defining the near poor as those whose daily per capita consumption lies between poverty line and 1.5 times the poverty line.

Abbreviation and Acronym

DAE	District Agriculture and Environment Office
DIA	Designated Implementing Agency
EGDP	Ethnic Group Development Plan
EGDF	Ethnic Groups Development Framework
EPL	Environmental Protection Law
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
GoL	Government of Lao PDR
GM	Grievance Mechanism
IDA	International Development Association
MAE	Ministry of Agriculture and Environment
M&E	Monitoring and Evaluation
MOF	Ministry of Finance
MPI	Ministry of Planning and Investment
PDAE	Provincial Department of Agriculture and Environment
PAH	Project Affected Households
PAP	Project Affected People
RP	Resettlement Plan
RPF	Resettlement Policy Framework
RoI	Region of Influence
SRP	Simplified Resettlement Plan
VMC	Village Mediation Committee
VRS	Village Resettlement Sub-committees
WB	World Bank

EXECUTIVE SUMMARY

The Resettlement Policy Framework (RPF) sets out how the Water Infrastructure for Sustainability, Efficiency and Resilience Project (WISER) will avoid, assess and manage land acquisition, restrictions on land or resource use, and economic displacement in accordance with World Bank Environmental and Social Standard 5 (ESS5). It covers rehabilitation of the Nam Houm, Nam Suang and Nam Hin dams and associated irrigation systems, and relevant downstream implications of technical assistance. Detailed footprints and the scale of impacts will be confirmed during implementation based on feasibility studies and detailed engineering designs.

Potential impacts include land or assets affected by spillway expansions, canal rehabilitation, access roads and temporary facilities construction, and interrupted access to fishing grounds, fields or irrigated water. The Project will verify exact engineering footprints, applicable rights-of-way, ownership and customary or informal use, and the location, timing and duration of restrictions during implementation.

Where eligible impacts cannot be avoided, the Project will consult affected people, conduct a census and asset inventory, determine eligibility and replacement costs, and prepare and disclose a Resettlement Plan proportionate to the impacts. Entitlements address land, non-land assets and livelihood losses. A lack of formal title does not exclude eligible people from non-land asset compensation or livelihood assistance. Voluntary land donation is exceptional and subject to the World Bank approval. Refusal does not affect access to Project benefits.

The Department of Irrigation Project Management Unit (PMU) is accountable for delivery. Provincial Project Implementation Units (PIUs) lead field preparation and implementation with designated district teams, competent land offices and resettlement committees. The PMU will verify that required compensation and assistance have been provided before land possession, clearing or associated works. Livelihood restoration will continue the approved schedule until outcomes are verified.

Affected people can use the Project grievance mechanism throughout planning and implementation. Monitoring will verify payments and delivery of assistance, and assess whether access, income and living conditions have been restored, as applicable. The need for independent monitoring will be determined from site-specific impacts and delivery risks.

1. INTRODUCTION

1.1 Project Overview

1.1.1 Project Rationale

The Water Infrastructure for Sustainability, Efficiency and Resilience Project (WISER) is designed to increase water security and enhance the resilience of selected water infrastructure to water-related climate risks. The Project will support the rehabilitation and improvement of critical water infrastructure, including selected high-risk irrigation dams and associated water conveyance systems, and will strengthen institutional capacity for dam safety and integrated water resources management.

The proposed infrastructure activities include the rehabilitation of Nam Houm and Nam Suang dams in Vientiane Capital and Nam Hin dam in Oudomxay Province, together with the rehabilitation and upgrading of associated irrigation conveyance and distribution infrastructure. These activities may require the use or acquisition of land and may cause impacts on assets, access, income sources, and livelihoods. As the detailed designs and the exact scope of such impacts have not yet been fully confirmed, this Resettlement Policy Framework is prepared to guide the assessment, avoidance, minimization, compensation, and management of potential land acquisition and resettlement impacts.

1.1.2 Project Development Objective

The Project Development Objective (PDO) aims to increase water security and enhance the resilience of selected water infrastructure to water-related climate risks.

More specifically, the project aims to lay the foundations for irrigation dam safety and resilience in Lao PDR – through:

(i) Enhance the safety of most hazardous dams in Lao PDR
(ii) Improve the institutional, legal, and regulatory frameworks for the safety of dams and resilience of downstream communities
(iii) Improve the operation and maintenance of dams, reservoirs, and their associated water distribution systems, and
(iv) Provide critical decision-support tools and studies to underpin the safe operation of irrigation dams.

The project's primary beneficiaries would be farmers and rural households who are served by the rehabilitated irrigation dams and associated conveyance systems. Target beneficiaries would benefit from more reliable, efficient, and climate-resilient water service delivery for agricultural production and, where relevant, domestic water supply. The project is expected to reduce disruptions in water service, lower exposure to dam safety risks, and support more stable agricultural livelihoods and food security in the targeted areas. Secondary beneficiaries would include downstream communities benefiting from reduced safety risks, Water User Groups and local authorities with improved infrastructure management capacity, and national and subnational institutions that would gain stronger systems for dam safety, water resources planning, and inter-agency coordination.

The project will be implemented by the Department of Irrigation (DOI) within the Ministry of Agriculture and Environment (MAE).

The project has the following four components:

1. **Improve and Sustain Water Infrastructure**
2. **Building Institutional Capacity for Integrated Water Resources Management**
3. **Project Management; and**
4. **Contingent Emergency Response Component.**

Details are provided below.

Component 1: Improve and Sustain Water Infrastructure (US$57 million, IDA)

This component would involve the rehabilitation and critical water infrastructure, including dams and its water conveyance systems to support multiple water uses including irrigation and domestic water supply. Beyond the necessary structural interventions, this would also include non-structural interventions related to the improvement of dam management, operation and maintenance through the development of as well as the installation of adequate monitoring systems for data collection to support informed decision-making. The component would include the following activities:

- **Sub-Component 1.1**: **Rehabilitation of multi-purpose water infrastructure.** Sub-Component 1.1 will finance the rehabilitation and repurposing of priority high-risk irrigation dams, specifically Nam Houm and Nam Suang in Vientiane Capital and Nam Hin in Oudomxay Province, while supporting structural rehabilitation to improve dam stability, seepage control, spillway and drawdown capacity, and sediment management, alongside installation of safety-related equipment and site improvements where needed. The sub-component will also establish a Panel of Experts to provide independent technical review and quality assurance of designs and oversight of rehabilitation works. Finally, the component will prepare site-specific plans for the operation and management of the dams, including Instrumentation and Monitoring, Standard Operating Procedures (SOP), Maintenance, Emergency Preparedness Plan (EPP), as well as Water Allocation Plan that explicitly accounts for domestic water supply, irrigation, and environmental flow requirements, when applicable.
- **Sub-Component 1.2: Rehabilitation of irrigation conveyance infrastructure.** Sub-Component 1.2 will finance the rehabilitation and upgrading of irrigation conveyance and distribution infrastructure to improve the reliability, efficiency, and climate resilience of water service delivery from rehabilitated dams to farms. Investments will support the repair, lining, modernization, and, where necessary, selective expansion of main, secondary, and tertiary canals, control and measurement structures, turnouts, and associated conveyance assets to reduce water losses, improve flow regulation, and enhance equitable water distribution to irrigated areas. The sub-component will also support rehabilitation of on-farm water delivery interfaces and related infrastructure, where needed, to strengthen connectivity between bulk water infrastructure and agricultural production, while improving operational performance and service delivery to farmers.
- **Sub-Component 1.3: Establishing an Agriculture Water Management Center.** Sub-Component 1.3 will support the establishment of an Agriculture Water Management Center under DOI to strengthen the management, operation, and performance of irrigation infrastructure through improved data, analytics, modeling and coordination. The sub-component will finance the facility, systems, tools, and capacity building to support water allocation planning, infrastructure operation, hydrological monitoring, and decision-making for irrigation service delivery, while enhancing coordination across national and subnational institutions responsible for water resources and irrigation management. Investments will also support the development of operational protocols, information systems, and analytical capacity needed to improve the efficiency, reliability, and climate resilience of water infrastructure management.

Component 2. Building Institutional Capacity for Integrated Water Resources Management (US$ 3 million, IDA).

This component will strengthen the institutional foundations for integrated water resources management. It will: (a) support the operationalization of the Dam Safety Law (2022) in the irrigation sector, including the establishment of regulatory, institutional, and technical arrangements and the creation of a Dam Safety Division within DOI; (b) support the National Water Management Committee to improve coordination among agencies with water-related mandates, including on dam safety, water allocation, and flood and drought risk management; and (c) support the preparation, updating, and

implementation of river basin profiles and River Basin Management Plans in priority basins. Building on lessons from the Mekong Integrated Water Resources Management Project (MIWRM, P104806), the component will strengthen national systems for monitoring, planning, and managing water resources at the basin level, while improving coordination among relevant technical departments at central, provincial, and district levels.

- **Sub-Component 2.1. Operationalization of the Dam Safety Law (2022) in the irrigation sector.** The sub-component will support the operationalization of the Dam Safety Law (2022) in the irrigation sector by strengthening the regulatory, institutional, and financing framework for irrigation dam safety management. This will include development of irrigation dam safety regulations and related subordinate legislation, establishment of a dedicated Dam Safety Division within the Department of Irrigation and corresponding arrangements at provincial and district levels, strengthening inter-agency coordination on dam safety oversight and emergency preparedness, development of a young professionals program in dam safety engineering, and piloting of financing mechanisms to support the management, operation, and maintenance of irrigation dams.
- **Sub-Component 2.2. Strengthen basin-level planning, coordination, and management of water resources.** This sub-component will support the National Water Management Committee and the preparation, updating, and implementation of River Basin Profiles and River Basin Management Plans in priority basins to strengthen basin-level planning, coordination, and management of water resources. Activities will include clarifying institutional responsibilities for water resources management, improving inter-agency coordination and joint decision-making, supporting mechanisms for data sharing and knowledge exchange, undertaking technical studies and stakeholder consultations, and providing institutional support needed to advance integrated water resources management, improve water allocation and risk-informed planning, and strengthen the basis for coordinated management of flood and drought risks across sectors and administrative levels.

Component 3: Project Management (US$5 million, IDA).

This component supports the effective implementation of project activities and monitoring and evaluation of project implementation progress, outputs, and outcomes. It involves establishing the Project Management and Project Implementation Units (PMU & PIU) to oversee and coordinate project implementation, as well as setting up a monitoring and evaluation (M&E) system.

Component 4: Contingent Emergency Response Component (US$0 million).

This component allows for the provision of immediate response to an eligible crisis or emergency, as needed. The CERC will allow the recipient to request the World Bank to reallocate uncommitted project funds, following an eligible crisis or emergency.

1.2 Land Impacts

The Project will support the rehabilitation and improvement of selected irrigation dams and associated water conveyance systems. Based on the current Project design, infrastructure activities include the expansion of existing spillways, rehabilitation of irrigation canals, and other small-scaled water related structures.

The Project will seek to avoid permanent and temporary impacts on land, assets, and livelihood activities through technical design. Where anticipated impacts cannot be avoided, such impacts will be minimized through alternative designs. Where impacts remain, mitigation measures will be adopted through compensation for affected assets and support for income-generating activities and livelihood restoration.

The WISER Project Paper identifies possible economic impacts on fishing communities around the dams. The exact scope and magnitude of land acquisition and livelihood impacts will be confirmed as the feasibility studies, technical designs, and site-specific assessments are completed.

During feasibility and detailed design, delineate permanent footprints, temporary work areas and proposed access or operating restrictions. For each dam, verify the areas needed for spillways, outlets, safety access and construction, and map where drawdown, water releases or safety restrictions could affect fishing, aquaculture, irrigation or access. For canal works, verify the design footprint, applicable legal right-of-way or easement, actual use and encroachment with the competent authorities and affected users. Screen borrow areas, spoil sites, camps and access routes as part of the same process. Establish the land and resource-use implications from the verified design and field evidence.

Where land acquisition or impacts on assets and livelihoods cannot be avoided, a site-specific Resettlement Plan, or a Simplified Resettlement Plan where applicable, will be prepared in accordance with this Resettlement Policy Framework, the World Bank Environmental and Social Framework, and relevant laws and regulations of Lao PDR.

For technical assistance, screen the terms of reference and outputs for foreseeable downstream land and resource-use restrictions, including those arising from dam-safety rules, access zones and water allocation. Require studies to assess alternatives and propose ESS5-consistent measures where relevant. Before implementing any resulting Project-supported physical activity or restriction, confirm eligibility and prepare the required instrument.

1.3 Purpose of RPF

At the current stage of Project preparation, the detailed designs and the exact scope of land acquisition, restrictions on land use, economic displacement, and livelihood impacts have not yet been fully determined. This Resettlement Policy Framework is therefore prepared to establish the principles, procedures, and institutional arrangements that will apply where Project activities result in land acquisition, restrictions on land use, physical displacement, economic displacement, or impacts on assets and livelihoods.

The Resettlement Policy Framework establishes:

- principles and approaches for avoiding and minimizing land acquisition and resettlement impacts;
- eligibility criteria and the cut-off date for affected persons and households;
- compensation and assistance entitlements for affected land, assets, income sources, and livelihoods;
- procedures for the preparation and implementation of site-specific Resettlement Plans or Simplified Resettlement Plans;
- requirements and procedures for voluntary land donation, where applicable;
- institutional responsibilities for resettlement planning and implementation;
- funding arrangements for compensation, assistance, and livelihood restoration;
- the grievance redress mechanism;
- requirements for information disclosure, meaningful consultation, and participation of affected persons; and
- monitoring, reporting, and evaluation arrangements.

This Resettlement Policy Framework applies to Project-financed activities that may cause direct economic and social impacts through involuntary land acquisition or restrictions on land use. It will guide the preparation of site-specific resettlement instruments after the locations, technical designs, and impacts of individual activities have been identified and confirmed.

Site-specific Resettlement Plans or Simplified Resettlement Plans will include, as a minimum, a census survey of affected persons and assets, a description of compensation and other resettlement assistance, consultations with affected persons, institutional responsibilities, a grievance redress mechanism, monitoring and evaluation arrangements, an implementation timetable, and a budget.

Compensation and allowances shall be provided in full to affected households before land acquisition and/or physical resettlement. If the livelihoods of affected households have not been restored to their pre-Project levels by the end of the Project, additional support measures will be provided.

2. LEGAL FRAMEWORK

2.1 National Laws and Regulations

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

- **Constitution of the Lao People's Democratic Republic** (1991. Amended in 2003 and 2015)
- **Land Law** (No. 01/97 NA/1997, Amended as No. 70/NA, 2019)
- **Law on Resettlement and Vocation** (No. 204/P, 2018)
- **Public Involvement Guideline** (2012)
- **Guideline for Consultation with Ethnic Groups** (2012)
- **Law on Handling of Petitions** (No. 07/NA, 2005, amended 05/NA, 2016)
- **Ministerial Instruction No. 8030/MONRE on Environmental and Social Impact Assessment** (ESIA) and Initial Environmental Examination (IEE) of Investment Projects (2013)
- **Environmental Protection Law** (No. 29/NA, 2013, Amended as No. 53/NA, 2024)
- **Water and Water Resources Law** (No.02-96/NA, 1996. Amended in 2017)
- **Forestry Law** (No.6/NA, 2007. Amended as Law No. 64/NA, 2019)

Under this project, the Law on Resettlement and Vocation (2018) applies to the project. The Law sets out principles, rules and measures regarding the supervision, inspection and monitoring of resettlement and vocation in order to enhance its efficiency, effectiveness, compliance, and to be consistent with locality condition and development. The Law ensures the right to resettlement and vocation of citizens in accordance with the Constitution. It focuses on implementing the resettlement and vocation as a strategic measure that is linked to construction, rural development and poverty reduction - in the near and long term, to ensure the better livelihood of affected people. The Law protects the right and interest of affected persons on the basis of equality, accuracy, transparency, disclosure, promptitude and fairness. It also ensures people who need to resettle as a result of a development project have a place for a living, sustainable vocation, and better livelihoods.

2.2 World Bank's Environmental and Social Framework (ESF)

The following World Bank's Environmental and Social Standards (ESSs) are applied because of their relevance to this RPF. The applied ESSs include:

- **ESS 1: Assessment and Management of Environmental and Social Risks and Impacts**

The objectives of ESS1 are a) Identify, evaluate, and manage environment and social risks and impacts in a manner consistent with the ESSs, b) Adopt a mitigation hierarchy, b) Adopt differentiated measures so that adverse impacts do not fall disproportionately on the disadvantaged or vulnerable, and they are not disadvantaged in sharing development benefits and opportunities, c) Utilize national environmental and social institutions, systems, laws, regulations and procedures where appropriate, b) Promote improved environmental and social performance, in ways which recognize and enhance Government capacity.

- **ESS5: Land acquisition, Restrictions and Land Use and Involuntary Resettlement**

The objectives of ESS5 are a) Avoid or minimize involuntary resettlement by exploring project design alternatives, b) Avoid forced eviction, b) Mitigate unavoidable adverse impacts from land acquisition or restrictions on land use by providing compensation at replacement cost and assisting displaced persons in their efforts to improve, or at least restore, livelihoods and living standards to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher, c) 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, d) Conceive and execute resettlement activities as sustainable development programs, e) Ensure that resettlement activities are planned and implemented as sustainable development programs, with appropriate disclosure of information, meaningful consultation, and informed participation.

- **ESS7: Indigenous Peoples**

The objectives of ESS7 are a) Ensure that the development process fosters full respect for affected parties' human rights, dignity, aspirations, identity, culture, and natural resource-based livelihoods, b) Promote sustainable development benefits and opportunities in a manner that is accessible, culturally appropriate and inclusive, c) Improve project design and promote local support by establishing and maintaining an ongoing relationship based on meaningful consultation with affected parties, d) Obtain the Free, Prior, and Informed Consent (FPIC) of affected parties in three circumstances, e) Recognize, respect and preserve the culture, knowledge, and practices of Indigenous Peoples, and to provide them with an opportunity to adapt to changing conditions in a manner and in a timeframe acceptable to them.

- **ESS10: Stakeholder Engagement and Information Disclosure**

The objectives of this ESS are a) Establish a systematic approach to stakeholder engagement that will help Borrowers identify stakeholders and build and maintain a constructive relationship with them, in particular project-affected parties, b) Assess the level of stakeholder interest and support for the project and to enable stakeholders' views to be taken into account in project design and environmental and social performance, c) Ppromote and provide means for effective and inclusive engagement with project-affected parties throughout the project life -cycle on issues that could potentially affect them, d) Ensure that appropriate project information on environmental and social risks and impacts is disclosed to stakeholders in a timely, understandable, accessible and appropriate manner and format, and e) Provide project-affected parties with accessible and inclusive means to raise issues and grievances, and allow Borrowers to respond to and manage such grievances.

2.3 Gap Analysis

There are gaps that exist between the Law on Resettlement and Vocation (2018) and the World Bank's ESS 5 on Land acquisition, Restrictions and Land Use and Involuntary Resettlement. Table 1 (below) summarizes the key policy gaps between the two policies and the measures that will be applied to address the key policy gaps.

Table 1 - Gap analysis between the WB's ESS5 and Law on Resettlement and Vocation (2018)

Subjects	ESS5	Law on Resettlement and Vocation (2018)	Project Measures
1. Land Property			
1.1. Policy objectives	AHs should be assisted 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.	AH are compensated and assisted to improve or maintain their pre-project incomes and living standards and are not made worse off than they would have been without the project.	Provide compensation at full replacement cost through cash, replacement assets in kind, or a suitable combination. Provide livelihood restoration and transition assistance as required for income and access losses. Replacement cost includes necessary transaction costs without deduction for depreciation or salvage value. Also, where applicable – contracted workers will assist affected households to restore impacted assets to the pre-conditions, such as replanting of crops, trees, repair access paths/gateways as well as assist affected household in moving assets, if any.
1.2. Support for affected households who have no recognizable legal right or claim to the land they are occupying under national law (such as occupying land that are currently under government management for either residential, or income generation purpose	Persons who have no recognizable legal right or claim to the land or assets they occupy, or use are also classified as affected persons, and they should be assisted in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels.	AH 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.	Persons with formal land rights or claims recognizable under applicable law are eligible for compensation for affected land at full replacement cost. All eligible affected persons, including those without recognizable claims to the affected land, are entitled to compensation at full replacement cost for affected non-land assets they own, including affected portions of houses and other structures, as well as crops. They are also entitled to livelihood restoration and transitional assistance, as applicable. Eligibility shall be verified through the census and application of the relevant cut-off date. If affected persons are from poor, **vulnerable/ disadvantaged** group (as defined in the RPF), additional assistance will be provided on a case-by-case basis – based on their need. For all other impacts, where needed, they will also be entitled to additional financial assistance to improve their livelihoods and standards of living, or at least to restore them, in real

Subjects	ESS5	Law on Resettlement and Vocation (2018)	Project Measures
			terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
1.3. Compensation for illegal structures	Compensation at replacement cost for affected structures regardless of legal status of the AH's land and structure.	AH 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 for all structures affected, regardless of legal status of the land and structure. If structure affected is shop/business (and not residential house), moving allowance will be provided to affected person.
2. Compensation			
2.1. Methods for determining compensation rates	Compensation for lost land and other assets **at replacement costs**. Where market is active, replacement cost is the market value (as established by independent and competent real estate valuation), plus transaction costs[2]. Where market is not active, alternative method may be used, such as calculation of output value for land, or productive assets, or the undepreciated value of	**Article 3** (Definitions) ▪ **Compensation value means the value calculated** in the form of land, material or money, constructed facilities, agricultural products, livestock and incomes which have been affected by development projects. ▪ **Replacement value means the value that accounts** for object, money or land **which need to be used for replacing** land, construction, agricultural products, livestock and income affected from settlement allocation.	Independent competent appraiser will be engaged to conduct a replacement cost survey for affected assets (e.g. land, crops, trees on land). Replacement cost values must meet the criteria as per methods mentioned at point 2.1.

[2] Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons.

Subjects	ESS5	Law on Resettlement and Vocation (2018)	Project Measures
	replacement material and labour for construction of structures or other fixed assets, plus transaction costs. Where the period of time between calculation of compensation rates and delivery of compensation is extensive, planned compensation rates need updating to ensure compensation at replacement cost.		
2.2. Compensation for affected assets	Loss of income sources should be compensated (whether or not the affected persons must move to another location)	**Article 22** (Compensation for Damages caused by Resettlement) ▪ For **affected land**, affected people with lawful documents will be compesnsated for only for the lost part with the **pre-set substitute value** ▪ For **affected structures/ buildings**, affected people shall be compensated with the **substitution value of such buildings without any deduction of depreciation** or reduction of compensation against remaining construction materials ▪ For households losing **trees, crops, livestock or income**, they shall be compensated **based on the substitute value**	ESS5 will be applied. All assets will be compensated at replacement cost. In addition, livelihood restoration plan will be developed which may include non-farm income generation activities, job training, job opportunity as project's labor (e.g. in civil works), etc. Affected people will be supported to restore to pre-displacement level regardless of the legal status of their affected land.
2.3. Livelihood restoration and assistance	Provision of livelihood restoration and assistance to achieve the policy objectives.	**Article 26** (Livelihood Rehabilitation during Transition Period) ▪ Affected people will be **provided with assistance** during transition period **according to livelihood rehabilitation plan to improve living standard** of affected peple ▪ Affected people will be **provided with necessary equipment for production** ▪ **Affected people with disability** will be given special attention	Because the impacts are expected to be minor (as described at Section 1.4 – Scope of land impact), income restoration measures will be provided on a case-by-case basis, and on the need of AH. Where necessary, financial and/or non-financial measure will be offered to AH to assist them in restoring their incomes and/or livelihoods, to the pre-displacement level.

Subjects	ESS5	Law on Resettlement and Vocation (2018)	Project Measures
		Article 45 (Obligations of project developer) ▪ Ensure **sufficient budget is allocated** to implementation of compensation plan, resettlement plan and livelihood rehabilitation plan.	
2.4. Consultation and disclosure	Participation in planning and implementation, specially confirming the eligibility criteria for compensation and assistance, and access to Grievances Redress Mechanism	**Article 46** (Rights of person receiving resettlement) ▪ Affected people **have the rights to participate in the consultation meeting** and **discuss on the resettlement plan**, compensation and livelihood rehabilitation, and to participate in other meetings as invited	Meaningful consultation will be conducted at every stage of RP planning and implementation. ESS5 will be applied.
3. Grievance Redress Mechanism			
Procedures for recording and processing grievances	Where feasible and suitable for the project, the grievance mechanism will utilize existing formal or informal grievance mechanisms, supplemented as needed with project-specific arrangements	No specific provision is specified in the Law. However, there is grievance redress procedure in the Law on Handling of Petitions (No. 07/NA, 2005, amended 012/NA, 2015)	Affected persons, particularly those from Ethnic Groups may lodge their grievance through their traditional channel (informal) in addition to the procedures (formal). Project-level GRM is specified at specified at Chapter 6 of this document.
4. Monitoring & Evaluation			
	Baseline conditions need to be established for monitoring and evaluation purposes.	**Article 22** (Compensation for Damages caused by Resettlement) ▪ Implementation of compensation plan is required to be monitored at local authority level. **Article 44** (Rights of project developer) ▪ Project ownder **has the right to self-monitor and self-inspect** their own study on resettlement and vocation program, **including compensation and livelihood rehabilitation** of affected people **Article 45** (Obligations of project developer)	PMU (MAE, DOI) will conduct internal monitoring on resettlement implementation. The monitoring will include progress reports, status of the RP implementation, information on location and numbers of people affected, compensation amounts paid by affected asset, and assistance provided to AH. The report on RP implementation progress will be prepared by PMU and submitted quarterly to the WB as part of overall Project Progress Report.

Subjects	ESS5	Law on Resettlement and Vocation (2018)	Project Measures
		▪ Project developer is obliged to establish a report that, among other things, monitor resettlement plans in compliance with required technical standards.	
Land donation	In some circumstances, it may be proposed that part or all of the land to be used by the project is donated on a voluntary basis without payment of full compensation.	There is no specific guidance on land donation is any legal document albeit donation of land and other assets are generally accepted.	To ensure donation of land and other assets is truly voluntary, Procedures for Voluntary Donation are proposed (See Section 5.2).

3. OBJECTIVES, PRINCIPLES, AND APPROACH

3.1 Objectives

This RPF establishes principles for land acquisition, resettlement, implementation arrangements, funding mechanisms, eligible criteria, entitlements matrix, grievance redress mechanism and monitoring and evaluation process for RP(s) that may be required for subprojects to be identified during project implementation.

3.2 Principles

The following approach shall govern the way resettlement, compensation and support are carried out under the project.

Mitigation hierarchy

Land impacts should be avoided, or minimized if avoidance is not possible, through the following steps:

- Technical design will aim to avoid permanent and temporary impacts on land, assets, and livelihood activities of local people.
- When anticipated impacts cannot be avoided, such impacts will be minimized through alternative designs.
- Once land impacts have been minimized or reduced through alternate designs, further mitigation measures will be adopted – through compensation for affected assets, income generation activities, and livelihoods, and
- Where impacts still remain, compensate people as per this RPF.

Activities that require Free, Prior and Informed Consent of affected ethnic groups – as per ESS 7, will not be financed by the project.

Implementation approach

During land acquisition and livelihood restoration process, the following principles shall be observed:

- Resettlement Plan will be conceived and executed as a sustainable development program, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant;
- Avoid forced eviction;
- 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 affected 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;
- Improve the living conditions of poor and vulnerable/disadvantaged persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure where relevant;
- Ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected;
- 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 SEP, with particular attention to gender;
- For acquisition of land belonging to IPs, ESS7 of the WB's ESF will need to be followed;

- Conduct meaningful consultation with affected people to inform them of their right to compensation and project's compensation entitlements;
- Compensation rates for affected assets will be determined based on the replacement costs survey to be conducted by an independent price appraiser engaged by PMU.;
- Compensation for affected lands, houses, structures, and trees will be made at full replacement costs without taking into account depreciation and deduction of the salvageable materials. Compensation for affected crops will be at full market prices;
- Severely affected households – as defined by the project will receive financial and non-financial support to improve, or at least restore, their livelihood to the pre-project level;
- Individuals/ households who have to relocate their house but ineligible for compensation for affected land (e.g. illegal occupier) will be supported financially (See Entitlement Matrix) and non-financially to identify a new place for physical relocation prior to land acquisition for project construction;
- Compensation and allowance shall be provided in full to affected households prior to land acquisition and/or physical resettlement;
- By the end of the project, if the livelihoods of affected households have not yet restored to pre-project levels, additional support measures will be provided.

3.3 Eligibility Criteria

3.3.1 Eligibility Criteria of Project Affected People

The following land use scenarios of PAPs are envisaged under civil work subprojects

i. People who **have formal legal rights** to land;
ii. People who **do not have formal legal rights** to land when census survey begins but have claim to such land and/or assets and their claims are **recognized, or recognizable** under the national laws;
iii. People who have **neither formal legal rights nor recognized or recognizable claims** to the land they are occupying/using.

Under this project, people under items (i) and (ii) are eligible for compensation and assistance for affected land. People under item (iii) will not be compensated for the affected land.

All people under items (i), (ii), and (iii) are compensated for affected assets attached to affected land, including support for land-based livelihoods. Compensation for affected land and assets will be paid at full replacement costs. If they need to relocate physically due to project, they will be supported with other assistance (see details in Entitlement Matrix).

3.3.2 Cut-off date

Cut-off date is defined as a date when assets and means of livelihood that have existed within the Region of Influence (RoI) before the cut-off date are eligible for compensation and support. This also means people who encroach upon the RoI and establish any kind of assets such as crop, houses, structures, and/or business within the RoI after the cut-off day will not be entitled to any compensation, assistance, or support.

Under this project, the cut-off day is defined as either a) the date when the census survey commences, or b) the date when the civil works subproject (including RoI) is publicly announced to affected people and the general public in the subproject area.

4. COMPENSATION AND SUPPORT POLICY

Compensation will be provided to eligible affected persons/households based the following principles, and on the entitlement matrix shown in Table 2 (below):

- Land (residential and agricultural purposes) will be compensated at replacement costs.
- Affected structures, including secondary structures and/or part of the house (for residential and/or business purpose) will be compensated at replacement cost.
- Crops and trees will be compensated at replacement cost. Where possible, PAP will be allowed to harvest crops before permanent acquisition of land and/or before temporary use of the land for construction activities (e.g., construction of bypass road, workers camp, material stockpiling…).
- Temporary loss of income generation activities during transition period will be supported through provision of allowances. Affected business who need relocation to a new site during construction time and plan to return to the original site upon construction completion will be supported for the temporary loss of income and transport during business relocation. Affected businesses are compensated irrespective of its business registration status (registered or not).
- Permanent loss of income due to project construction will be supported in terms of livelihood restoration based on the needs of affected households.

Table 2 - Entitlement Matrix

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
A. Loss of Land			
Residential Land	Legal owner or occupant identified during census and tagging.	▪ With 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 AH/PAH (e.g., filling and leveling) so AH/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.	▪ Legal owners are those who have land use certificates or land titles. ▪ Voluntary donation of minor strips of residential land will only be allowed by the project provided that principles and criteria set forth under Section 5.2 (Procedures for Voluntary Donation) are strictly complied with. ▪ Voluntary donation according to these criteria will follow the process in accordance with World Bank's ESS 5 footnote 10.

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
Productive Land (Paddy, garden, plantation)	Legal owner or occupant identified during census and tagging.	▪ For marginal loss of 10% (or less) of land, cash compensation at replacement cost which is equivalent to the current market value of land within the village, of similar type, category and productive capacity, free from transaction costs (taxes, administration fees), or ▪ Replacement land of similar type, category and productive capacity of land within or nearby the village, with land title. ▪ If the impact on the total productive land is 10% or more, as a priority, replacement land of similar type, category and productive capacity of land within or nearby the village will be provided 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 will be provided.	▪ Legal owners are those who received land utilization certificates
B. Loss of Structures			
Totally Affected Houses/Shops, and Secondary Structures (kitchen, rice bins)	Owners of affected houses whether or not land is owned (regardless of legal status).	▪ 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.	▪ Adequate time provided for AH/PAH to rebuild/repair their structures.
Partially Affected Houses/Shops but no longer viable (Will require relocation) including occupied dwellings that must move within the same plot		▪ Provide assistance for moving household belongings, eligible business equipment or other affected assets, as applicable.	▪ Affected houses and shops that are no longer viable are those whose remaining affected portion are no longer usable/habitable.
Partially Affected Houses and Shops and secondary structures (Will not require relocation)	Owners of affected houses whether or not land is owned.	▪ Cash compensation at replacement cost for the affected portion of structure equivalent to current market prices of (i) materials and labor, with no deduction for depreciation of the structure or for salvageable materials (ii) materials transport, and (iii) cost of repair of the unaffected portion.	
Electricity Poles	Electricity Companies.	▪ Cash compensation for cost to dismantle, transfer and rebuild.	

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
C. Loss of Livelihoods Activities Including Crops, Trees and Ponds			
Loss of crops, fruit trees, timber trees and other productive assets on land	Users affected land whether or not land is owned	▪ Allow harvest where feasible. Compensate unavoidable crop losses at replacement cost using expected yield and verified current prices. Value trees based on species, age, productive stage, establishment costs and the time needed to restore production.	▪ Verify crop type, area, age, yield and productive stage in the detailed measurement and replacement cost surveys.
		▪ Provide restoration or replanting support where needed and record the timing and delivery arrangements in the RP.	▪ Compensate productive assets separately from eligible land loss under Section A of the matrix.
		▪ Assess lost income during the period needed to restore production and provide applicable livelihood restoration assistance.	
Fishpond (Remaining area is still viable or can still meet expected personal or commercial yield)	Owner of affected fishpond.	▪ 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 AH to harvest fish stocks.
		▪ 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.	Voluntary donation of fishpond land will not be allowed by the project.
		▪ District government to restore/repair remaining fishpond. If support cannot be provided by the contractor, the AH will be entitled to cash assistance to cover for payment of labor and rent of equipment to restore/repair fishpond.	

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
Loss of business income during relocation or during dismantling/repair of affected portion (without relocation)	Owners of shops.	▪ For businesses (shops) cash compensation equivalent to the average daily revenue for the business over the previous 12 months. Separately cover eligible replacement, relocation and re-establishment costs.	It is estimated that it will take one day to move the shops if made of traditional materials (bamboo)/movable (can be carried without totally dismantling the structure) and approximately four weeks – maximum - to re-establish business in another location. It will take about two days to remove and repair affected portion of shop made of permanent materials (such as good wood and concrete). Because these structures will not be relocated, business can commence as soon as repairs are completed. During project implementation, when a business (with house/shop on it) need to be relocated, the replacement costs survey will survey the actual situation (based on consultation with affected households) to estimate the potential transaction costs associated with the business relocation (e.g. fee, permit) that may be associated with the re-establishment of the business in another location.
			The rate will be verified through interviews with informal shop owners to get an estimate of daily net profit.
Severely impacted	Vulnerable AH/PAH such as the poorest, or households headed by women, the elderly, or disabled, and ethnic group.	▪ An additional allowance of 1-month supply of rice per person in the household.	The poorest will be those below the national poverty line as defined in the poverty partnership agreement with World Bank.
		▪ Eligible to participate in income restoration program.	Provision of livelihood restoration support which may include a) job training, b) attending training on relevant farming techniques – based on PAP's needs, and c) other support that are relevant to livelihood restoration support (to be explored on a case-by-case basis).
		▪ The contractors will be required to make all reasonable efforts to recruit severely affected and vulnerable AH as laborers for construction and maintenance of dams, irrigation canals, and associated water infrastructure.	
Transition subsistence allowance	Relocating households – relocating on residual land or to other sites.	▪ Relocating AH/PAH without any impact on business or source of incomes will be provided with cash or in-kind assistance equivalent to 16 kg of rice at current market value for 3 months per household member.	

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
	Vulnerable AH losing 10% or more of their productive land.	▪ Relocating AH/PAH with main source of income affected (i.e., from businesses) or AH losing more than 10% of their productive land will be provided with cash or in-kind assistance equivalent to 16 kg of rice at current market value for 6 months per household member.	
Permanent loss of physical cultural resources/public structures/village or collective ownerships	Villagers or village households.	▪ Compensation at replacement cost for present/existing structures based on its present value.	
D. Loss of Common Property Resources			
Public structures/village or collective ownerships	Villagers or village households.	▪ Compensation at replacement cost for present/existing structures based on its present value.	
Graves located in the affected areas	Owners of graves	▪ Compensation for the removal, excavation, relocation, reburial and other related costs, including reasonable costs associated with local, cultural ceremonies before, during, and after relocation of graves, will be paid in cash to each affected family.	
E. Temporary Impacts Due to Sub-Project Construction or Maintenance			
Temporary Use of Land	Legal owner or occupant.	▪ For agricultural and residential land to be used by the civil works contractor as by-pass routes or for contractor's working space, (i) rent to be agreed between the affected households and the civil works contractor but should not be less than the unrealized income and revenue that could be generated by the property during the period of temporary use of the land; (ii) cash compensation at replacement cost for affected fixed assets (e.g., structures, trees, crops); and (iii) restoration of the temporarily used land within 1 month after closure of the by-pass route or removal of equipment and materials from contractor's working space subject to the conditions agreed between the affected households and the civil works contractor.	The construction supervision consultant will ensure that the (i) location and alignment of the by-pass route to be proposed by the civil works will have the least adverse social impacts; (ii) that the affected households is adequately informed of his/her rights and entitlements as per the Project resettlement policy; and (iii) agreement reached between the affected households and the civil works contractor are carried out.

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
Transportation allowance	Relocating households – relocating on residual land or to other sites.	▪ Provision of dump trucks to haul all old and new building materials and personal possessions.	AH/PAH may also opt for cash assistance. The amount (cost of labor and distance from relocation site) to be determined during implementation.
Temporary loss of crop production due to loss of access to water during construction works	Agricultural Producers affected by the works on irrigation sites	▪ Compensation sufficient to restore incomes based on market rates for quantity of crops lost during construction works.	▪ Timing construction works to correspond with period where production is not taking place ▪ Payment should be made before works are initiated, and additional payments should be made if delays are anticipated.

5. IMPLEMENTATION ARRANGEMENTS

5.1 Procedures for Land Acquisition

The following key steps will be taken when the need for involuntary land acquisition arise:

5.1.1 Census Survey/ Inventory of Loss

A census survey (CS)/ Inventory of Loss (IOL) will be carried out on the basis of the demarcation set up based on the approved technical design of the relevant subproject. The purpose of CS/IOL is to obtain derive list of affected individuals/households, type of affected assets (e.g. land, assets on land, business…), estimated number of affected land area, trees, crops, and type and scope of business that may be potentially affected. Where people are affected severely, socioeconomic data may be obtained from these households (in census survey) to inform the design of livelihood restoration measures.

A combined census and inventory using a simplified questionnaire may be used where verified impacts are limited. Use more detailed household and livelihood surveys where impacts are larger, concentrated, complex or involve resource-dependent households. Record baseline information sufficient to verify restoration.

5.1.2 Detailed Measurement Survey

Detailed Measurement Survey (DMS) will be carried out by the District Agriculture and Environment Office (DAEO) with the support from PMU. Where a land database managed by DAEO is available, DMS results will be checked vis-à-vis existing land database to confirm the legal status of the affected land. This assists the process of updating land record for the affected households (e.g. land titling) and government's cadastral database.

5.1.3 Replacement Cost survey

Where land market is active, PMU will engage a qualified local consultant to conduct a Replacement Cost Survey (RCS). However, where market is not functioning actively, PMU (through its Project's District Project Team) work together with district PDAE to estimate prices for affected land, productive assets, replacement material and labor for construction of structures or other fixed assets, plus transaction costs. PMU may also engage a consultant specialized in price appraisal to assist PMU. The outcome of this exercise is the compensation rates for each type of affected assets that can be applied to calculate compensation packages for affected households at replacement cost. Compensation rates proposed for use in calculation of compensation package is subject to review and concurrence by district Government and PMU.

The RCS will be carried out in parallel with the DMS exercise to save time. The agreement of PAP as to the proposed compensation package for them is confirmed. Errors found will be corrected during the consultation process. In case compensation payment to PAP is late and the compensation unit rates are no longer valid before commencing compensation, the RCS results will be updated to reflect the current market prices of the affected assets. Updating of RSC, if required, will be carried out by the RCS consultant.

5.1.4 Preparation of Simplified Resettlement Plan

Given the minor scope of land acquisition that are envisaged at subproject level, where land acquisition is inevitable, and the number of affected person is less than 200 people, simplified RP for the relevant subproject.

As a minimum, Simplified RP should cover the following:

- Census survey of APs and affected assets;

- Description of compensation and other resettlement assistance to be provided;
- Consultations with affected people about alternatives;
- Institutional responsibility for implementation;
- Grievance redress mechanism;
- Monitoring and evaluation arrangements; and
- A timetable and budget.

5.2 Procedures for Voluntary Donation

5.2.1 Principles

In some circumstances, it may be proposed that part or all of the land to be used by the project is donated on a voluntary basis without payment of full compensation. Subject to prior Bank approval, this may be acceptable providing the Borrower demonstrates that: (a) the potential donor or donors have been appropriately informed and consulted about the project and the choices available to them; (b) potential donors 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. The Borrower will maintain a transparent record of all consultations and agreements reached.

Only potentially affected people who meet the criteria below ("Donation Criteria") should be approached to explore if they wish to donate. Affected people have the right to refuse donating their land and/or assets.

Donation Criteria.

Under this project, Voluntary Donation (VD) is considerd as an option for only individuals/ households who meet all the following conditions:

- Donating people are not from vulnerable/disadvantaged group – as defined by the Project (See Terms and Definition in this document);
- Donating people must be direct beneficiary household of the planned subproject;
- Donating person/people should have sole ownership to the land portion intended for donation and there are no legal disputes associated with the donated land;
- Donating households are not physically resettled;
- Potentially donated land area does not exceed 10% of the total landholding (both productive land and residential land) of the donating individual/households;
- Land portion (intended to be donated to the subproject) is free of houses, structures or other fixed assets;
- As a result of their donation, donating household will not face any risk of failure in maintaining their livelihood at the current/pre-subproject level – as a minimum.
- Donating household will be exempt from any tax and transaction fee(s) that may be associated with the portion of land that they have donated. If such cost is involved, the project will cover all costs.

Poor, or Near-Poor, or Vulnerable/Disadvantaged People

- Any persons/households who are considered poor, or near-poor, or vulnerable/disadvantaged and who solely depend on the land lot for a livelihood and income are not allowed to donate land in any circumstances;
- The Project is designed to ensure local people, including poor, or near-poor, or vulnerable/ disadvantaged group, benefit from the project. For those affected adversely due to land

acquisition, compensation and other support will be provided to support affected people's effort in restoring and improving living conditions;

VD shall not be applied to people identified as poor, or near-poor, or vulnerable/ disadvantaged individuals (as defined in this RPF and in SEP) and who are considered extremely poor/vulnerable/disadvantage and depend on the land for daily livelihood. Where impacts cannot be avoided, provide compensation and applicable assistance under the Entitlement Matrix.

For People from Ethnic Groups.

- In case land donation is planned to be proposed to ethnic group individuals/households who are from poor, or near-poor, or vulnerable/ disadvantaged group (as defined in the project's RPF), the criteria to VD for Poor/Near-Poor/Vulnerable/ Disadvantaged People (mentioned above) is applied.

Right to refuse

- When land is potentially affected, technical design shall be adjusted, where feasible, to avoid impacts on the affected land/asset of local people;
- If impact on land/ assets cannot be avoided, compensation payment will be made to the affected people in accordance with the Entitlement Matrix. Refusal to donate does not affect access to Project benefits.

5.2.2 Process of Voluntary Land Donation

For subproject that involves potential voluntary document, the followings will be done:

- All affected people will be fully informed of the subproject (e.g. subproject purpose, impacts and risks, mitigation measures, grievance redress procedure);
- Land survey result is prepared to clearly indicate the location and amount of land, and/or affected assets on land, to be donated;
- The amount of land (in square meter) to be donated and the percentage of the donated land area out of the total landholding of the donating person;
- The amount and estimated value of affected assets per household, if any, to be donated; and
- Thumb print or signature confirming voluntary donation.

In particular, the following steps will be taken PMU:

Step 1. Verify donation eligibility after land-impact screening

For each subproject, based on the final design, PMU staff (district level) will:

- Collect necessary demographic information about affected individuals/households within the subproject's area of influence;
- Collect information on the magnitude of land/asset impacts based on the Inventory of Loss;
- Conduct consultation with affected people on project compensation policy, introducing voluntary land donation as an option;
- Screen for individuals/households potentially qualified for VD from the affected group, using the criteria above;
- Summarize this step using the form in Annex 1.

Step 2. Consult with Potential VD

- PMU (district) staff will assure that only people who meet VD prerequisite as described in the above Principles are approached and are appropriately informed of the project's VD requirements and procedure.
- Consult with potential donors qualified for VD, explaining details of VD procedures, including project's compensation policies and the VD option.
- When consulting, emphasize affected peoples' right to either receiving compensation or donating their affected assets, including their right to decide on their preferred extent for asset donation, and PMU's right to accepting their donation;
- Continue consultation process to inform affected people of key steps and timelines for VD;
- Finalize the list of people who wish to donate affected assets.
- PMU, in collaboration with PDAE is responsible for all undertakings related to VD consultation process and outcome.
- Submit VD documents to the WB for review and approval.

Step 3. Start Donation Process

- Conduct the detailed survey of assets donated based on the list of donating households;
- Identify if there are anyone who are using the part of land intended for donation; if there is, consult with them to obtain their consent related to planned donation;
- Establish a formal statement of donation which will be signed by each owner and user involved, if any;
- Establish informed consent and confirm that no dispute exists over the ownership of the donated part of land/asset, and that there are no claims by renters, users, squatters, or encroachers (use Form in Annex 2);
- Proceed the formal procedures for donating the part of land/asset following the government's procedures;
- Hand over the donated land to project;
- PMU will maintain all records of asset donations and donated lands are notarized to avoid future disputes. Ensure supporting documents are available for review in case where grievance arises;
- indicate that District level Units maintain proper documentation and
- PMU will document fully and carefully the entire VD process, and compile a report which includes the followings:
    - Subproject name, location, geographical area (including timing of the report and disclosure information);
    - Description of the sub-project's construction work site/section, area of influence, and the extent of impacts on assets (attach Annex 1);
    - Description of consultation activities and procedures that have been undertaken to ensure donors are appropriately informed of the project's VD procedures and requirements, including their rights to choosing compensation payment or opting for VD;
    - A detailed list of assets voluntarily donated and corresponding donors (attach Annex 2);
    - Minutes of consultation, including consultation process and consultation outcomes as to asset donation, and grievance redress mechanism;

- Ensure that VD process is regularly monitored as part of PMU' internal monitoring arrangements.

5.2.3 Responsibilities

PMU is responsible for the entire VD process and outcome. In collaboration with the PDAE, PMU will:

- Develop fair and transparent procedures for VDs in consultation with affected households (AHs) and the communities;
- Ensure the Village Chief is involved when preparing a Voluntary Land Donation Report to indicate all affected people have been fully informed of the subproject and of their right to refuse donating their land and/or other assets;
- Ensure the detailed design avoid impacts on land, houses, structures and other fixed assets. When avoidance is not possible, effort shall be made to minimize such impacts;
- Screen for eligible donating household(s) who meet the donation prerequisite – to explore if they wish to make voluntary donation based on the VD principle;
- Ensure eligible potential donating household(s) are appropriately informed[3] that by donating their affected land and/or asset for the subproject purpose, they are reneging on their right to compensation;
- Ensure donating households are those who receive direct benefit from the planned subproject (e.g. improved access to irrigation, etc.)
- Ensure that donated assets are owned and used by the owner, and that if others are using the asset, land or asset users are fully consulted on the potential donation by the asset owner4;
- Ensure that person donating land/asset pay no fee associated with their donation. Any fees or taxes incurred to land donation and any update of land ownership documents are covered by PMU;
- Obtain the consent of the community involved, including individuals who are using or occupying the land in case where community or collective land is proposed for donation;
- Keep AHs informed timely and appropriately about the VD process, including their rights and project's grievance redress procedure;
- Inform potential donors of their right in deciding the extent of their VD (out of the total impact that the project may cause to them);
- Attention shall be paid to poor/vulnerable/ disadvantaged group, such as Ethnic Group, women, the elderlies, where relevant;
- Resolve any grievances that may occur in relation to VLD process; and
- Ensure that the entire VD process and its outcome is fully and timely documented by PMU and submitted to the WB for review.

5.3 Responsibilities

[3] "Appropriately informed" means that the potential donor has all available information regarding the proposed project activity and its impacts, its land requirements, and its alternative activity sites, as well as the potential donors' rights to compensation as per this RPF. The potential donor has also been provided with sufficient time to consider his or her disposition of the affected assets and has knowingly rejected the right to renege on his or her decision.

[4] For instance, if part of a business stall is leased and is being donated by the owner, the person leasing the stall should also be consulted.

5.3.1 Project Management Unit

The Department of Irrigation's Project Management Unit (PMU), designated by the Ministry of Agriculture and Environment (MAE), is responsible for overall implementation of the RPF. The PMU shall provide technical guidance and training to the provincial Project Implementation Units (PIUs), review the quality and consistency of site-specific Resettlement Plans (RPs) and voluntary land donation documentation, and ensure that adequate budget and resources are available to implement the agreed measures.

The PMU shall review the draft instruments prepared by the PIU and submit them to the World Bank for review and no-objection where required. The PMU shall monitor implementation and verify, based on records provided by the PIU, that compensation and other assistance required before displacement have been delivered before authorizing possession of the affected land or assets or commencement of the associated works. The PMU shall also monitor ongoing livelihood restoration in accordance with the approved RP. As needed, PMU will contact the WB's task team to request technical support and advice, including review of and no-objection to RP and/or Voluntary Donation plan.

5.3.2 Project Implementation Unit

The provincial PIU shall lead the day-to-day preparation and field implementation of the RP, with technical support from the PMU and in coordination with the District Government, the relevant agriculture and environment offices, and village authorities. The PIU shall work with the design team to verify the footprint and identify opportunities to avoid or minimize land acquisition and physical or economic displacement. Where impacts remain, the PIU shall organize the census and Inventory of Loss (IoL), coordinate detailed measurements and replacement cost surveys with the relevant authorities and specialists, and consult affected people on the findings and proposed measures.

The PIU shall seek support from village authorities and competent land offices to verify land ownership, customary and informal use, collective use by ethnic communities where relevant, and any overlapping claims or disputes. Where screening identifies physical displacement, including relocation within the same plot, the PIU shall assess the suitability and tenure security of the proposed location and consult affected households on housing, moving and transitional assistance.

The PIU shall prepare the applicable RP and, where voluntary land donation is proposed, document compliance with Section 5.2. It shall obtain district concurrence and submit the documentation to the PMU for review. During implementation, the PIU shall coordinate delivery of compensation and assistance with the responsible authorities, maintain records of payments and grievances, monitor livelihood restoration where required, and report progress and outstanding issues to the PMU.

5.3.3 District Government

The District Government shall facilitate local coordination and support the PIU in preparing and implementing the RP. It shall coordinate with the competent district offices and village authorities to support field surveys, verification of land claims and affected assets, consultations, and resolution or referral of land-related grievances. It shall also facilitate the participation of the District Resettlement Committee, where applicable.

The District Government shall review and concur with the proposed RP, including an S-RP where applicable, and confirm the local implementation arrangements before the PIU submits the plan to the PMU. During implementation, it shall support verification of compensation and assistance delivered to affected households and help resolve issues requiring district-level action.

5.3.4 Agriculture and Environment Office (provincial, district)

As a government agency responsible for land administration (among other things), PDAE will support PIU during the process of RP preparation. PDAE will lead and conduct the Detailed Measurement Survey to verify IOL results (completed by PIU) and to classify the affected land vis-à-vis government's cadastral map and land use database/record. PDAE will not also measure land but also do the counting of trees and affected land area alongside with other parameters such as age of trees, maturity, market values, and so. These information will be shared with affected households for double-check and confirmation. The information collected by PDAE forms a legal basis for design of compensation packages for each of the affected households.

5.3.6 Community members

Community members are expected to cooperate with PIU, PDAE, Village Authorities in all activities related to land acquisition, compensation, support, voluntary donation. Once compensation/ voluntary donation is completed, affected households are expected to hand over the affected land to the project on time upon receiving full compensation and support package. If there is any dispute, involved community members are expected to support in reconciliation with regards to land disputes, and help affected households in the process of resettlement and livelihoods restoration. Community may appoint representatives to monitor the compensation, support and voluntary donation process and outcomes.

Key responsibility of parties involved in preparation and implementation of S-RP is summarized in table below.

Table 3 - Tabulated Key Responsibilities of Relevant Stakeholders in S-RP Implementation

Key tasks in S-RP Preparation Process	**MAE**	**PMU**	**PIU**	**PDAE**	**District Government**	**Village authority**
	Oversight	Lead & Support	Lead Implement	Collaborate		Collaborate and Support
Finalize subproject design	Oversee	Support/ Approve	Lead			Collaborate
Inventory of Loss			Lead			Collaborate
Detailed Measurement Survey		Oversee	Collaborate	Lead	Oversee	Support
Replacement cost calculation						
• If done by independent consultant		Lead		Co-lead		
• If done by PIU & PDAE			Lead	Co-lead		Support
• Review and Ratify RC results for application		Co-Lead		Lead		
Initiate Voluntary Donation to those meeting VD criteria			Lead		Oversee	
Finalize draft S-RP			Lead			
Review of S-RP		Review			Co-review	
No-objection						
Implement S-RP			Lead			

5.4 Funding mechanisms

The Project budget shall cover the costs of implementing the RPF, including compensation for affected land, structures, crops and other assets, as well as relocation assistance, transitional support and livelihood restoration, as applicable. Eligible expenditures may be financed from IDA proceeds in

accordance with the Financing Agreement. Exact costs for resettlement are unknown at this stage of project preparation but will be determined based on the list of subprojects which will be identified during project implementation.

It is noted that method for resettlement cost estimation will be carried out in accordance with the Law on Resettlement and Vocation (No. 204/P, 2018), the 2005 Technical Guidelines on Compensation and Resettlement in Development Projects, and the requirements of World Bank ESS5, including valuation of affected assets at full replacement cost.

6. GRIEVANCE REDRESS MECHANISM

6.1 Project-level Grievance Redress Mechanism

6.1.1 Principles

The principles are adopted to design GMR for the project:

- **Channels.** Different channels are established to enable affected person to submit their grievances, including submission at village level to allow convenience for aggrieved people.
- **Forms.** Grievances can be submitted in writing and verbally, and either directly by the affected households, or by a person delegated by the complainant (e.g. the elderly, people with disabilities). Anonymous complaints are accepted and kep confidential.
- **Complainant can delegate a representative who act on their behalf.** Person lodging a grievance can ask assistance from their family or from individual that they trust to transcribe their complaint, and act as their representative to submit their complaint.
- **Disclosure.** GRM procedures are disclosed in public domain (e.g. websites of PMU, at public notice board located at village hall, and during consultation meetings). GRM procedure will be explained to people attending consultation meetings. In addition, contact detail of responsible persons including phone and WhatsApp numbers will be disseminated and displayed on poster in the project areas and affected villages.
- **Documentation.** A grievance logbook will be maintained at village hall (subproject level) and at PMU level (through PMU GRM focal points). A grievance logbook will be established and regularly updated/maintained at village hall, and PMU level.
- **Transparency.** The grievance procedures include steps, expected time frame grievance resolution for each step, notification to affected person, how decision is made, decision makers, mediation options.
- **Time-limit for grievance resolution is specified for each step.** Complaint will be acknowledged within a resonable time frame from the date of complaint receipt.
- **Acknowledgement of complaint receipt.** The unit in charge of complaint resolution will notify complainant upon complaint receipt and will initiate the complaint resolution process.
- **Appeal.** If the agency in charge does not resolve a grievance in a manner that is satisfactory to the affected person, a multistakeholder committee will be established (ad-hoc) to resolve the dismissed grievance – as an alternative for affected person going to court. If the grievance could not be resolved satisfactorily by the multistakeholder committee, the affected person may resort to the Provincial Assembly for consideration and decision prior to submitting to the court of law (Law on Grievance Redress No. 106/NA, 2022).
- **Monitoring.** All grievances received are recorded by PMU and relevant Village Mediation Committees, and are processed/resolved in a given timeframe, and are monitored by PMU GRM

focal points.

- **Complainants bear no costs associated with the entire complaint resolution process**. Costs incurred as a result of grievance resolution will be borne by the project.

The PMU will establish a grievance redress committee at the village level based on the exiting Village Mediation Committee, as well as the district and provincial level. These committees will receive, evaluate and facilitate the resolution of PAH's grievances. Grievance redress committees would be comprised of representatives of AH, community leaders, and independent civil society organizations (Non-Profit Association and CBO) in addition to representatives from village and district levels, and PMU. If the grievance relates to a dispute over the valuation of an asset to be acquired, then the PMU will acquire of an additional independent assessor to inform the decision of the relevant grievance redress committee. The grievance redress committees will function, for the benefit of AH, during the entire life of the sub-projects, including the defects liability period.

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

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

Resettlement Plan, or Simplied Resettlement Plan will establish the means for AH and/or affected businesses to bring complaints to the attention of relevant project authorities. Grievance procedures should include reasonable performance standards, including time required to respond to complaints and should be provided without charge to those displaced persons. The RP should also state other avenues available to aggrieved persons if the project-related procedures fail to resolve complaints.

However, the complainant also retains the right to bypass this procedure and can address a grievance directly to the DPTW PMU office or the national assembly, as provided by law in Lao PDR. GRM related Information including the contact detail of responsible persons in PMU and Supervision Consultant Contractors will be disseminated to project affected villages and AHs and displayed in a poster or billboard in the villages.

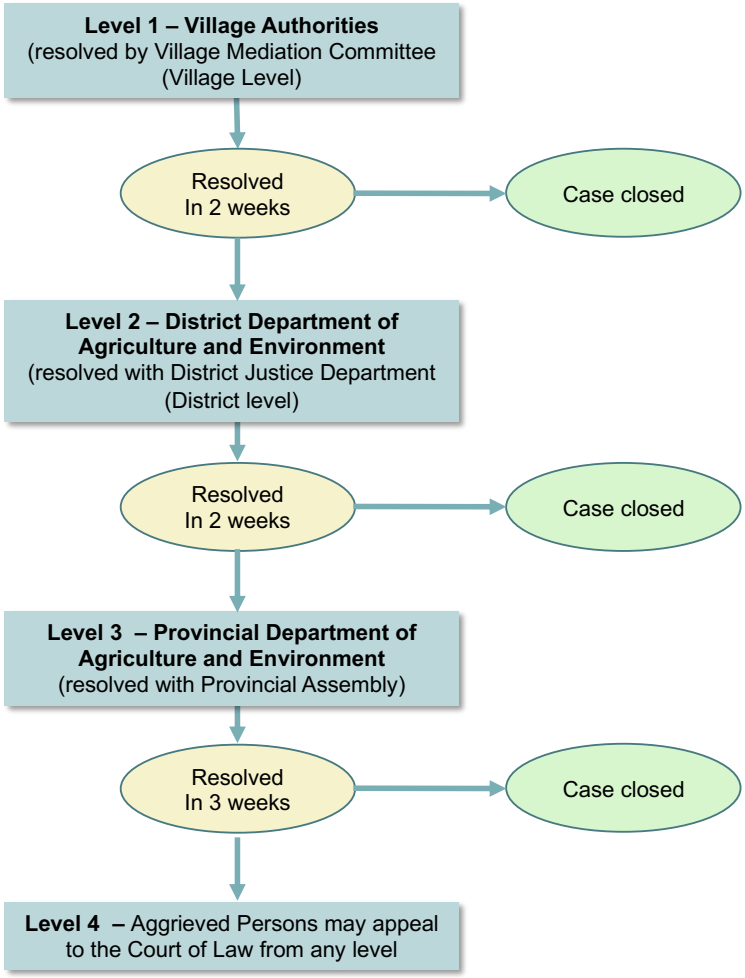
6.1.2 Hierachy of GRM

GRM procedures will be disclosed in public domain (e.g. websites of PMU, at public notice board located at village hall, and village office). GRM procedure will be explained to people attending consultation meetings. In addition, the contact detail of responsible persons including phone and WhatsApp numbers will be disseminated and displayed on poster in the project areas and affected villages.

At each level, grievance details, discussions and outcomes will be documented and recorded in a grievance logbook. The status of grievances submitted and grievance redress will be reported to PIU through the monthly report. In order to effectively and quickly resolve grievances AH may have, the following process will be applied:

- **Level 1 – Village level**: AH can make verbal or written complaint to Village Authority (Village Mediation Committee). People from ethnic groups could lodge their complaint through their local EG leaders (who will relay the complaint to Villag Authority. The VA/VMC will resolve the complaint within two weeks (since the receipt of the grievance) and inform AH of the resolution results.
    - If VA/ VMC could not be resolve the complaint, VA will refer the grievance to the next level and inform the AH of the referral and the time duration expected for resolution in the next step.
    - If AH is not satisfied with the resolution result at this level, they can escalate their grievance to any next level as they wish.
- **Level 2 – District level**: District Department of Agriculture and Environment (DAE) will resolve the grievance that was referred to from Level 1. The DAE will resolve the grievance within two weeks (since the receipt of the grievance) and inform the AH of the resolution results.
    - If DAE could not be resolve the complaint, DAE will refer the grievance to the next level and inform the AH of the referral and the time duration expected for resolution in the next step.
    - If AH is not satisfied with the resolution result at this level, AH can escalate their grievance to any next level as they wish.
- **Level 3 – Provincial level**: Provincial Department of Agriculture and Environment (PDAE) will resolve the grievance in consultation with Provincial Assembly) for administrative arbitration within two weeks (since the receipt of the grievance). PDAE will inform the AH of the resolution results. The decision at provincial is final.
- **Level 4 – Court of Law**: If AH is not unsatisfied with resolution results derived from any level (Level 1-3), AH file the case to the local court of law. Affected persons can approach the court of law at any stage in the grievance process.

Figure 4 – Steps in Grievance Resolution Process



AH can make a complaint on any aspects of subprojects' design and implementation, including issues related to compensation and resettlement. A Feedback Form will be developed and made available at VMC at project villages. AH will be informed of the GRM in consultation meetings that will be conducted during the preparation of the Simplified RP.

The organizations addressing the AH complaint and appeal process shall not charge fees. Any expenses incurred due to submission of complaints and/or appeals should be classified as unexpected expenses, and paid for by the relevant PMU - even when their cases are elevated to the Courts of Law. All costs related to handling and solving of the complaints are covered by PMU, and are included in the budget for RP implementation.

6.2 World Bank Grievance Redress Service

If affected people have strong reason to believe that the above project-level GRM is not effective in resolving their grievance or resoluation of their grievance is not satisfactory, they can submit their complaints to the World Bank using the following methods:

- **Online form** (https://wbgcmsgrs.powerappsportals.com/en-US/new-complaint/)
- **Email:** grievances@worldbank.org
- **Print and use the form** (download by clicking on the link below.

https://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service#file:~:text=and%20use%20this-,form,-(DOCX)

However, complainants are encouraged to use the project GRM before contacting the GRS. The above contact information will only be made available upon request to avoid confusion and promote national ownership and responsibility.

7. INFORMATION DISCLOSURE & STAKEHOLDER CONSULTATION

7.1 Stakeholder Engagement

Stakeholders Engagement Plan (SEP) is developed for the Project and will be use throughout the life cycle of the project (See standalone SEP for details). The World Bank requires that PMU to engage with project affected people through information disclosure, consultation, and informed participation. Depending on the nature of the project, the consultation and participation of project stakeholders should be done in a way that is proportionate to the risks to and impacts of the project on the affected peoples. In case where ethnic group peoples are present in the project area, meaningful consultation need to be conducted with the affected ethnic peoples - in a way that is culturally appropriate to them.

7.2 Information disclosure

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

7.3 Arrangement for Information Disclosure and Stakeholder Engagement

During project preparation: During project preparation, this RPF was prepared and will be disclosed on the website of MAE for consultation with potentially affected and interested parties. The RPF will be disclosed in Lao language (in the form of Executive Summary) and in English for full-text version. Feedback and recommendations from consulted stakeholders will be incorporated into the final revised versions. The final RPF will be disclosed through the same channels on the MAE's website, and on the World Bank's website.

During project implementation: For infrastructure civil works subprojects under project Component 1, minor land acquisition due to improvement of irrigation schemes and road access is envisaged. A simplified Resettlement Plan will be prepared when land acquisition is required and will be disclosed to the affected people for consultation. The Simplified RP will be disclosed locally (village level) in Lao language. If ethnic group people are affected, the Simplified RP will be explained verbally to the affected ethic group people in the accessible local formats (in addition to disclosed written document).

8. MONITORING AND EVALUATION

8.1 Internal monitoring

The implementation of Resettlement Plans will be monitored periodically by project staff based at PIU office at the provincial Department of Agriculture and Environment, and District Resettlement Committee using monitoring indicators (see **key steps** under Table 4 – Tabulated Key Responsibilities of Relevant Stakeholders in Implementation (in Chapter 5 – Implementation Arrangement), and **key monitoring indicators** at Annex 4). At central level, implementation of Resettlement Plan is monitored by the Social Officer at PMU central office on a quarterly basis. The Social Officer will oversee the RP

implementation at project level – through provincial project offices. In addition to monitoring of RP implementation, the Social Officer of PMU's central office will pay visit to select sites at least on a bi-annual basis, and as additionally required.

Implementation Completion of Resettlement Plan:
Implementation of RP is considered complete when the following key activities are fully completed:

For affected household(s) without physical resettlement and severe impact (as defined in this document)

- All households affected (by project activities) have received fullly the compensation package they are entitled to, and as agreed with them
- All affected land (as required for project purpose) is handed over to relevant local authorities, and subsequently to PMU.
- There is no pending issue (including unresolved grievance) – if any.
- Documentation of the resettlement process, and payments, are fully completed in accordance with guidance in this document, and relevant laws and regulations.

For severely affected household(s) (due to physical resettlement and/or losing more than 10% of total productive assets and/or landholding)

- All households affected (by project activities) have received fullly the compensation package they are entitled to, and as agreed with them
- All affected land (as required for project purpose) is handed over to relevant local authorities, and subsequently to PMU.
- There is no pending issue (including unresolved grievance) – if any.
- Documentation of the resettlement process, and payments, are fully completed in accordance with guidance in this document, and relevant laws and regulations.
- Livelihoods of all households severely affected by project activities are fully restored, at least, to the pre–project level.

For households voluntarily donating affected assets (as per Section 5.2 in this document)

- Consultation process with affected households have been conducted in accordance with the principles, process, and procedures set forth under Section 5.2
- All donated land (as required for project purpose) is handed over to relevant local authorities, and subsequently to PMU.

Verification:

- **Bank's no–objections:** All RP, SRP, voluntary donation plans are subject to Bank's prior review and no–objective prior to implementation of the plans.
- **Land clearing or civil works in an affected area**: the PMU will verify that the relevant RP has been consulted upon, disclosed, cleared adopted and implementedto ensure that compensation and required assistance have been delivered before taking possession of the affected land. Verify the start of any required transitional measures and keep delivering and monitoring livelihood restoration on the approved RP schedule. Document authorization for each affected work area.
- **Documentations:** during resettlement process, key activities are fully documented, including the following key information:
    - **Minutes of stakeholder meetings** (that have been conducted with affected households and relevant project stakeholder, e.g., governmental agencies)
    - **Surveys** (that include information collected during a) Census survey/Inventory of Loss, b) Detailed Measurement Survey (DMS), c) Replacement Cost Surveys (RCS),
    - **Minutes of Meeting for Proposed Compensation Packages** (a) meeting results reflecting how RCS results are used and incorporated into proposed compensation

package, b) meetings of consultation with affected households on proposed compensation package, and c) relevant minutes related to follow–up consultation till a final agreement is reached between PMU, relevant governmental agencies, and affected households regarding mutually agreed compensation packages for each affected households

- **Receipt of agreed compensation packages** (including minutes indicating receipt of full compensation, and relevant allowance and support as need) as appropriate for each affected households.
- **Hand–over minutes** indicating the land hand–over documents (a) from affected households to relevant governmental agencies, and from relevant governmental agencies to PMU, (b) from affected households to PMU – in case of voluntary land donation (in witness of relevant governmental agencies and commune authorities
- **Livelihood Restoration Assessment Report** prepared by PMU covering all households who are severely impacted by project activities. The report contains key information related a) pre–project livelihoods baseline for each severely affected households, b) compensation and assistance provided, c) monitoring process for livelihood restoration and results, d) final assessment results that confirm (based on plausible evidence) full livelihood restoration of severely affected households (within the first 6 months following completion of full compensation and assistance), e) pending issues (if any) and time–bound plan for additional follow–up and support until full livelihood restoration is achieved.
- **Photo records:** a) relevant meetings, b) affected land sites (as necessary), c) site of handed–over land (that is required for PMU to hand over the relevant contractors.

8.2 External monitoring

The PMU will determine the need for independent monitoring during site-specific assessment. The severity or concentration of economic displacement, resource dependence, vulnerable households and the ability to verify livelihood restoration will be considered. The RP will specify the scope, frequency, funding and any completion audit required

Annex

Annex 1 – Screening Form for Land Acquisition/ Resettlement

Proposed Activity: …….

Brief Description: …….

…….

Location: …….

Filled out by: …….

Organization: …….

Date: …….

Attachments: …….

Prepared with the following Partner Organizations / Community Representatives:

Remarks:

General Instructions:

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

QUESTIONS	No	Yes	MITIGATION MEASURES REQUIRED?
A. PROJECT SITING			
ARE THERE ANY OF THE FOLLOWING STRUCTURES OR RESOURCES IN THE SUB-PROJECT CONSTRUCTION AREA?			
• **Private households**	□	□	
• **Private small businesses/shops**	□	□	
• **Roads, footpaths or other access routes**	□	□	
• **Agricultural land**	□	□	
• **Natural resources shared by community members**	□	□	
• **Cemetery or other area/structures of religious or cultural significance**	□	□	
• **Other:**	□	□	
ADDITIONAL REMARKS/SUGGESTIONS:			
B. POTENTIAL SOCIAL IMPACTS			
WILL THE SUB-PROJECT CAUSE:			
• Temporary loss of land or resources for any families?	□	□	
• Permanent loss of land or resources for any families?	□	□	
• Conflicts in water supply rights and related social conflicts?	□	□	
• Impediments to movements of people and animals?	□	□	
• Dislocation or involuntary resettlement of people?	□	□	
• Potential social conflicts arising from land tenure and land use issues?	□	□	

QUESTIONS	No	Yes	MITIGATION MEASURES REQUIRED?
• Deterioration of livelihoods or living conditions of women or the poorest families in the sub-project service area?	□	□	
• **Other: ……**	□	□	

C. OTHER REMARKS:

D. Involuntary Resettlement Category

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

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

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

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

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

WILL THE SUB-PROJECT:

• Affect poverty group?	□	□

QUESTIONS	No	Yes	MITIGATION MEASURES REQUIRED?
• Affect women headed households?	□	□	
• Affect Ethnic Groups or Indigenous People?	□	□	
• Affect other vulnerable groups?	□	□	

F. OTHER REMARKS:

REQUIRED SAFEGUARD DOCUMENTS:			
• Resettlement Plan/Simplified RP?	□	□	
• Ethnic Group Engagement Plan (EGDP)?	□	□	
• Land Titles or Documentation?	□	□	
• Community Declarations?	□	□	
• Other? …….	□	□	

G. OTHER REMARKS:

H. CONCLUSIONS/RECOMMENDATIONS:

QUESTIONS	No	Yes	MITIGATION MEASURES REQUIRED?
I. SIGNING OFF:			
IMPLEMENTING AGENCY: **NAME: ……..……..** **POSITION:……..** **DATE: ……..……..**			**PROJECT SAFEGUARD COORDINATOR:** **NAME: ……** **POSITION:……..……** **DATE: ……**

Annex 2 – Process of Land Donation

Official information and initial assessment. Begin with the land-impact screening in Section 5.1. Consider voluntary donation only where Section 5.2 permits it and the potential donor freely chooses it after receiving information on the compensation option.

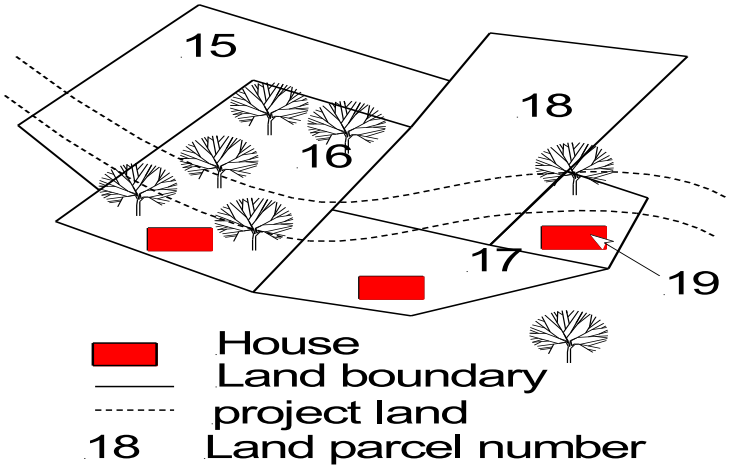
- What the land will be used for;
- How much land the project will require on both a permanent and temporary basis;
- How much of the land will be donated;
- What alternatives to donation exist (e.g., right of use, right of way);
- The terms of the donation;
- The identities of the parties who intend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

Preparation of land survey map and schedule of land acquisition

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

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

Figure 5 - Example of land survey map.



2. Verification of voluntary donations. The following conditions will be confirmed by the Committee including the Village Chief.

   a) Affected/donating households should be direct project beneficiaries.

b) Confirmation that affected people agree to donate land or asset, based on a face to face meeting;

c) Affect individual/household should not lose more than 10% of the total productive assets and/or land;

d) No physical relocation necessary.

3. Initial Village Consultation. Under the village head leadership, a consultation process will be launched to invite different interest parties, including land owners to discuss and ratify the appropriateness of the voluntary basis of land donation.

4. Transferring and formalizing the land. Process for land donation includes very clear procedures that explain the process that should be followed to transfer the land, and appropriate ways to formalize the respective transfer. The process includes consideration of the legal and administrative requirements based on the legal framework of Lao PDR. The process will describe a clear and transparent decision-making process.

5. Verification process (surveys) to identify land ownership and use. Village Chief and Technical Assistant will ensure that the land study will include specific surveys to understand the type of land rights that exist in the sub-project area, and to identify any particular issues relating to land ownership and use. The specific surveys must be conducted on each parcel of land proposed for donation to identify:

a) The owner or owners of the land;

b) The users of the land, or any parties that occupy the land (either physically or through ownership of an asset or conduct of livelihood or business activities on the land);

c) Any competing claims of ownership or use;

d) Structures and assets on the land; and

e) Any encumbrances on the land.

6. It is important to: (i) identify the right that is being transferred (an ownership right, a use right, a right of way, etc.); and (ii) check whether the transferee actually has the right s/he claims to have. In many circumstances where careful due diligence has not been carried out, significant conflict has arisen at a later stage when another party claims that they have the same or a competing right. In some circumstances – but not all – the transferee will have documentary evidence of such right. Where no such evidence exists, the due diligence can establish rights by speaking with local community officials and neighbours.

7. Public consultations and disclosure. The decision to donate must be taken on the basis of a full understanding of the sub-projects and the consequences of agreeing to donate the land. Accordingly, the parties that will be affected by the donation (the owners and users of the land) must be provided with accurate and accessible information regarding what the land will be used for, for how long, and the impact the donation will have on them and their families. It is important that prior written notification indicating the location and amount of land that is sought be provided and that its intended use for the sub-project is disclosed.

8. Where the intention is to deprive the parties affected by the donation of the land permanently, or for a significant length of time, this must be made clear. It should be noted that in many

communities the concept of alienation of land is uncommon and difficult to understand, and care needs to be taken to ensure that the implications of this are fully understood. It is also important to decide who else should be consulted about the proposed donation; for example, spouses and older children.

9. There should be a clear agreement as to which party will pay the costs associated with the donated land. This could include measurement costs, documentation and notarial fees, transfer taxes, registration fees. It should also include the costs of re-measuring/re-titling the transferee's remaining land and any new documentation relating to it.

Establishing informed consent

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

a) Identify the appropriate documentation, including the agreement to make the transfer and any legal documentation that may be required;

b) Ensure that the agreement:

- Refers to the consultation has taken place;
- Sets out the terms of the transfer;
- Confirms that the decision to transfer was freely made, and was not subject to coercion, manipulation, or any form of pressure;
- Attaches an accurate map of the land being transferred (boundaries, coordinates);
- Sets out who will bear the costs of the transfer (e.g., notarial fees, taxes, title issues) and documenting the residual land rights;

c) Ensure that all necessary parties sign the documents, including obtaining consent from spouses and children over a certain age;

d) Ensure that the transfer and title is registered or recorded; and

e) Ensure that the land remaining after the donated land is excised is properly titled, registered or recorded.

5. It is also important to maintain a record of the process that has been followed. Such documents could include the following:

a) The notification indicating the location and amount of land that is sought and its intended use for the project, with a record of when and where this was made public;

b) Records of the consultations that were held and what was discussed;

c) A copy of the due diligence that was conducted;

d) Copies of each of the formal statements of donation, establishing informed consent as described above, and signed by each owner or user involved;

e) Copies of all documents, registrations or records evidencing the legal transfer of the land; and

f) A map, showing each parcel of land.

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

Grievance redress arrangements.

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

Annex 3 – Outline for a Simplified Resettlement Plan

Introduction

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

Census of PAP and Inventory of Assets

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

Compensation to be Provided

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

Consultation with Affected Persons

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

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

Institutional Responsibilities for Delivery of Compensation

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

Implementation Reporting and Monitoring

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

Timetable and Budget

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

Annex 4 – Performance Indicators for Monitoring and Evaluation of Simplified Resettlement Plan

Figure 6 - Performance Indicators for Monitoring and Evaluation of Simplified Resettlement Plan

Hierarchy of resettlement activities	Resettlement process	Indicators	Monitoring Frequency
INPUT	Budget commitment and availability Appointment of Social Officer on PMU Training of PMU's Social Specialist	• Timely availability of budget for compensation payment • Is appointment made after project appraisal completes. • Timely availability of budget for compensation payment	

ACTIVITIES/ PROCESS	Additional consultation with PAP	• Is additional consultation with PAP carried out during RP updating exercise?
		• To which extent the consultation is conducted, covering the following key areas:
		  ○ Proposed replacement costs for affected assets;
		  ○ Proposed cash support for affected assets;
		  ○ Proposed income restoration activities are consulted with affected households/business	

	Disclosure of final updated RP	• Is updated Simplified RP disclosed locally in at project site and on Bank's website following Bank's No Objection; • Is Project Information Booklet (PIB) delivered to affected households	• Following appraisal completion of the subproject;
OUTPUT	Compensation payment	• % of households receiving full compensation package within agreed timeline? • Total compensation and support made vs total amount committed.	• Monthly • Quarterly
	Grievances	• Number of grievances lodged (as monitored by PMU) per month • Number of grievances solved per month • Number of grievances submitted at district/provincial office?	• Monthly • Quarterly

Hierarchy of resettlement activities	Resettlement process	Indicators	Monitoring Frequency
		• Number of grievances submitted.	
	Income Restoration	• Is Income Restoration carried out in accordance with the approved Simplified RP – in terms of timeline and number of activities?	• Monthly • Quarterly (following completion of compensation payment)
OUTCOME	Livelihood, access and living conditions restored	• % of affected households with income and livelihood restored to at least the applicable baseline, with access, living conditions and tenure security verified where relevant	• Monthly • Quarterly (monitoring started six months upon full completion of re-establishment of new businesses in the new location.