

LAO PEOPLE'S DEMOCRATIC REPUBLIC
Ministry of Communication, Transport, Post and Construction

ROADS FOR RURAL DEVELOPMENT PROJECT
(ADB TA-3756-LAO)

**RESETTLEMENT AND
COMMUNITY DEVELOPMENT FRAMEWORK**

December 2003

THIS IS NOT AN ADB BOARD APPROVED DOCUMENT.

Table of Contents

Abbreviations	ii
Definition of Terms	iii
Summary Resettlement and Community Development Framework	vi
1. Introduction	
1.1 Objectives of ADB 10	1
1.2 Purpose of the Framework	1
1.3 Inclusion of Ethnic Minority Groups in Project Benefits	2
1.4 Project Description	3
2. Resettlement and Community Development Framework	
2.1 Review of Lao PDR Resettlement Laws and Regulations	6
2.1.1 The Constitution	6
2.1.2 Land Law	7
2.1.3 Road Law	8
2.2 Review of Lao PDR Policy on Ethnic Minority Issues	8
2.2.1 Ethnic Minority Affairs in 1981	9
2.2.2 The Constitution	10
2.2.3 The 1992 Resolution	11
2.3 ADB Policies on Resettlement and Indigenous People	11
2.3.1 Policy on Involuntary Resettlement	11
2.3.2 Policy on Indigenous People	11
2.4 ADB 10's Policies and Principles	13
2.4.1 Resettlement and Compensation Basic Principles	13
2.4.2 Resettlement and Compensation Project Policies	13
2.4.3 Eligibility and Entitlement	16
2.4.3 Project Impacts and Entitlements	17
2.4.5 Policy on Community Development for Ethnic Minority Groups	20
3. Implementation Procedures and Process	
3.1 Preparation of Resettlement Plans	23
3.2 Preparation of Community Development Plans	27
3.3 Reporting, Database, and Monitoring	29
4. Administrative, Resource, and Financial Arrangements	
4.1 Resettlement Organization and Framework	31
4.2 Community Development Institutional Framework	34
4.3 Implementation Schedule	35
4.4 Budget Issues	35
Attachment 1: Outline of a Short Resettlement Plan	
Attachment 2: Outline of a Full Resettlement Plan	
Attachment 3: Outline of a Community Development Plan	

Abbreviations and Definition of Terms

Abbreviations

ADB	Asian Development Bank
APs	affected persons
B.	Ban (village) and referred to in the text as B. Vang
CS	construction supervision
DCTPC	Department of Communication, Transport, Post & Construction
DMS	Detailed Measurement Survey
DOR	Department of Roads
DRC	District Resettlement Committee
Government	Government of Lao PDR
IOL	inventory of Losses
IPSA	Initial Poverty & Social Assessment
Khet	Group of villages, sub-district
LCDC	Lao National Commission for Drug Control
LFNC	Lao Front for National Construction
LWU	Lao Women's Union
MCTPC	Ministry of Communication, Transport, Post & Construction
NPRC	National Policy on Resettlement & Compensation
NTFP	Non-Timber Forest Product
AP	project-affected person (or household)
PIB	public information brochure
PRC	Provincial Resettlement Committee
ROW	right-of-way of the road (15 m from centreline)
RP	Resettlement Plan can be Full or Short depending on the nature or significance of the impacts (refer to the Definition of Terms)
SED	Social & Environment Division (Department of Roads)
S&PA	Social & Poverty Assessment
STEA	Science, Technology & Environment Agency
STEO	Science, Technology & Environment Offices (provincial level)
Swidden	dry rice cultivation
TLUC	Temporary Land Use Certificate
VRC	Village Resettlement Committee

Definition of Terms

AP	includes any person or persons, household (sometimes referred to as project affected family), a firm, or a public or private institution who, in the context of acquisition, or repossession, of assets or change in land use, as of the cut-off date, on account of the execution of a development project, or any of its sub-components or part, would have their: means project-affected persons (or household) including (i) Standard of living adversely affected; (ii) Right, title or interest in all or any part of a house, land (including residential, commercial, agricultural, plantations, forest and grazing land) or any other moveable or fixed assets acquired or possessed, in full or in part, permanently or temporarily adversely affected; or (iii) Business, occupation, place of work, residence, habitat or access to forest or community resources adversely affected, with or without displacement.
Compensation	means payment in cash or kind for an asset to be acquired or affected by a project at replacement cost.
Cut-off Date	means the date prior to which the occupation or use of the project area makes residents/users of the project area eligible to be categorized defined as affected persons. In many projects, the cut-off date usually coincides with the commencement of the census of APs within the project area boundaries, or the date of the detailed measurement survey after the completion of detailed design. The cut-off date for this project will be the date of completion of the detailed measurement survey. Persons not covered by the detailed measurement survey will not be eligible for compensation and other entitlements.
Entitlement	means the range of measures comprising compensation in cash or kind, relocation cost, income rehabilitation assistance, transfer assistance, income substitution, and business restoration which are due to APs, depending on the type and degree nature of their losses, to restore their social and economic base.
Household	means all persons living and eating together as a single-family unit. The census used this definition and the data generated by the census forms the basis for identifying the household unit.
Implementing agency (a.k.a. project proponent, project authority, executing agency)	means the agency, public or private, that is responsible for planning, design and implementation of a development project.
Income restoration	means re-establishing income sources and livelihoods of APs.
Land acquisition	means the process whereby a person is compelled by a public agency to alienate all or part of the land a person of the land s/he owns or possesses, to the ownership and possession of that agency, for a public purposes in return for fair compensation.
Project area	the area 5 km either side of the road.

Rehabilitation	means assistance provided to APs seriously affected due to loss of productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets in order to improve, or at least achieve full restoration of her/his pre-project living standards and quality of life to pre-project level.
Relocation	means the physical shifting of APs from his/her their pre-project place or residence, place of work or business premises.
Replacement cost	<p>means the amount of cash or kind needed to replace an asset and is the value determined as compensation for:</p> <ol style="list-style-type: none"> i. Agricultural land at the pre-project or pre-displacement level, whichever is higher and is based on productive value; and residential or commercial land based on market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes; ii. Land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes; iii. Houses and other related structures based on current market prices of materials, transportation of materials to construction site, cost of labour and contractor's fee, and any cost of registration and transfer taxes. In determining replacement cost, depreciation of assets and value of salvaged building materials are not taken into account and no deductions are made for the value of benefits to be derived from the project or transaction costs; iv. Crops, trees and other perennials based on current market value; and v. Other assets (i.e. income, cultural or aesthetic resources) based on replacement cost or cost of mitigating measures.
Resettlement	means all of the measures taken by the project proponent to mitigate any and all adverse social impacts of a project on APs, including compensation for lost assets and incomes and the provision of other entitlements, income restoration assistance, and relocation, as needed.
Resettlement effects	mean all negative situations directly caused by the project including loss of land, property, income generating opportunity, and cultural assets.
Resettlement Plan	means the time-bound action plan with budget setting out resettlement strategy, objectives, entitlements, actions, responsibilities, monitoring and evaluation.

Right-of-way	as defined in the Road Law, and for provincial roads is 15 m either side of the centre-line.
Social Assessment	means the framework for incorporating social analysis and participatory process in project design and implementation.
Structures	mean all structures affected or to be acquired by the project - living quarters, agricultural structures such as rice bins or stores/warehouses, roadside shops/businesses, commercial enterprises, and any community infrastructure (i.e. schools, wats, temples, churches etc).
Vulnerable group	means any distinct groups of people who might suffer disproportionately or face the risk of being marginalised from the effects of resettlement and specifically include; (i) female-headed households with dependents; (ii) disabled household heads; (iii) households falling under the generally accepted indicator for poverty; (iv) landless (v) elderly households with no means of support; and (vi) ethnic minorities.

SUMMARY RESETTLEMENT AND COMMUNITY DEVELOPMENT FRAMEWORK

1. **Scope of the Resettlement and Community Development Framework.** This Summary Resettlement and Community Development Framework has been prepared to guide in the resettlement and community development planning for ethnic minority villages and implementation for the other project roads to be progressed under ADB 10 including two subproject roads: Hongsa-Thaxoang (Sayaburi) and Pakton-Ban Vang (Vientiane Province). The feasibility study and design of the latter roads will be done under the Project and resettlement plans and community development plans prepared in accordance with the Framework and submitted to ADB for approval.

2. **Policy Framework and Entitlements.** The policy framework and entitlements have built upon the laws of the Government of Lao PDR, principally the Constitution (1991) and the Land Law (1997), the *ADB's Policy on Involuntary Resettlement* (1995), and Government approved resettlement plans for other ADB and World Bank projects. Provisions and principles adopted in the RPs for the Project will supersede the provisions of relevant decrees currently in force in Lao PDR wherever a gap exists.

3. **Project Principles.** The following basic principles have been adopted for the Project:

- (i) Acquisition of land and other assets, and resettlement of people will be minimized as much as possible by identifying possible alternative project designs, and appropriate social, economic, operational and engineering solutions that have the least impact on populations in the Project area.
- (ii) The populations affected by the Project are defined as those who may stand to lose, as a consequence of the Project, all or part of physical and nonphysical assets, including homes, homesteads, productive lands, commercial properties, tenancy, income-earning opportunities, social and cultural activities and relationships, and other losses that may be identified during the process of resettlement planning.
- (iii) All APs who will be identified in the project impacted areas as of the date of the detailed measurement survey, will be entitled to be compensated for their lost assets, incomes and businesses at full replacement cost and provided with rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income earning capacity and production levels.
- (iv) All affected populations will be equally eligible for compensation and rehabilitation assistance, irrespective of tenure status, social or economic standing, and any such factors that may discriminate against achieving the objectives outlined above.
- (v) The rehabilitation measures to be provided are: (i) cash compensation at replacement cost without deduction for depreciation or salvageable materials for houses and other structures; (ii) full title to replacement agricultural land for land of equal productive capacity acceptable to the AP,¹ full title to replacement residential and commercial land of equal size acceptable to the AP; (iv) cash compensation for crops and trees and current market value; and (v) relocation allowances and rehabilitation assistance.

¹ Agricultural land for land of equal productive capacity: means that the land provided as compensation should be able to produce the same or better yield the AP was producing on his/her previous land. The production should be in the planting season immediately following the land acquisition. It can be for a future period if transitional allowance equal to the household's previous yield is provided to the AP household while waiting for the land to get back to the same productivity as the previous land.

- (vi) Replacement residential and agricultural land will be as close as possible to the land that was lost, and acceptable to the AP. Where there is not sufficient paddy land available in villages, the Project will assist the villages to develop new paddy land with food for work. The Project will also assist villages to prepare level residential land and sites for livestock and fishponds.
- (vii) Temporarily affected land and communal infrastructure will be restored to pre-project conditions.
- (viii) The compensation and resettlement activities will be satisfactorily completed and rehabilitation measures in place before the Government and ADB will approve award of contract for civil works.
- (ix) The EA will see that institutional arrangements are in place to ensure effective and timely design, planning, consultation and implementation of the land acquisition, compensation, resettlement and rehabilitation program.
- (x) Existing cultural and religious practices shall be respected and, to the maximum extent practical, preserved.
- (xi) Adequate budgetary support will be fully committed and be made available to cover the costs of land acquisition and resettlement and rehabilitation within the agreed implementation period.
- (xii) Special measures shall be incorporated in the RP and complementary mitigation and enhancement activities to protect socially and economically vulnerable groups such as ethnic minority peoples, women-headed families, children and elderly people without support structures and people living in extreme poverty.
- (xiii) There shall be effective mechanisms for hearing and resolving grievances during the implementation of the RPs.
- (xiv) Details of the RPs shall be distributed to the APs and placed in project and commune offices for the reference of affected people as well any interested groups.
- (xv) Appropriate reporting, monitoring and evaluation mechanisms will be identified and set in place as part of the resettlement management system.

4. **Entitlements.** The Project entitlements have been designed to provide compensation, resettlement and rehabilitation for lost assets and restore or enhance the livelihoods of all categories (directly and indirectly affected, title holders and non-title holders) of affected people. The entitlement matrix for the Project (Table 5) summarizes the main types of losses and the support entitled for each type of loss. Replacement costs and rates will be established through a replacement cost survey to be undertaken during the detailed measurement survey in consultation with Village Administrations along each of the routes. These rates will be used as the basis of the resettlement cost estimates.

5. **Ethnic Minorities and Vulnerable Groups.** If the social analysis shows that along the roads there are high proportions of ethnic minority groups. Special attention will need to be given to identifying and addressing the special needs of these groups and these will be addressed in a Community Development Plan in accordance with ADB's *Policy on Indigenous People*. Special attention will be given to identifying and addressing the special needs of this group plus other disadvantaged groups such as the landless, poor, women-headed households, and the disabled.

6. **Resettlement Strategy.** Land acquisition impacts and rehabilitation measures will be assessed at the individual and community level. During the detailed design, every effort will be made to reduce the need for relocation. Measures identified in the three resettlement plans already prepared will be incorporated into the subsequent plans

prepared under the project where applicable, for example, households and villages will be assisted to fence the roadsides to prevent children and livestock from wandering onto the road.

7. For households that have to move, the Project will assist communities and households by levelling land identified by the Village Administrations for homestead land plots and livestock pens. The Project will also, through consultation with the affected villages facilitated through the Community Mobilizers, provide fencing for livestock and vegetable gardens, as well as expand paddy land and establish fishponds. Relocating households will be assisted with house dismantling, moving, and rebuilding. In addition, the Project will facilitate issuance of Land Use Rights Certificates and provide land use rights awareness in all project villages.

8. **Income Restoration.** Agricultural households who are severely affected through loss of 20 percent or more of productive assets will be provided with replacement land of equal productivity. If there is a shortage of paddy rice land in the villages along the roads, but sufficient other land, the Project will assist villages to prepare paddy land by clearing and providing food-for-work for villagers to prepare their land. In consultation with villages, the Project will dig fishponds at appropriate locations in villages along the road. Affected small businesses will be assisted to move back from the road and still carry out their businesses with better income potential.

9. **Participatory Process of Resettlement Planning and Implementation and Grievance Mechanism.** Consultation shall be undertaken prior to any finalisation of design in order that community needs can be incorporated into the design of the roads as far as is practicable. Stakeholders will be encouraged to participate in the process. The census and socioeconomic surveys undertaken will continue the dialogue with affected communities. There must also be a process established to deal with any issues or concerns raised during Project implementation. Resettlement planning and implementation will follow a participatory approach using facilitators to mobilize the affected communities to participate in alignment selection, inventory of losses, validation of compensation rates and entitlements, delivery of entitlements, monitoring of impacts and benefits, and design and participation in a grievance mechanism.

10. **Disclosure.** Key information in the resettlement plans, including compensation and rehabilitation options, will be disclosed to the affected communities before subproject appraisal. This will be in the form of a resettlement information leaflet or brochure, a summary RP, or a complete RP in a form and language which they can understand, in an accessible place. The RPs and Community Development Plans or their summaries will be disclosed on ADB's website.

11. **Institutional Arrangements.** At the national level, the Social and Environment Division (SED) of the Planning and Technical Division of the Department of Roads will provide overall guidance and technical support to the provincial and district resettlement committees. The SED will be strengthened under the Project and through other ADB technical assistance². One international resettlement specialist will provide overall guidance and three domestic resettlement specialists and three community mobilizers will provide full-time assistance during the resettlement planning and implementation phase. Provincial, district and village resettlement committees will be established. Village resettlement committees will actively participate in design and implementation of the Resettlement and Community Development Plans.

² Prior to project implementation, the SED social safeguard and environmental management capacity will be strengthened under technical assistance from ADB TA 3557 and Loan 1989: Northern Economic Corridor Project.

12. Monitoring of Resettlement Plans and Community Development Plans Implementation and Impacts. Appropriate reporting, monitoring and evaluation mechanisms will be identified and set in place as part of the resettlement management system. This will consist of internal monitoring by the EA's Social and Environment Division together with the Construction Supervision Resettlement Specialists. The project supervision consultants will also conduct poverty reduction monitoring, including all severely affected households in its target group.

13. Implementation Schedule. All resettlement activities will be coordinated with the civil works schedule. ADB will not approve award of any civil works contract for any subproject to be financed from the loan proceeds unless the Government has satisfactorily completed, in accordance with the approved Resettlement Plan for that subproject, compensation payment and relocation to new sites, and ensured rehabilitation assistance is in place and the area required for civil works free of all encumbrances prior to obtaining possession and rights to the land.

1. Introduction

1.1 Objectives of ADB 10

The Government of Lao PDR (Government), with assistance from Asian Development Bank (ADB) is improving rural access roads in a number of provinces throughout Laos. The Roads for Rural Development Project (ADB 10) [in the form of Technical Assistance (TA) to the implementing agency - Department of Roads (DOR), Ministry of Communication, Transport, Post & Construction (MCTPC)], is one of a number of TA and loan projects developed from the TA 2889-LAO Rural Access Roads Improvement Project commenced in 1999 and with some detailed work being completed for the roads that are the subject of this TA in 2000.³ This Project - known as ADB 10 - is progressing a package of roads identified under the earlier studies.

Government has as one of its highest priorities the development of the maximum length of all-weather roads to provide as much of its population as possible with access to the national road network. ADB 10 is an important element of ADB's sectoral strategy of assisting development of the rural road network linked with the specific development priorities of Government. Targeted to supporting rural development, the rehabilitation of sections of the rural road network proposed by the Project will provide basic infrastructure for rural development and enhance the social and economic impacts of the recently rehabilitated national roads and also contribute to poverty reduction efforts in selected provinces.

ADB 10 is drawing together previous work undertaken in TA 2889 and TA 3070 commenced in 1999 and further investigations and design by Pacific Consultants International (PCI) in 2000.⁴

1.2 Purpose of the Framework

The *Resettlement & Community Development Framework* (R/CDF) has been prepared in order that the resettlement impacts and effects on ethnic minority communities of other subprojects to be included under ADB 10⁵ will be identified, mitigated and compensated in accordance with and various laws and guidelines of Government, ADB's *Policy on Involuntary Resettlement* and *Policy on Indigenous People*, and established for ADB 10 as set out in the three Resettlement Plans (RPs) and Community Development Plans (CDP) already prepared under ADB 10. The R/CDF, as with the RPs and CDPs already prepared under the Project, also builds upon principles currently being developed under other ADB funded infrastructure projects in Lao PDR

³ The detailed design undertaken by Pacific Consultants International (PCI) was developed for several road sections. Using the nomenclature adopted by PCI, road sections 4 and 5 represent the Sayaburi to Hongsa road (Sayaburi), road sections 3 and 8 represent the Pakxan to B. Thasi road (Bolikhamxay), and road section 7 is the Xaisettha to Sanxai road (Attapu).

⁴ TA 3070-LAO Road Improvement for Rural Development Project-Final Report (BICL; December 1999). TA 2889-LAO Rural Access Roads Improvement Project-Social Assessment: Volume II (July 2000; PCI in association with Burapha Development Consultants Ltd and CDRI).

⁵ At this stage only two other subprojects have been identified as going forward under any loan funds for ADB 10, these include Hongsa - Thaxoang road and Pakton - B. Vang road.

The R/CDF provides:

- (i) A brief description of the Project, subprojects and likely scope of the resettlement effects and any impacts on ethnic minority communities;
- (ii) Policy and legal framework of Government and ADB in respect of resettlement and ethnic minority development;
- (iii) The resettlement, compensation and community development principles to be applied to all subprojects under ADB 10;
- (iv) Outline procedures to be followed for the preparation and implementation of RPs and community development plans ; and
- (v) Administrative, resourcing and financing arrangements for preparation, approval, implementation, monitoring and evaluation of RPs and community development plans .

The R/CDF will be translated into Lao and distributed to the central and local agencies, companies and agencies contracted to carry out design and works of the subprojects, and other individuals responsible for aspects of subproject preparation and implementation. The R/CDF should be also read in conjunction with *ADB's Handbook on Resettlement: A Guide to Good Practice* (1998) and various relevant Government laws and guidelines.

1.3 Inclusion of Ethnic Minority Groups in Project Benefits

In Lao PDR all people are considered equal, irrespective of ethnic background.⁶ Although close to 50 major ethnic groups are recognized by the national census, ethnic groups are conventionally divided into three major groups, based on proto-typical location. These are (i) Lowland Lao (*Lao Loum*) who tend to settle in the valleys and flatlands; (ii) Upland Lao (*Lao Sung*) who prefer the higher altitudes; and (iii) Midland Lao (*Lao Theung*) who tend to inhabit the mid-level slopes. However, Chamberlain⁷ notes that there are many exceptions to these stereotypic village locations and therefore such universalities need to be used with care.

Over two thirds of the national population is Lao Loum, which comprise 8 ethnic groups within the Lao - Tai language family. The Upland or highland Lao make up about 10 percent of the population and comprise some 7 groups within the Chine - Tibet language family and 2 groups within the Hmong - lu Mien language family. The Midland Lao account for 25 percent of the total population and comprise some 32 groups within the Mon-Khmer language family.⁸

⁶ Resolution of the Party Central Organization Concerning Ethnic Minority Affairs in the New Era (Government; 1992).

⁷ Poverty Alleviation for All: Potentials and Options for People in the Uplands (J. Chamberlain & P. Phomsombath; SIDA, September 2002; p.23).

⁸ Chamberlain & Phomsombath; 2002.

Table 1: Ethnicity of Population

Ethno-Linguistic	Topographical	Language Family	No. Ethnic Groups	Proportion of Population
Tai Kadai	Lao Lum	Lao Phoutai	8	66.2%
Austroasiatic	Lao Theung	Mon Khmer	32	23.0%
Hmong - lu Mien	Lao Sung	Hmong Yao	2	7.4%
Chine - Tibetan	Lao Sung	Tibeto Burman	7	2.5%
Chine - Tibetan	Lao Sung	Hor Han	1	0.2%

Source: Addressing the Health and Education Needs of Ethnic Minorities (ADB; September 1999).

The cultural and linguistic differences are greater among many of the midland Lao than those among the Lowland and Upland Lao. The Mon-Khmer language family comprises the largest number of ethnic groups but slightly less than one-quarter of the total population. Although there are various ethnic groups within the lowland Lao, only the upland and midland Laos are considered ethnic “minorities.”

Lao PDR policy emphasizes the multi-ethnic nature of the nation and in many ways works to reduce the discrimination against midland and upland minorities. The use of the “three-ethnic group” emphasizes the commonality of Lao nationality—“Lao First”⁹ and is widely used in the country to refer to specific ethnicity. While there is participation in the political process with a number of ethnic minority people holding positions in government, there is not yet equal representation at all political levels when compared to their total numbers in the provincial populations. Often due to their remote location, the rural ethnic people have comparatively less access to government services such as health, education, agricultural extension and infrastructure. Many development plans, including infrastructure, are not planned or implemented with ethnicity as the overriding variable. As a result, development impacts can inherently be marginalizing on the isolated and pre-market ethnic economies unless adequate mitigation measures are adopted and the potential beneficiaries are consulted in project planning and implementation. Further, the higher incidence of poverty in the rural north, particularly among minority groups, makes them more vulnerable socially and economically.¹⁰

In cases where resettlement or other project impacts will affect households that belong to ethnic minority groups, mechanisms to ensure that these households are not disproportionately affected and that ethnic minority villages along the route can benefit, at least to the same degree as the predominantly Lao Loum villages, a community development plan for these villages will need to be prepared.

1.4 Project Description

An Initial Poverty & Social Assessment (IPSA) was prepared for the phase 2 roads (the other three roads being proposed for funding under ADB 10).

⁹ “My Way and the Highway: Ethnic People and Development in the Lao PDR” M Milloy & M Payne in *Development or Domestication? Indigenous Peoples of Southeast Asia* (D McCaskill & K Kampe eds; Thailand; 1997).

¹⁰ *Participatory Poverty Assessment PDR* (State Planning Committee, National Statistics Centre, & ADB; June 2001).

(a) Pakton - B. Vang Road

The alignment traverses two districts; M. Saythong (Vientiane Municipality) and M. Xanakham (Vientiane Province).

Along the Pakton - Ban Vang alignment there are nine villages directly on the road, with 366 households and a population 4,152. There are two ethnic groups; Lao Loum (Phouan and Tai) and Lao Theung (Khmou), there are no Lao Sung (Hmong) in the Project Area.

**Table 2: Project Area
Pakton-B. Vang**

District	Km	Village	Total of Population	Number of Women	Number of household
Santhong	0+00	Hoitom	165	82	35
	0+200	Mai (Nasa)	156	78	35
	7+00	Hoyla	558	285	125
	11+00	Hoyhang	249	120	52
Sanakham	19+00	Pakchan	688	323	117
	27+00	Konkham	658	310	123
	32+00	Khokmeur	618	309	103
	37+00	Namhi	446	228	83
	41+00	Vang	614	352	119
Project Area			4,152	2,087	366

(b) Hongsa - Thaxoang Road

The Hongsa - Thaxoang road is located in M. Hongsa in Sayaburi. In the Project Area there are 3 villages, 281 households and a population of 1,572 people. The ethnicity of the Project Area is Lao Loum and Lao Theung (Khmou), there are no Lao Sung (Hmong).

**Table 3: Project Area
Hongsa – Thaxoang**

District	Location (km)	Village	Population	Number of Women	Households
Hongsa	0+200	Sibounheung	972	477	193
	17+500	Kiusala	349	175	49
	24+00	Thaxouang	251	109	39
Project Area		3	1,572	761	281

(c) Scope of Resettlement Effects

There will be resettlement effects in the villages that are built directly on the roads due to the need for clearance of the Right-of-Way (ROW). A clearance of a 15 m wide ROW either side of the road centre-line is required by DCTPC under the Road Law, although the corridor of construction works will be in the order of 20 m (i.e. 10 m either side).

The ROW will impact upon trees, gardens, homestead land, paddy land, and in some cases will require the removal of houses, shops and rice stores. A summary is presented below.

Table 4: Outline of Resettlement Effects

Village name	Type of affected
Pakton - Ban Vang	
B. Mai (Nasa)	Paddy land, gardens, fences.
B. Hoyla	Houses, homestead land, paddy land, rice stores, gardens, fences
B. Hoyhang	No effects
B. Pakchan	Houses, homestead land, gardens, fences
B. Konkham	Houses, homestead land, gardens, fences
B. Khokmeur	Houses, homestead land, gardens, fences
B. Namhi	Houses, homestead land, paddy land, gardens, fences
B. Vang	Houses, homestead land, paddy land, rice stores, gardens, fences
Hongsa - Thaxoang	
B. Sibounheung	Houses homestead land, paddy land, fences
B. Kiusala	No effects
B. Thaxouang	Houses, homestead land, fruit trees, fences

Resettlement Plans will need to be prepared in accordance with this Framework and the Resettlement Plans already approved for the Project.

(d) Summary

The IPISA concluded that improving the roads will create a number of socio-economic impacts that will be both positive in nature and significant in magnitude. These include improving accessibility to markets and thereby improving household food security, and improved access to health and education services.

The IPISA also noted that a detailed social and poverty assessment, resettlement plan (RP) and possibly a community development plan will be required for the Pakton–B. Vang road, if it is taken to feasibility study level or proposed for loan funding. While for the Hongsa–Thaxoang road, the requirement for such studies will depend on the works to be carried out. The results of the economic analysis suggest that the improvement works may be limited to providing a 50 m Bailey bridge, the installation of a few additional culverts, and possibly a short section of widening, on the existing alignment, in the rural section at the Thaxoang end of the road. In this case it seems likely that less than 50 households would be affected, and therefore only a Short RP would be required, because the main village in this area, Kiousala, is set back from the road.

This R/CDF has been prepared to set out the process for ensuring that the rights of project affected persons (APs) are protected during the implementation of resettlement activities, and if any APs or beneficiaries belong to ethnic minority groups that they are not disadvantaged by virtue of the ethnicity, or that any social or cultural characteristics related to their ethnicity prevent them from enjoying project benefits.

2. Resettlement and Community Development Framework

2.1 Review of Lao PDR Resettlement Laws and Regulations

The Resettlement Policy Framework for ADB 10 has been built upon the laws of the Government, ADB's *Policy on Involuntary Resettlement* (1995) and the *Policy and Decree on Compensation and Resettlement*. This Project will be bound by the principles and conditions stated in this RP and principles adopted in this RP will supersede the provisions of relevant decrees currently in force in Lao PDR wherever a gap exists.

In Lao PDR, compensation principles and policy framework for land acquisition are governed by several statutory laws; such as, the Constitution (1991), Forestry Law (1996), Land Law (1997) and Road Law (1999). However, the Land Law (No. 01/97) is the most critical. It provides for the issuance of a Land Title, which attests provisional ownership rights to use agricultural as well as forestland¹¹. Land titling is being undertaken in a number of towns, although as yet it has not reached the rural areas. More commonly held are Land Use Rights Certificates (often known as Form 01), which are declarations of land use for tax purposes and are considered as evidence of land use although they do not confer any land rights. In case of acquisition, those with Land Title and Form 01 holders (and for example, Survey Certificate, land tax receipts, residency certificate, customary land use rights)¹² receive compensation under the law (refer to Section 3.5.x). Similarly, the Road Law (1999) requires "reasonable" compensation to the owner of land to be expropriated for ROW, relocation and replacement structures and loss of trees and crops.¹³ For this Project, all APs regardless of whether they have land title or certification or are unregistered, are entitled to compensation for losses caused by the Project.

People without any proof of ownership and/or certificates are considered "unregistered" users. The Land Law, however, provides mechanisms (for example, residency or use of the land by the unregistered user for at least two years) by which individuals can apply for certification¹⁴. While both the Land Law and the Road Law ensure compensation for legal owners of properties under acquisition, they do not guarantee either replacement value of the acquired properties or restoration of income, or indeed provide for compensation to non-legal (but not illegal) users¹⁵.

2.1.1 The Constitution

Article 14 of the Constitution declares that the State protects and promotes all forms of state, collective, and individual ownership.

Article 15 declares that the land within the Lao PDR is owned by the national community and that the State ensures the right to use, transfer, and inherit it in accordance with the law.

Article 8 establishes the right of all ethnic groups to protect, preserve and promote their customs and heritage. All acts of division and discrimination among ethnic groups are prohibited.

¹¹ Articles 17-18 and 21-22 of the Land Law (No. 01), 1997.

¹² These certificates are issued at the District level.

¹³ Road Law (1999), Article 19 – Compensation for land acquired for road activities.

¹⁴ The "unregistered" users are thus not "illegal," because such usage constitutes a process in the eventual ownership.

¹⁵ Lao PDR – Rural Access Roads Project RIP, December 2000, p. 7.

These principles of protection, property ownership and land use are further elucidated and defined in the Forestry Law (1996) and the Land Law (1997), both of which determine current resettlement policy. The Land Law has the most significance for the Project.

2.1.2 Land Law

(a) General Provisions and Land Management

The Land Law, which became effective on 31 May 1997, is the principal legislation by which the State exercises its constitutional responsibility for the management, preservation, and use of land. Several articles of this Law are relevant to issues of resettlement.

Article 3 of the Law reaffirms that all land in the Lao PDR is the property of the national community under the centralized and uniform management of the State. It provides that the land is entrusted for efficient use to individuals, families, and other entities. It specifically states that land may not be used as a tradable commodity. "Ownership," thus, consists of the right to use land, and speculation in land is prohibited.

The constitutional rights of land users are protected by Article 5, which provides for state protection of the lawful interests of efficient, regular, and long-term users, and at the same time it guarantees their rights to possession, use, usufruct, transfer, and inheritance.

Article 11 classifies land into eight categories, and subsequent chapters of the Law are concerned with the management of each. The categories are: agricultural land, forest land, construction land, communications land, cultural land, defence and security land, and water area land. For this Project, the two major categories of concern are agricultural land (i.e., land permanently improved for agricultural purposes) and construction land (i.e., land designated for dwellings and other buildings).

(b) Land Registration and Certification

Article 43, refers to the certification of the lawful land use rights of persons or entities. There are two land registration methods (Article 44) by which individuals can register the land which they are using lawfully. Firstly is systematic land registration, which is carried out throughout a particular designated area where land allocation, zoning, or classification is required. Systematic registration confers a Land Title. Secondly, persons or entities can make application to certify their right to use certain land. This is done through issue of a Survey Certificate. These are the documentary evidence of the long-term rights to use land. This certificate has been called a "Land Title" in several translations and documents, however, land ownership is retained by the State and the right of use can be forfeited if land is not used efficiently (Article 62), and therefore these do not constitute a land title, per se.

There are two types of certification. Firstly under Article 48, there are the documents that certify the temporary right to use agricultural or forest land which are issued at the district level. These are known as Temporary Land Use Certificates (TLUCs) and can be inherited, but cannot be transferred or used as collateral. The second type of certification (Article 49) is the declaration of the land use for the purposes of levying a land tax from the user. This is often referred to as the Form 01 and is also not transferable or accepted as collateral. A common misconception is that Form 01 is a type of title, but it is not.

Persons entitled to use the land, have the following rights: to keep the land for a specific purpose, to use the land in accordance with the State's management plans, to enjoy usufruct from the land, to transfer the right of land use, and to bequeath the right of land use.

(c) Unregistered Land Users

The Land Law does not specifically address itself to unregistered land users. It does, however, provide the registration and certification methods described above by which individuals can register the land which they are using lawfully. Article 81 further provides that persons or entities that are lawfully keeping, using, and developing land with efficiency will be awarded the right to use that land, all other conditions being met.

(d) Compensation

Article 63 states that the right of land use shall terminate either through voluntary relinquishment of the land or if the State retrieves the land for public purposes. This is applicable to the Project, in which small amounts of land will be taken and some dwellings will need to be moved.

Compensation is treated in Articles 67 to 71 of the Land Law. Article 69 states that persons or entities who receive a ROW and thereby cause damage to crops or buildings must make appropriate compensation. Article 70 states that when the use of land belonging to other persons or organizations becomes necessary for the public interest, the State will compensate any damage suffered by the rightful user of the requisitioned land, as appropriate. Furthermore, the Law requires that each village, province, municipality, or special zone keep five percent of its total land area in reserve to ensure the compensation of requisitioned land.

Evaluation of the damage is provided by Article 71, which states that the evaluation will be done by a committee composed of representatives of the various concerned parties.

2.1.3 Road Law

The Road Law, approved in April 1999, sets out the road limits, including the ROW, for different classes of roads. Based on this law, those who have land use rights will be compensated if the land is expropriated for road construction.

This Law provides for a ROW of 25 m from the centreline for national roads and 15m from the centreline for provincial roads. In practice, however, even for national roads a clear corridor of 15 m from the centreline has been enforced. This was the case with the Road 9; East-West Transport Corridor Project, as agreed between ADB and MCTPC, and it is the practice in the provinces and districts included in the Rural Access Roads Project - ADB 9.

For the purposes of the resettlement census for the access roads under ADB 10 a ROW of 15 m from the centreline will be used.

2.2 Review of Government Policy on Ethnic Minority Issues

Since 1975 Government has shown great interest in rural people and ethnic minority groups. The Central Committee for Ethnic Minorities (CCEM) was created in 1975 to develop a policy regarding ethnicity in Lao PDR. The concept of multiple cultures and ethnicity was strongly advocated.

The main policy of the CCEM was to continue strengthening the solidarity and conciliation among all ethnic groups and to create a unified force to protect both the sovereignty of the nation and the development of the country. Its priority activity was to conduct research regarding all aspects of the nation's ethnic groups and report the results to the Central Party.

Various decrees and laws throughout the 1980s and 1990s aimed to strengthen protection of the rights of all ethnic groups in the country. Increasing emphasis was made on the importance of diversity, which is increasingly seen as strength rather than as a threat.

2.2.1 Ethnic Minority Affairs in 1981

In 1981 by recognizing the lack of policy and attention towards some ethnic groups, the Political Bureau issued a resolution concerning the affairs of ethnic groups, although the resolution was aimed specifically at issues of the Hmong and became known as the 'Hmong Policy'. The main items in the resolution included:

- (i) Improving the political foundations at the sub-district and village levels;
- (ii) Emphasising production and improvement of livelihood;
- (iii) Strengthening the security and defense mechanisms;
- (iv) Establish four model/focal districts (in Muang Hom, Muang Nong Het, Muang Duk Cheung and Muang Pak Xong); and
- (v) Increasing the level of Party leadership in ethnic affairs, especially the appointment of Hmong officials into the administration in the regions where Hmong people are the majority.

The second item was primarily focussed on shifting cultivation in rural development and required that the livelihoods of the people, both materially and mentally, be improved. In the case of Hmong, the policy required conditions to be in place to allow a solid basis for production and over the next five-year period various resettlements of highland groups were undertaken in an attempt to improve their food security. The policy also required consultation and a remedial approach to solving problems of land shortage, land dispute between Hmong and other ethnic groups, and problems created by resettlement during the war and through rural development (including those who wished to return to their original territory or move to the new ones).

The policy showed that Government was aware of deficiencies in meeting the basic needs of the rural ethnic people, especially the Hmong, and proposed solutions which emphasised participation and consensus of traditional/local leaders as well as the people themselves.

The Third Party Congress (April 1982) while focusing on economic development and national defence, followed an agenda in relation to the development of the ethnic minorities that included:

- (i) The stabilization of shifting cultivation by allocating 3 to 5 plots of land for each midland and highland household, especially in the northern provinces that have high proportions of ethnic minority groups; and
- (ii) Relocation and resettlement of upland villages to lowland areas where there was 'potential' for paddy rice cultivation.

The policy on stabilization of shifting cultivation and relocation of villages was aimed specifically at ethnic minorities. Due to the insufficient preparation of both resettling and

host communities and inadequate resources and experience to support the policy most of the resettlement projects failed to meet expectations and in some cases resulted in resettled villages moving back to their previous land within a few years.

The Fifth Party Congress (March 1991) reiterated commitment to the maintenance of ethnic identities and the economic development of all groups. In addition, the Congress subsequently confirmed adoption of the 'new economic mechanism' and reaffirmed that transition from a subsistence to a market economy must be accompanied by the progressive abandoning of slash and burn practices.

There were two main achievements of the Fifth Party Congress in relation to ethnic minorities; the first being the adoption of the Constitution of Lao PDR that recognized citizens of all ethnicity (refer to Section 2.1.2); and the second being the recognition that implementation of the 1981 ethnic policy had been ineffectual, resulting in the 1992 Resolution on Ethnic Affairs in the New Era (refer to Section 2.1.3).

2.2.2 The Constitution

The Constitution of Lao PDR was passed in 1991 as a consolidation of the rights and responsibilities of the State and the people. Throughout the Constitution the term "citizens of all ethnicity" is used. The Constitution states that all citizens have rights in education, health, land use and ownership, domicile of choice, and economic development regardless of sex, religion, social status, education, or ethnicity; as well as freedom of religion, freedom of speech; freedom to peacefully assemble and to protest. All citizens have the right to work and carry out their chosen livelihoods. Articles 8 and 22, guarantee that there will be no discrimination on the basis of ethnicity or gender.

Articles in the Constitution where ethnic minorities are specifically mentioned are as follows:

- Article 1 - Laos is a nation unified and indivisible of all ethnic groups;
- Article 2 - all power is of people, by people, and for the use of the multiethnic people;
- Article 3 - the right of a multi-ethnic people to be owners of the nation is exercised and guaranteed by the political system;
- Article 7 - mass organizations are the focal point for the solidarity and mobilization for citizens of all backgrounds and ethnicity as participating members in the safeguarding and edification of their rights and interests;
- Article 8 - the State will carry out a policy of unity and equality among the various ethnic groups. All ethnic groups have the right to preserve and improve their own traditions and culture and those of the nation. Discrimination between ethnic groups is forbidden. The state will carry out every means in order to continue to improve and raise the economic and social level of all ethnic groups;
- Article 13 - the economic system is for the purpose of improving the standard of living, materially and spiritually, of a multi-ethnic people;
- Article 19 - the State and the people will collaborate to build schools of all levels in order that a complete education system will be available to all, especially areas inhabited by ethnic minorities; and
- Article 22 - all Lao citizens, regardless of their sex, social position, education, beliefs or ethnicity, are equal before the law.

These articles form the foundation of a policy signed by the President in 1992 entitled *Resolution of the Party Central Organization Concerning Ethnic Minority Affairs in the*

New Era. The general policy of the Party concerning ethnic minorities is discussed below.

2.2.3 The 1992 Resolution

In 1992 the Party Central Committee issued a resolution on Ethnic Affairs in the New Era. The first section of the Resolution constitutes an evaluation of the implementation of the 1981 Ethnic Affairs Policy. While acknowledging some progress, this section is essentially a strong critique of the lack of progress in most areas of implementation, summarized as follows:

- The problems of the ethnic minorities had not been given enough attention by several authorities and organizations;
- The livelihood of the ethnic minorities both in term of materials and cultures had not been improved sufficiently, and the policy on land allocation and resettlement (permanent occupation) of 'mountainous' people had not been seriously implemented and resulted in turmoil;
- Many ethnic minority children were not attending school and the illiteracy rate was increasing. The Hmong and Khmou scripts had not been included in the curriculum or teaching at ethnic schools;
- Civil servants from minorities had not been adequately trained and motivated to work in their own areas;
- Political awareness had not been established in politically sensitive areas;
- There had been no in-depth research on the issues related to the realities of socio-economic life for ethnic minorities; and
- There had been a lack of co-ordination between government agencies responsible for addressing problems facing ethnic minority groups.

This policy was to be implemented through both political and economic development activities. Included in the latter was the halting of shifting cultivation and the permanent settlement of the people who practiced it. This was to be followed by programs to improve their livelihoods.

2.3 ADB Policies on Resettlement and Indigenous People

2.3.1 Policy on Involuntary Resettlement

ADB's policy and guidelines must also be followed in all of the Bank's operations. The guiding principle of ADB's *Policy on Involuntary Resettlement* (approved in November 1995) and also set out in the *Handbook on Resettlement: A Guide to Good Practice* (1998) is that APs should be "...compensated and assisted so that their economic and social future will generally be at least as favourable with the project as without it".

ADB's Policy also stipulates that the absence of formal legal title to land by some affected groups should not be a bar to compensation and that "*particular attention should be paid to the needs of the poorest affected persons including those without legal title to assets, female-headed households, and other vulnerable groups, such as indigenous people, and appropriate assistance provided to help them improve their status.*"

2.3.2 Policy on Indigenous People

The ADB's *Policy on Indigenous People* (1999) focuses on the circumstances of indigenous peoples ("ethnic minorities" in the Lao context) and on identifying and

satisfying the needs and developmental aspirations of these people. It emphasizes the participation of ethnic minorities in development and the mitigation of its negative effects and impacts.

The ADB policy then stipulates that Bank-funded projects in which ethnic minorities are affected should be:

- Consistent with the needs and aspirations of affected ethnic minority peoples.
- Compatible in substance and structure with affected ethnic minorities' culture and social and economic institutions.
- Conceived, planned, and implemented with the informed participation of affected communities.
- Equitable in terms of development efforts and impact.
- Not imposing the negative effects of development on ethnic minorities without appropriate and acceptable compensation.

The term 'indigenous people' is generic and includes cultural minorities, ethnic minorities, indigenous cultural communities, tribal peoples, scheduled tribes, natives and aboriginals. The definition, as used in ADB's OM 53/BP, is encompassing and describes indigenous people as having the following characteristics:

"...(i) descent from population groups present in a given area before modern states or territories were created, and (ii) maintenance of cultural and social identities separate from mainstream or dominant societies or cultures. Additional characteristics include (i) self-identification and identification of others as being part of a distinct indigenous cultural group, and the display of desire to preserve that cultural identity; (ii) a linguistic identity different from that of mainstream or dominant society; (iii) social, cultural, economic, and political traditions and institutions distinct from mainstream or dominant culture; (iv) an economic system oriented more toward a traditional system of production than the mainstream system; or (v) a unique tie and attachment to traditional habitat and ancestral territory and natural resources."

The approach adopted by ADB in project and programme development is to seek the greatest possible reduction in poverty amongst indigenous peoples, and in cases where adverse cultural effects are unavoidable, to minimise these effects through identification of appropriate mitigation measures. Furthermore, where indigenous people are to be affected by a project, it is important to incorporate mechanisms into project planning that will ensure the equal or enhanced enjoyment of project benefits by indigenous people.

This approach recognises that even programmes that are aimed at improving quality of life (i.e. poverty reduction projects) do not necessarily equally reach all sectors of the community, and invariably, indigenous people - for a raft of reasons - often bear a disproportionate burden of adverse social and economic effects of development. Therefore, project planning must include strategies to overcome such structural constraints and appropriate communication avenues are identified, particularly when conventional approaches to information dissemination may not be adequate. Any such strategy would also need to provide specific mechanisms for indigenous women's concerns to be identified and addressed through the project process. To this end OM 53/BP notes that "...development interventions that will affect indigenous peoples should ensure that they have opportunities to participate in and benefit equally from the interventions."

To ensure that people of ethnic minority groups are included in appropriate ways in the development process OM 53/BP requires the preparation of an indigenous peoples' development plan (IPDP). To reflect the historical development of culture and tradition in Lao PDR, the IPDP process for ADB 10 is referred to as the community development plan process.

2.4 ADB 10's Policies and Principles

2.4.1 Resettlement and Compensation Basic Principles

The basic principles of the Project are:

- (i) Involuntary resettlement and loss of land, structures and other assets and incomes shall be avoided and minimized by exploring all viable options.
- (ii) APs shall be provided with compensation for their lost assets, incomes and businesses, and provided with rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income levels and productive capacity.
- (iii) Lack of legal rights to the assets lost will not bar the affected persons from entitlement to such compensation and rehabilitation measures.
- (iv) Replacement of affected assets shall be provided at their current market values and without deduction for depreciation.
- (v) Preparation of resettlement plans (as part of subproject preparation) and their implementation shall be carried out with participation and consultation of affected people.
- (vi) Schedule of budget for resettlement planning (including socio-economic survey/census) and implementation must be incorporated into those of each subproject and the overall project.
- (vii) Payment of compensation or replacement of affected assets and any resettlement to new locations must be completed prior to the award of civil works contract for the subproject. Rehabilitation measures must also be in place, but not necessarily completed, as these may be ongoing activities.
- (viii) Compensation and rehabilitation assistance for ethnic minorities, and socially disadvantaged such as households headed by women, the disabled and elderly will be carried out with respect for their cultural values and specific needs.

2.4.2 Resettlement and Compensation Project Policies

For the implementation of the above principles, the following policies shall apply:

- (i) Land acquisition and involuntary resettlement will be avoided where feasible or minimized by identifying among possible alternative project designs, appropriate social, economic, operational and engineering solutions that have the least adverse impacts on populations in the Project Area.
- (ii) Where population displacement is unavoidable, individuals, households and communities losing assets, livelihood and other resources will be fully compensated and assisted so that they can improved or at least restore their former economic and social conditions.
- (iii) Compensation and rehabilitation support will be provided to any APs, includes any person or persons, household (sometimes referred to as project affected family), a firm, or a public or private institution who, in the context of acquisition, or repossession, of assets or change in land use,

as of the cut-off date, on account of the execution of the Project, or any of its sub-components or part, would have his, her, or their;

- Standard of living adversely affected;
 - Right, title or interest in all or any part of a house, land (including residential, commercial, agricultural, plantations, forest and grazing land, trees, standing crops) or any other moveable or fixed assets acquired or possessed, in full or in part, permanently or temporarily adversely affected;
 - Income earning opportunities, business, occupation, place of work, residence, habitat or access to forest or community resources adversely affected temporarily or permanently, with or without displacement;
 - Social and cultural activities and relationships and other losses that may be identified during the process of resettlement planning.
- (iv) The last day that the detailed measurement survey will be carried out as part of the planning process for the project roads will be the cut-off date for compensation eligibility for physical assets for the Project roads.
- (v) Where significantly large or entire land holdings are affected by a project, the general mechanism for compensation for affected agriculture, residential or commercial land shall be through provision of "land for land" arrangements of equivalent size and productivity and at location acceptable to the AP.
- (vi) If a house or other structure is only partially being affected by the Project and the remaining structure is rendered unviable for continued use or in area less than the minimum relevant structure size under the prevailing standards, the AP shall be entitled to surrender the entire structure and to compensation for the entire structure at full replacement cost without depreciation or deductions for salvaged material. In case the remaining house or other structure is viable for continued use, APs shall be entitled to assistance in cash or material for restoration of the remaining structure in addition to the compensation at replacement cost for affected portion.
- (vii) APs whose land or assets are temporarily taken by the works under the project shall be fully compensated for their net loss of income, damaged assets, crops and trees, as the case may be. The project authorities shall also ensure that the land and structures are returned in its pre-project state.
- (viii) Compensation of affected populations dependent on agricultural activities will be land-based wherever possible, with cash compensation avoided as an option as this may not address losses that are not easily quantified, such as access to services and traditional rights, and may eventually lead to those populations being worse off than without the Project.
- (ix) Affected populations that stand to lose only part of their physical assets will not be left with a proportion that will be inadequate to sustain their current standard and convenience of living; such a minimum size being identified and agreed during the resettlement planning process.
- (x) Affected populations will be systematically informed and consulted about the Project, the rights and options available to them and proposed mitigating measures, and to the extent possible be involved in the decisions that are made concerning their resettlement.
- (xi) The consultative process will include not only those affected, but also representatives of the local governments of the areas in which the Project is located, leaders of host communities, civil society organizations such as non-government organizations, and members of local mass organizations (such as Women's Union, Youth Organization and members of local ethnic minority communities). Any RP must consider the needs of those most vulnerable to the adverse impacts of resettlement (including the poorest,

- ethnic minorities, women, children and the elderly) and ensure they are considered in the formulation of RP and in the options and mitigation measures identified.
- (xii) Adequate budget support by the MCTPC will be fully committed and made available to cover the compensation and resettlement with the agreed implementation period. Clear budget commitments are required for critical activities such as formal detailed physical surveys and administrative functions associated with compensation and resettlement.
 - (xiii) Replacement lands shall preferably be within the immediate vicinity of the affected lands and of comparable productive standards and potential, failing which sites should be identified that minimize the social disruption of those affected; such lands should have access to services and facilities similar to those available in the lands affected.
 - (xiv) Displaced households shall be assisted with the move and supported during the transition period at the resettlement site so that they do not have to bear any of the displacement and relocation costs.
 - (xv) Organization and administrative arrangements essential for the effective implementation of the RP will be identified and in place prior to the commencement of the process; this will include provision of adequate human resources for supervision, liaison and monitoring of land acquisition and rehabilitation activities.
 - (xvi) Appropriate reporting (including auditing and redress functions), monitoring and evaluation mechanisms, will be identified and set in place as part of the resettlement management system.
 - (xvii) The award of civil works contracts will be given “no objection” after the evaluation of resettlement plan implementation by the Supervision Consultant has been cleared by ADB noting that the Government has completed satisfactorily and in accordance with the principles set out above and the approved resettlement plan compensation payment and resettlement, and ensured rehabilitation assistance is in place and the area for the civil works has become clear of all encumbrances.
 - (xviii) Community facilities and infrastructure damaged due to the Project, the project proponents/developers shall be restored or repaired as the case may be, at no cost to the community.
 - (xix) Any acquisition of, or restriction on access to resources owned or managed by affected community as a common property shall be mitigated by arrangements ensuring access to improved or at least equivalent resources on a continuing basis. Attention shall also be paid to ensure that directly affected APs get due share of such benefits, corresponding to their personal losses, if any, that accrue to community on a collective basis.
 - (xx) No resettlement activities, including the detailed measurement survey after detailed design, shall begin until after the construction supervision consultant’s resettlement specialists have mobilized.
 - (xxi) Economic Rehabilitation
 - All APs severely affected by the Project due to the loss of productive assets (agricultural, commercial or industrial land), means of livelihood, incomes, employment or businesses, and access to community resources will be entitled to rehabilitation measures including income restoration programs, agricultural extension assistance, over and above their entitlements for compensation and other allowances, enabling them to attain, at a minimum, pre-project livelihood levels on a sustainable basis.
 - These rehabilitation measures would specifically focus on vulnerable groups such as female-headed households, disabled-headed households, itinerant workers, households falling below

the national poverty line, elderly households with no means of support and landless households. Adequate assistance, in addition to compensation for affected assets and other allowances, will be provided such that their economic and social well-being can be improved and to enable such APs achieve household income targets set above the national poverty line.

- For displaced persons whose land-based livelihood are affected due to the Project, preference shall be given to land-based resettlement strategies.
- (xxii) Where local communities or individuals elect to make voluntary contribution of affected land without compensation in accordance with traditional practices, this shall be acceptable only if the following safeguards are in place:
- Full consultation with landowners and any non-titled affected people on site selection;
 - Ensuring that voluntary donations do not severely affect the living standards of affected people, and are linked directly to benefits for the affected people, with community sanctioned measures to replace any losses that are agreed to through verbal and written record by affected people;
 - Any voluntary “donation” will be confirmed through verbal or written record and verified by an independent third party such as a designated nongovernment organization or legal authority; and
 - Having adequate grievance redress mechanisms in place.

2.4.3 Eligibility and Entitlement

The primary objective of an RP is to provide the framework for compensation for lost assets and resettlement of APs. The RP identifies (i) the extent of losses; (ii) the policy and legal framework for compensation and resettlement; (iii) institutional framework for participation and implementation; (iv) provision for employment and poverty reduction; and (v) responsibilities for monitoring the implementation measures.

The resettlement activities of the Project will be carried out in consultation with the APs and all efforts will be made to minimize disruption during the project implementation.

A census will be conducted once the details of subproject works have been identified/designed. A detailed measurement survey (DMS) will be undertaken in tandem with the surveys and verification of detailed design, when the alignment and ROW can be marked out on the ground. Affected villages will be informed in advance of the DMS which can be undertaken concurrently with the engineering survey. On completion of the DMS, APs will be given 14 days to review and confirm (or otherwise) the amount and type of loss they will incur and the compensation to which they are entitled. Persons who encroach onto the ROW after the cut-off date will not be entitled to compensation or any other form of resettlement assistance.

General eligibility is defined as:

“All people residing, cultivating or making a living within the area to be acquired for a project as of the formally recognized cut-off date should be considered as project affected persons (APs) for the purposes of entitlements to compensation, resettlement and rehabilitation assistance in accordance with the policy, and lack of legal Land Use Certificate or any acceptable proof indicating land use right to the land or structure affected by the project should not bar any person from such entitlement/assistance.”

In line with this definition, APs for the purpose of any RP to be prepared for subprojects under ADB 10 include the following persons who will be identified during the census and will be confirmed during the DMS:

- (i) Persons or households whose **agricultural, residential, or commercial land** is in part or in total affected (temporarily or permanently) by the Project;
- (ii) Persons or households whose **houses and other structures** are in part or in total affected (temporarily or permanently) by the Project;
- (iii) Persons or households whose **businesses or source of income** (i.e. employment) are affected (temporarily or permanently) by the Project;
- (iv) Persons or households whose **crops (annual and perennial) and trees** are affected by the Project; and
- (v) Persons or households whose **other assets** are in part or total affected (temporarily or permanently) by the Project.

2.4.4 Project Impacts and Entitlements

Entitlements for each type of AP are based on the types and levels of losses. The Entitlement Matrix for the project is shown in Table 9.

A. Land

1. Temporary Loss of Agricultural, Residential or Commercial Land and Compensation for Damages During the Construction Period

- (i) Extreme care shall be taken by contractors to avoid damaging property. Where damages do occur, the contractor will be required to pay compensation immediately to affected families, groups, communities or government agencies. Damaged property will be restored immediately to its former condition.
- (ii) For loss of use of land for a period less than one year (e.g. during construction).
 - No compensation for land if returned to original user and in original or better condition. Restoration of agricultural land to its previous or better quality by providing measures to improve land quality;
 - Cash compensation for loss of crops and trees at market prices and compensation for loss of net income from subsequent crops that cannot be planted for the duration of the temporary use arrangements; and
- (iii) If the disruption is more than 1 year, APs have an option to (a) continue the temporary use arrangements or (b) sell affected land to the project at full replacement cost.

2. Permanent Loss of Agricultural, Residential and Commercial Land

a. Agricultural Land

- (i) Compensation will be through the provision of "land-for-land" of equal productive capacity of the lost land satisfactory to APs;
- (ii) Cash compensation for loss of crops and trees at market prices; and
- (iii) Farmers who lose 20 percent or more of their total agricultural landholding, and are therefore severely affected, will be entitled to a transition subsistence allowance and rehabilitation assistance such as

agricultural extensive assistance to increase productivity on remaining land.

- b. Residential and Commercial Land
 - (i) Compensation will be through the provision of “land-for-land” of equivalent size satisfactory to APs;
 - (ii) If the residential or commercial land and/or structure is partially affected by the project and the remaining residential land is not sufficient to rebuild the structure lost, then at the request of the APs, the entire residential land and structure will be acquired at replacement cost without depreciation;
 - (iii) Structure owners who are able to move back from the right-of-way within their existing lots will be assisted to do so and will receive compensation at replacement cost for frontage lost to right-of-way; and
 - (iv) When the only vacant land available in a village is not suitable for residential or commercial construction, the project will provide earthmoving equipment to create viable homestead plots.
 - (v) Commercial Land - compensation will be through the provision of alternative business or commercial site of equal size and accessibility to customers satisfactory to APs.

3. Houses and Structures

All houses and other structures including simple shops and rice bins - regardless of construction standard - must be rebuilt outside of the right-of-way. Owners of structures will receive compensation in cash or kind at replacement cost for the structure. All relocating APs will receive allowances to assist them during the transition period [refer to item (8)].

4. Crops and Trees

- (i) Cash compensation for loss of crops and trees at current market value; and
- (ii) Compensation for crops will be based on the anticipated harvest at market value while compensation for trees will be based on the type, age and productivity. Compensation for standing crops will be paid at market value expected at harvest, regardless of the maturity of the crop; and
- (iii) Compensation for perennial trees – a lump sum amount for young non-bearing fruit trees to cover the cost of maintenance and inputs; and for fruit bearing trees, cash compensation for three years’ production value at the current market value.

5. Loss of Common Property Resources

The effects on common property resources will be compensated through affected land being replaced through consultation; and, restoration of affected community buildings and structures will be made to original or better condition.

6. Temporary Loss of Business

The owner of businesses or shops affected will be entitled to cash compensation for loss of business during the period of dismantling, moving, rebuilding, and re-establishing their business at the new location. For informal businesses, cash compensation equivalent to the provincial daily wage rate for the transition period.

For formal businesses, cash compensation for the lost income during the transition, based on tax declaration.

7. Loss of Workday Income

Heads of households with structures affected will be entitled to compensation for loss of workdays during the period of dismantling, moving, and rebuilding their structures. The amount will be equivalent to the provincial daily wage rate for the transition period.

8. Transition Allowances

Several different types of allowances will be provided during the transition period while households and livelihoods are being re-established: materials transportation allowance, transition subsistence allowance, repair allowance and special allowance for loss of business.

- (i) Materials transport allowance: assistance in cash or kind to move structures, salvaged and new building materials, and personal possessions;
- (ii) Transition subsistence (i.e. food) allowance preferably payable in kind, but where this is not logistically possible and at the specific request of APs, this allowance may be given in cash:
 - Relocating households whose income is affected or severely affected farmers who lose 20% or more of their total productive land will be entitled to six months supply of rice per person in the household.
 - Relocating households whose income is not affected will be entitled to three months supply of rice per person in the household.
- (iii) Repair allowance: APs whose structures are only partly affected and the remaining part is viable for continued use will be entitled cash payment, over and above their compensation for affected part of structures, to cover the cost of repair of remaining structure. The amount should be sufficient to cover whole cost of repairs and may vary with the type of structure affected. Temporary structures will need relatively modest amount while the allowance for a permanent multi-storied structure will be significantly large.

9. Rehabilitation Assistance

- (i) Severely affected farmers would be entitled to agricultural assistance to improve productivity on their remaining or new land.
- (ii) APs affected by severe loss of other productive assets (commercial land, shops, business premises), income and employment due to the Project would be entitled to rehabilitation assistance in addition to their entitlements to compensation allowances. Shops and businesses would be assisted to relocate to similarly advantageous locations. All lost income would be compensated during the transition period.

The Entitlement Matrix, Table 9, provides further details regarding the application of the policy, eligibility, entitlements and implementation responsibilities.

10. Compensation for Damages During Construction

Extreme care shall be taken by contractors to avoid damaging property. Where damages do occur, the contractor will be required to pay compensation immediately to affected

families, groups, communities or government agencies. Damaged property will be restored immediately to its former condition.

11. Other Assistance

Vulnerable households would be provided special assistance, in accordance with the needs identified during the DMS, to ensure that they are able to re-establish themselves and improve their income levels. Assistance will also be available through implementation of the measures included in the community development plan.

2.4.5 Policy on Community Development for Ethnic Minority Groups

The project policy, in-keeping with ADB's *Policy on Indigenous People*, requires that if the social assessment determines that ethnic minority groups in the project area are likely to be significantly and adversely affected by the proposed roads, or that in the development of the project roads ethnic minority groups might be disadvantaged or vulnerable because of their social or cultural identity, a community development plan addressing the specific ethnic minority groups, their concerns and needs, and the socio-economic issues that are significant must be prepared.

For example, where project roads traverse areas with ethnic minority groups that have low levels of literacy, education and skills compared with the Lao Loum in the Project Area, an assessment must be undertaken to determine if and how this is likely to disadvantage them, to act as a constraint on their ability to enjoy Project benefits from improved access to marketing opportunities, or to leave them vulnerable to an influx of people from outside associated with construction and operation of the road. This is the type of risk that will trigger ADB's safeguard policy in respect of indigenous people and require the identification of measures to mitigate such risks.

If there is any doubt that as to whether an EMDP needs to be prepared for any of the project roads, a summary of information pertaining to the specific ethnic minority groups along each road shall be forwarded to the ADB's Resettlement/ Specialists for ADB 10, for advice.

The types of information to be included in the summary would include:

- (i) Numbers of Lao Theung and Lao Sung people or households in the Project Area,
- (ii) The proportion of ethnic minority people or households of Project Area population,
- (iii) Main issues facing ethnic minority development in the Project Area, and
- (iv) A summary of the main anticipated impacts of the road.

Table 5: Entitlement Matrix

Type of Loss	Identification of APs	Entitlement
Permanent loss of land—agricultural or orchard	All land owners and users	(a) For severe impact (i.e. 20% or more of total productive land area lost), full title to replacement land of equal productivity at a location acceptable to APs wherever available AND transition subsistence allowance AND income restoration (agricultural extension assistance); OR (b) For marginal losses (i.e. less than 20% of total productive land area), cash compensation for lost land at 100 % of replacement cost at the informed request of APs.
Temporary loss of agricultural land	Loss of the use of the land for a period up to a maximum of 6 months	(a) Cash compensation for loss of net income, damaged assets, crops and trees at market value. (b) Restoration of land to former state.
Homestead and/or commercial land (without structures built thereon)	All owners and occupants	Cash compensation at 100% of replacement cost of the affected land at current market value or replacement land.
Homestead and/or commercial land (with structures built thereon)	With remaining legal homestead and/or commercial land sufficient to rebuild	(a) Cash compensation for lost land at full replacement cost at current market value; AND (b) Transition subsistence allowance (see below).
Homestead and/or commercial land (with structures built thereon)	Without remaining legal homestead and/or commercial land sufficient to rebuild	(a) Full title to replacement land equivalent in area and at a location acceptable to APs; AND (b) Transport allowance or assisted transfer to the new site; AND (c) Transition subsistence allowance (see below).
Structures – all residential or commercial including simple shops and rice bins	Legal owner of structure	(a) Compensation at full replacement cost at current market value without depreciation or deductions for salvaged material. (b) Repair costs to rebuild the house front if structures partially affected.
Tenants of residential and/or commercial structures	Tenant of structure	(a) Cash assistance equivalent to three months rental allowance and assisted to find alternative rental accommodation, AND (b) Transport allowance or assisted transfer to the new site, AND (c) Transition subsistence allowance.
Loss of work income	Head of relocating household without business affected	Compensation in cash for loss of workdays during the period of dismantling, moving and rebuilding their structures. The amount will be equivalent to the provincial daily wage rate according to set amount for various types of structures, to be determined during the DMS and replacement cost survey.
Loss of business income	Head of household of relocating business including simple shops	Cash compensation for lost business income during the period of dismantling, moving, rebuilding and re-establishing business at the new location, amounts to be determined during the DMS. For informal businesses, cash compensation equivalent to the daily wage rate for the transition period according to a set amount for various types of sizes of informal businesses, to be determined during DMS and replacement cost survey. For formal businesses, cash compensation for the lost income based on tax declarations.
Graves	AP household who owns graves	Cash compensation for all costs of excavation, movement and reburial.
Private wells	AP household who owns the well	Cash compensation at replacement cost or a replacement well if requested by AP.
Crops	Owners of affected crops	Cash compensation at current market price.

Type of Loss	Identification of APs	Entitlement
Perennial trees	Owner of trees	(a) A lump sum amount for young non-bearing fruit trees to cover the cost of maintenance and inputs; (b) For fruit bearing trees, cash compensation at 3 years production value at current market value.
Non-perennial trees	Owner of trees	Compensation at current market value for timber.
Allowances		
Materials transport allowance	Owners or occupants of relocating residential or commercial structures including rice bins and simple shops	Assistance in cash or kind to move structures, salvaged and new building materials and personal possessions.
Transition subsistence allowance	(a) Owners of houses or commercial structures or simple shops or rice bins who are displaced without impact on business or source of income (b) Owners of houses or commercial structures or farmers who are displaced and lose 20% or more of their total productive assets	(a) cash or kind equivalent to 3 months supply of rice per person at current market value. (b) cash or kind equivalent to 6 months supply of rice per person at current market value.
Repair Allowance	Owners of partially affected structures where the remaining part is viable for continued use.	In addition to compensation for the affected part of the structures, AP will be entitled to cash payment to cover the whole cost of repairs.
Income restoration	Severely affected farmers who lose 20% or more of their productive assets	Agricultural extension assistance to increase productivity on remaining or new land
Special assistance to vulnerable groups	Households belonging to vulnerable groups such as the very poor, or households headed by women, the elderly, or disabled without support	Special assistance to be provided depending on the needs and priorities of the vulnerable households as identified during the Detailed Measurement Survey. And assistance under the Community Development Plan.

3. Implementation Procedures and Process

3.1 Preparation of Resettlement Plans

(a) Identification of Impacts

Initial poverty and social assessment (IPSA) will be carried out during the identification stage, and if the expected impact is significant, more detailed social and cultural impact assessment (SA) will be required to identify in detail, and in full consultation with APs, measures that will mitigate the adverse effects will be identified.

The IPSA prepared for the two subprojects indicated that further SA work would not be required but it was likely that an RP and community development plan would be required for the Pakton - B. Vang road, and due to the very limited scope of works proposed for the Hongsa - Thaxoang road, only a short RP would be required.

(b) Subproject Resettlement Activities

Based on the preliminary subproject design, identify which of the following categories applies to the subproject:

- (i) No resettlement effect;
- (ii) Insignificant resettlement effect which requires preparation of a short RP (refer to Definition of Terms for the definition of 'insignificant' resettlement effect); or
- (iii) Significant resettlement effect which requires preparation of a full RP (refer to Definition of Terms for the definition of 'significant' resettlement effect).

Note that the term 'resettlement' effect includes the loss of crops, trees, structures, and income in addition to any physical relocation of APs. It is expected that the two phase 2 road subprojects to be included under ADB 10 (Hongsa - Thaxoang and Pakton - B. Vang) will be classified as category (ii). If either of these subprojects are located in areas with high proportions of ethnic minority, a community development plan could also be required (refer to Section 3.2). While all ADB 10 subprojects will be designed according to the principle of avoidance, in cases where resettlement is unavoidable, the subproject must identify all effects and mitigation measures in the subproject RP. The compensation policy outlined in this R/CDF will apply.

In further refining the subproject physical design, consult with potential APs (refer item [iii]) and engineers to avoid and minimise, as far as possible, resettlement effects by realigning and adjusting the pavement width and alignment and associated drainage works. In settlement areas incorporating the drainage into the road shoulder could reduce the need for physical effects on houses and structures.

For subprojects falling under categories (ii) and (iii) above, an inventory of losses (IOL) and detailed measurement survey (DMS) of all the potential APs will need to be carried out. This should include the socio-economic data of the APs and the recording of accurate measurements of type and level of loss. The IOL/DMS survey establishes the cut-off date for the eligibility of entitlement.

It will be carried out by DOR with the assistance of specialist consultants and attendance of relevant local authorities as required. ADB's *Handbook on Resettlement* (1998) suggests the following data to be collected:

- (i) Data about APs:
 - Total number of households and APs
 - Demographic, education, cash and barter income
 - Main economic activity and livelihood profiles of household members
 - Inventory of all property and assets affected
 - Socio-economic production systems and use of natural resources
 - Inventory of common property resources if any
 - Social networks and social organization
 - Cultural systems and sites
- (ii) Data on land and the area:
 - Total land area acquired for the project (include maps if relevant);
 - Land type and land use;
 - Trees, structures or other losses;
 - Ownership, tenure, and land use patterns;
 - Land acquisition procedures and compensation; and
 - Existing civic facilities and infrastructures.

In parallel to the AP survey, continue consultation with APs to identify their preferences and any special needs (i.e. for vulnerable households) to be addressed in the RP. In addition, a replacement cost survey will be undertaken to obtain information on market prices for houses (modern, traditional and simple), residential and agricultural land, crops, trees, and any other property or assets likely to be affected by the Project. Information on replacement rates should be collected from respective provincial, district, and village authorities and the local market, so that the cost estimates and replacement costs can be established in the RP.

Consultation will be required with APs, village administrations and DCTPCs to agree the replacement costs to be used in resettlement. DCTPC have a practice of providing compensation that is less than market or replacement rates, however under ADB policy and the Government's *Decree on Resettlement and Compensation*, replacement rates must be at current market value. A replacement cost survey should be undertaken to determine the market rates for compensation and allowances to be applied under the project.

Prepare a Short or Full RP. Attachments 1 and 2 provide the suggested outline and scope of an SRP and an FRP. The Entitlement Matrix (Table 2.4.2) should be used for each subproject by specifying the number of APs, the area of land affected, the number of other assets affected, and the entitlements and compensation amount for each type of loss.

Any additional measures considered necessary for rehabilitation or assistance for vulnerable households will need to be identified and included in the cost estimates provided.

Prepare a draft RP for consultation with relevant authorities and ADB. Any comments made should be discussed and documented and considered for incorporation into the finalised RP.

(c) Consultation, Participation of APs and Public Information

During the identification of impacts and remedial measures, local residents will need to be made fully aware of the potential Project impacts and benefits, particularly related to land acquisition, compensation and resettlement benefits.

Prior to subproject appraisal and again prior to the start of resettlement activities, DOR officials will step up the information campaign and will publish a Public Information Brochure (PIB) in Lao on ADB 10 compensation policy, compensation payment procedures, and construction schedule aimed at social preparation for relocation and resettlement of the affected persons (including reference to enhancement and mitigation measures such as land titling). DOR will be responsible for distribution of the brochures through the resettlement committees at various levels (refer to Section 4).

The APs will participate throughout the various stages of the implementation of the RP. To ensure that information about the Project, entitlements, compensation and rehabilitation options and grievance mechanisms are in place, the PIB shall be translated into the Lao language. The draft PIB should be written in way that is easily understood by the affected communities and includes:

- (i) Objectives of the Project;
- (ii) Project policies on entitlement and compensation;
- (iii) Mitigation and enhancement measures;
- (iv) Project schedule and activities;
- (v) Grievance redressal;
- (vi) Monitoring; and
- (vii) Importance of ongoing community participation.

Copies will also be available at concerned offices and local administrative authorities.

During the implementation stage, resettlement committees will be formed at various levels to seek inputs from stakeholders in the decision-making and implementation of the RP. APs and minority groups will also be represented in those committees and be involved in any grievance resolutions (refer to item [d] below) concerning compensation and other resettlement benefits.

The RP will be posted on the ADB's website.

The Provincial Resettlement Committee (PRC) will have the responsibility of explaining the mechanisms and procedures of the consultation program and how APs will be engaged in resettlement activities and the overall process to district and village leaders, and they, in turn, will explain it to APs. Consultations with affected households will be conducted to determine their preferences for relocation, compensation, and payment scheme and compensation rates, and to keep them up to date on progress and other related matters. Notices based on the RP will be printed and distributed to affected villages, and households.

Finally, there will be continuous on-site consultation through the Social & Resettlement Specialists and Community Mobilizers that are part of the Construction Supervision (CS) team during the implementation stage to ensure that APs receive due entitlements and benefits.

(d) Complaints and Grievances Resolution

APs will have the right to file complaints and/or queries on any aspects of land acquisition and resettlement such as inventories, valuation, and entitlements. Any AP who has had land or their structure expropriated or altered and believes that they have not been compensated or assisted in compliance with their entitlements will be able to express their grievances to the VRC. Each village also has its own grievance mechanism through its district council. Such complaints shall be discussed with the Community Mobilizer who

shall assist the AP in documentation (if required) the complaint and submitting it first with the VRC. The VRC is obliged to reply and explain the decision within 15 days. If APs are not satisfied, the grievance applications will be forwarded to DRC for resolution within 15 days from the date of filing the complaint with DRC. Any APs who are still not satisfied can go up to PRC/DOR/MCTPC, which will issue a final decision within 30 days.

Appeals regarding any aspect of relocation or compensation will be lodged with the district council, which must act on it within 30 days. If they are not satisfied at this level, they can bring it to the resettlement committee for appropriate action within 30 days. Those who are still not satisfied can lodge their complaint with the MCTPC which will issue a final decision within 30 days.

Attempts should be made to settle the issues at the village level through community consultation, involvement of the Community Mobilizers and CS Resettlement Specialists as required, the LWU and any other concerned local-based organizations.

All complaints and resolutions will be properly documented by the concerned RC and be available for review for monitoring purposes. As part of the post-evaluation and monitoring, the grievances will be reviewed by the CS Resettlement Specialists, under the RP policy framework and decisions regarding grievances shall be consistent with approved policies and entitlements.

(e) Subproject Appraisal

One of the criteria for the subproject appraisal is that a RP is prepared where applicable. If it is prepared, it must be prepared either by, or in consultation with, DOR-SED and submitted to DOR and ADB, together with any other studies carried out for the subproject (a community development plan for example). The RPs will be forwarded to ADB (English translation) for review and approval before the subproject appraisal in accordance with ADB's *Policy on Involuntary Resettlement* (1995) and before implementing the RP. If the IOL/DMS for subprojects identify new categories of APs and types of loss that are not represented in the Entitlement Matrix (Table 5) in this R/CDF, the R/CDF for all subprojects progressed under ADB 10 will need to be revised accordingly by DOR.

(f) Compensation Payment & Clearance of ROW

A number of tasks are to be completed prior to the clearance of the ROW. These tasks are the shared responsibility of all stakeholders in the Project.

The tasks of the DOR-SED and PRC include:

- (i) Prepare individual "AP Compensation Form" which details all types of losses with its corresponding established compensation rates. This will also include all types of relocation assistance;
- (ii) Inform APs regarding payment schedule at least two (2) weeks in advance;
- (iii) Present to APs proposed compensation amount. Explain in detail APs' rights and entitlements based on Project policies and explain how compensation amount were calculated;
- (iv) Leave the "AP Compensation Form" with APs for further review and inform AP to decide and submit the form within fourteen (14) days;
- (v) If compensation payment is acceptable to APs, process payment and inform APs of exact date of release of payment;

- (vi) Effect compensation payment. Copies of compensation payment documents will be provided to APs. Copies will also be provided to CS Consultants for the Project and external agency for monitoring and reporting;
- (vii) Prepare and update regularly list of APs containing date of payment made to the AP database for proper recording and monitoring; and
- (viii) Issue advance notification for land clearance upon receipt of compensation by APs.

The responsibilities of APs include:

- (i) Seek assistance from the Community Mobilizer, CS Resettlement Specialists, VRC, other support organisations and family members during the compensation process. APs will request for clarification and explanation, if there is any;
- (ii) Review carefully the AP Compensation Form within fourteen (14) days. If APs are not satisfied with the proposed compensation payment or if there is disagreement between AP and CRO and RCs, APs will file a complaint using the grievance process presented in this RP;
- (iii) Sign the said documents and acknowledge receipt of compensation payment if all compensation documents are in order;
- (iv) Request CRO and RCs to reschedule day of payment if APs will not be available to claim compensation on the scheduled date;
- (v) Obtain and keep one (1) copy of all compensation forms; and
- (vi) Clear the area within the specified time in order for construction works to begin.

The responsibilities of the RCs and local-based organizations include:

- (i) Witnessing payment process based on the schedule made by DOR/DCTPC;
- (ii) Ensuring that AP is aware of his/her rights and entitlements;
- (iii) Documenting grievances and process; and
- (iv) Signing as witness to the compensation activity.

3.2 Preparation of Community Development Plans

(a) Preliminary Screening and Assessment of Needs

During the identification of social and resettlement impacts, if issues (adverse effects or constraints) specifically related to ethnic minority households or communities have been identified, a community development plan will be required to address the specific issues of vulnerability in those villages. If it has been determined that ethnic minorities are likely to be affected by a subproject, or that ethnic minority communities are vulnerable because of their social and cultural identity, or that ethnic minority communities face constraints that will not enable them to participate in, or benefit from, the project, measures need to be identified to address these issues.

The CS Social & Resettlement Specialists, Lao Front for National Construction (LFNC), Lao Women's Union (LWU), and DOR-SED staff if required, will visit the villages potentially affected by ADB 10 subprojects in the respective provinces. Prior to the visit, the DOR-SED will send a letter to the Village Chairman and ethnic minority leaders advising them that the visit is forthcoming and the basic issues that need to be identified and discussed. The letter will request that the village invite to the meeting representatives

of local villages based organizations (farmers and women associations etc), village leaders, ethnic minority leaders and key staff from important facilities in the village (i.e. health clinic, school, shop-owners, market).

During the visit the village leaders and other participants will present their views with regards to the problems that face the general socio-economic development of the village (and how they relate to access and transportation issues in particular), the specific issues and problems facing the different ethnic minority groups that are present in the village, and their development needs.

At this visit, the local LWU staff and CS Social Specialists and Community Mobilizers will undertake a screening of basic characteristics and issues associated with the ethnic minority groups with the help of ethnic minority leaders. The screening will check for the following:

- (i) Names of ethnic groups in the village (and their location in respect of the road);
- (ii) Total number of ethnic minority groups in the village;
- (iii) Proportion of ethnic minority groups (as a percentage of village population);
- (iv) Number and proportion of ethnic minority households in the Project Area; and
- (v) Inventory of issues and needs of ethnic minority groups.

An assessment then needs to address the project-specific issues. The assessment will gather relevant information on demographic data; social, cultural and economic situation; and the anticipated positive and negative social, cultural and economic impacts of subprojects.

Information will be gathered from separate group meetings involving ethnic minority leaders; ethnic minority men; and ethnic minority women, especially those living in the Project Area of the subproject. Discussion will focus on the potential positive and negative impacts and recommendations for project design or complementary activities that ADB 10 subprojects could support or facilitate.

The project supervision consultant's specialists along with LFNC and LWU staff will be responsible for initially recording and analysing the SA forms, and for leading the preparation of the development plan with the ethnic minority leaders, subproject engineers and other staff. If the assessment indicates that the potential impact of the proposed subproject will be significantly adverse or the ethnic minority community rejects the subproject (in whole) the subproject will be eliminated from further consideration and therefore no further action will be required.

If the ethnic minority groups support the rehabilitation of the proposed road, a development plan will be prepared prior to the implementation of the subproject.

(b) Community Development Plan

The development plan will consist of a number of items and activities including mitigation measures for all potentially negative impacts identified in the assessment, any requirements for modification of subproject design, measures to assist ethnic minorities to benefit from the project, and an outline of the supporting or development assistance.

Where land clearance and acquisition is required that will affect ethnic minority communities, the Project will ensure that their rights will not be violated and that they are

appropriately and adequately compensated (as per the requirements of this R/CDF) for the clearance, taking or use of any part of their land, provided that the clearance, taking or use is undertaken in a manner that is culturally acceptable to them. The compensation will follow the process established in this R/CDF.

The community development plan will outline the characteristics of ethnic minority households and communities in the Project Area, identify the risks or constraints that need to be addressed, and provide the details (including costs, implementation arrangements and monitoring requirements) of the measures proposed. The community development plan will therefore will:

- (i) Identify how the project will affect the ethnic minority people;
- (ii) Identify how they are disadvantaged or vulnerable because of their social or cultural identity and how the ADB's safeguard policy is triggered by this; and
- (iii) Develop a plan for addressing the significant adverse impacts and their vulnerability (the interventions should be described in a way that will show how they meet the requirements of ADB's policy).

As with the RPs, the community development plan needs to be a time-bound action plan that includes all of the financial and institutional arrangements required to implement the measures being recommended.

3.3 Reporting, Database, and Monitoring

(a) Resettlement and Community Database

The IOL/DMS, resettlement-related and households data from ethnic minority communities will need to be computerized by the CS consultants onto a database that can be updated and used by DOR-SED when required.

The database will be updated during RP and community development plan implementation.

The databases will act as the key source of information for implementation and monitoring. Individual files for each affected households will be prepared for checking and verification purposes. Each file will contain detailed socio-economic and demographic data on individual households, lost assets, compensation entitlements and payments, relocation, collected during the final IOL/DMS, AP census, and activities and measures being proposed in the community development plan. The database will enhance institutional capacity of DOR-SED in resettlement management for ADB 10 and other projects.

(b) Reporting and Documentation

The RPs and community development plan will be prepared by the CS consultants (with assistance as required from LWU and LFNC) and submitted to DOR-SED for review by DOR and ADB. When DOR submits the final annual work program (for the subprojects) to ADB for approval, it can also submit an integrated RP & community development plan report for the annual work program with an overall summary, relevant tables and individual summary for subprojects.

The summary reports (RP and community development plan) should be about five to six pages and address the strategy, entitlements, impacts and measures to mitigate impacts, and the costs and implementation arrangements.

(c) Monitoring

Implementation of the RPs and community development plan will be supervised and monitored by the CS Social & Resettlement Specialists in the first instance with support as required from LFNC, LWU and DOR. The findings will be recorded in quarterly reports to be furnished to DOR. DOR will forward a yearly monitoring report to ADB.

At this stage it has been determined that external monitoring for the resettlement and community development plan aspects of ADB 10 will not be required because:

- (i) The overall numbers of APs are low;
- (ii) The CS team will include full-time national and part-time international Social & Resettlement Specialists, as well as Community Mobilizers, who together with the DOR-SED will be responsible for internal monitoring and reporting;
- (iii) There will be a separate poverty monitoring program that will include affected villages in its sample;
- (iv) The CS consultants will be responsible for post-resettlement and community development evaluation; and
- (v) There are precedents on other projects for excluding an external monitoring component when the CS consultants have a strong role in project implementation (as proposed with ADB 10).

4. Administrative, Resource, and Financial Arrangements

4.1 Resettlement Organizations and Framework

(a) Role of DOR/Project Manager

The DOR-SED Director will be responsible for overall coordination of all relevant departments and agencies involved in resettlement activities (including the resettlement committees at various levels) and supervision/monitoring of the RP implementation. The Deputy Director of SED/or a staff member will be deputed to the Project on a full-time basis as the Chief Resettlement Officer (CRO) to oversee the activities related to resettlement implementation.

The CRO will be responsible for organizing the affected districts and villages to carry out the designated activities of the RP.

The DOR-SED Director will monitor, directly and/or through the CRO and Provincial/District Resettlement Committees, the progress of land acquisition and resettlement management along the Project road.

As required, the CS consultants can be brought in to provide technical support to the Project Team/DOR in the implementation of the RP.

The main responsibilities of the DOR through the SED and CRO are as follows:

- (i) Ensure that the RP process, policies and principles are disclosed to the affected community (i.e. during RP preparation and before resettlement implementation) in order to maintain participation and transparency;
- (ii) Ensure that compensation unit rates have been established at replacement cost at current market value for all categories of lost assets, and that the rates have been developed in full consultation with and agreement of APs;
- (iii) Periodically supervise RP progress and activities;
- (iv) Coordinate and work with Provincial and District Resettlement Committees and concerned government authorities;
- (v) Work closely with other DCTPC staff and contractors on civil works activities and schedule and integrate resettlement activities and schedule;
- (vi) Conduct consultation with APs;
- (vii) Carry out census, inventories of assets, detailed measurement survey, socio-economic surveys;
- (viii) Establish database for APs for each subproject road and be responsible for internal monitoring, reporting, and action in response to findings of internal monitoring;
- (ix) Provide assistance to APs during compensation and relocation;
- (x) Prepare report regularly on progress and outstanding issues;
- (xi) Work closely with the APS, concerned local administrative authorities and local-based organizations;
- (xii) Together with CS Consultants, validate that resettlement activities have been satisfactorily completed as a condition for award of civil works contract.

(b) Provincial Resettlement Committee

The Vice-Governor of the province in which the subproject is located will chair the Provincial Resettlement Committee (PRC). Other members include officials from relevant departments such as DOR, Agriculture & Forestry, Information & Culture, Social Service and relevant District Governors. The PRC will be responsible for coordination of all resettlement activities including the information campaign and consultation with APs, payments of cash compensation, and grievance resolution. Further, PRC will monitor physical progress of all resettlement components under the Project and ensure that the program is completed within the agreed time schedule.

Assisted by the District Resettlement Committee (and Village Resettlement Committee where appropriate), its responsibilities include:

- (i) Verification of the loss of land and other assets due to project implementation;
- (ii) Determine the market rates /replacement cost for all kinds of loss incurred, and validate that rates are acceptable to APs;
- (iii) Hold consultation meetings with the affected people;
- (iv) Pay cash compensation, allowances;
- (v) Act as grievance officers;
- (vi) With assistance from LWU, implement rehabilitation measures; and
- (vii) Monitor and report on all RP activities.

(c) District Resettlement Committee

The District Resettlement Committee (DRC) is pivotal in the implementation of the RP. The District Governor (*Chao Muang*) will chair the Committee. DRC members shall include representative from DOR, Agriculture & Forestry, LWU, LFNC, APs and minority groups.

The DRC will carry out consultation among the affected households and communities regarding resettlement, prepare the final inventory, valuation of assets, identify and allocate replacement land, and organize and coordinate with LWU in the implementation of rehabilitation measures and other enhancement measures for poverty reduction.

DRC will also supervise and monitor the activities of the Village Resettlement Committees (VRCs) and resolve grievances.

The actual acquisition, land transfer, and compensation will be carried out under the supervision of the DRC at the district level. Village Chiefs (through the VRCs) may also be involved in the negotiations with individual and family land users.

(d) Village Resettlement Committee

The Village Resettlement Committees (VRC) can either be formed by individual villages or by a cluster of small villages that consider they share similar characteristics to form one, rather than individual, committees. The VRC will choose its own chair. In the cases of villages with a high proportion of ethnic minority population, a person from the ethnic minority group *must* head the VRC.

Other members of the VRC shall be from the affected households and other relevant stakeholders. The VRC will consult with the affected households on resettlement issues, identify replacement land, assist the DRC and LWU in the implementation of RP, and social development/poverty reduction programs.

Local-based organizations such as LWU, LFNC, Farmers, Elders, Youth and Trade Unions will be represented. They will actively participate in the planning and implementation of the RP and in the community education, public information and consultation process. The local village authorities will be responsible for informing residents not to construct houses/structures in the ROW during land clearance and construction.

The types of tasks handled at this level will include:

- (i) Coordination with PRC and DRC, and DOR/DCTPC and the CRO when required, in relation to conducting consultation, census and social surveys and resettlement-related activities;
- (ii) Acting as 'first step' grievance officers and ensure that grievance are resolved;
- (iii) Assisting APs during the negotiation and compensation activities;
- (iv) Involving the local-based organizations to carry out the RP activities;
- (v) Certifying the list of APs and sign compensation documents;
- (vi) Identifying replacement land;
- (vii) Facilitating village assistance to relocating households, food-for-work for preparation of paddy land, household and village fencing; and
- (viii) Monitoring and registering relocation and land title transfer data.

(e) Construction Supervision Consultant

The resettlement team shall consist of:

- (i) An international social impact and resettlement specialist (12 person-months);
- (ii) Three (one for each road) national social impact and resettlement specialists (48 person-months); and
- (iii) Community Mobilizers (148 person-months).

The main duties of the international and national resettlement specialists will be to assist with resettlement implementation, including preparation of subproject RPs, and provide overall guidance and quality control of the resettlement planning, implementation, monitoring and reporting process. It will also be the responsibility of the Resettlement Specialists to undertake any additional survey required for identifying APs due to alignment changes for shape correction or realignments, following inclusion of additional APs the RP will be updated and forwarded to ADB. Reporting of resettlement activities is also under the ambit of the CS team. The CS Resettlement Specialists together with the CRO will validate satisfactory completion of all resettlement activities as a condition for award of civil works contract.

The main tasks of the Community Mobilizers include:

- (i) Assist the Social & Resettlement Specialists with surveys and R/CDP activities;
- (ii) Liaise between the villages and works' contractors - particularly in respect of community consultation regarding alignment design and mitigation and ensuring that any adverse effects or damages caused during construction are remediated;
- (iii) Assist the village with identification of replacement land, preparation of replacement land, food-for-work to prepare paddy land, household and community fencing, village assistance to relocating households

- (iv) Assist the village identify livelihood development opportunities;
- (v) Assist with the grievance redressal process; and
- (vi) Assist with the land titling of villages along the road.

The specific measures for rehabilitation or livelihood development identified during consultation with APs will dictate the nature and structure of organisations to be involved in the implementation of the RP. The RP should at least identify the types of agencies that could undertake the measures recommended in the plan, and hold initial consultations with those agencies to develop the measures to a level that can be costed. The RP will set out the institutional arrangements for implementation of the plan.

4.2 Community Development Institutional Framework

While DOR-SED will have overall responsibility for the EMDP process, wherever possible initial identification of issues and measures, oversight and monitoring of the implementation of community development activities will be part of the CS consultants' responsibility.

The CS consultant with the relevant agencies (identified in relation to specific measures to be implemented) will be responsible for coordinating, planning and supervising the work for community development plan. The CS consultants can provide training, as required, to DOR, LFNC and LWU (or a similar social organization) to undertake the work of consultation, screening, assessment, analysis and implementation.

In view of the fact that there are significant links between the resettlement and community development plan activities, assistance can be provided on an as required basis by PRC, DRC, and VRC and ethnic minority leaders.

There are a number of agencies that have a mandate for ethnic minority development and these agencies should be consulted and included in the community development plan process wherever possible.

- (i) LFNC has overall responsibility for ethnic minority development and preparation of action plans (in coordination with various sectors in implementation of the Resolution). LFNC also has the duty to monitor and encourage implementation of the policy and action plans, and report to Party Central Committee and Government on strengths, constraints and lessons learnt;
- (ii) The Propaganda & Training Committee (of the Central Committee) is responsible for training and information dissemination through culturally appropriate methods via the Ministry of Information & Culture;
- (iii) The Party Central Committee Organization Board in collaboration with the Committee for Building Political Administrative Grass Roots is responsible for improving the grassroots communication and resolving personnel problems;
- (iv) The Ministry of Defence must raise awareness of the Policy amongst military personnel especially those who are stationed in ethnic areas;
- (v) Ministry of Interior has the duty to prepare plans for peace keeping in politically sensitive areas; and
- (vi) There was a general requirement on central level agencies to devote attention to coordination with LFNC in implementation of the Resolution in order to develop a viable socio-economy in ethnic minority areas.

The specific measures identified during consultation will dictate the nature and structure of organisations to be involved in the implementation of the community development plan. The community development plan should at least identify the types of agencies that could undertake the measures recommended in the plan, and hold initial consultations with those agencies to develop the measures to a level that can be costed.

The community development plan will set out the institutional arrangements for implementation of the plan.

4.3 Implementation Schedule

Should resettlement and community development activities be necessary as part of subproject design, a schedule for implementation, including payment of compensation, rehabilitation measures and community development plan activities, must be agreed and settled by all stakeholders and a satisfactory RP/CDP approved by ADB before any resettlement or community development plan activities begin.

All resettlement and community development plan activities will be coordinated with the civil works schedule. No civil works contract for a part of the subproject will be awarded unless Government has completed satisfactorily and in accordance with the approved RP and community development plan, compensation payment and resettlement, and ensured rehabilitation assistance in place and the area for the civil works contract has become clear of all encumbrances.

In the event of a dispute or grievance, and to avoid lengthy delays in any construction season, construction may still proceed so long as all undisputed amounts are paid. During the social mobilisation, all potential APs will be given the opportunity to look at the various options available, agree upon compensation rates, and develop an implementation schedule that results in the least possible disruption to their households.

It will not be necessary for all community development plan activities, rehabilitation, restoration and enhancement to have been made prior to subproject commencement, as these are likely to be ongoing. In order to ensure the coordination with the civil works schedule, schedules for resettlement implementation and community development plan activities will have to be included as part of the RP and community development plan.

The schedule will be itemised in the subproject RP and community development plan in sufficient detail so as to identify all of the tasks and their timing for each activity.

The process for resettlement includes the following steps; marking out of the construction corridor following detailed design, undertaking the census/IOL/DMS, preparing the RP/CDP and determining replacement cost, ADB approval of the plan, implementation of resettlement activities (following which is the award of civil works contract). The schedule for all resettlement activities must be agreed and settled by all stakeholders before resettlement activities begin.

4.4 Budget Issues

Cost estimates provided in the plans must be as detailed as possible, and linked with specific activities (i.e. compensation, monitoring, rehabilitation measures). A 20 percent contingency should be included.

(a) Resettlement

The RP must itemise the costs of all assets to be compensated along with the costs of any rehabilitation measures and internal monitoring. The level of costs borne by each level of Government will be determined according to the Government guidelines. The CS consultant and DCTPCs will have to ensure that the costs of resettlement and land acquisition will be included in the overall subproject cost estimate to be presented to DOR.

The RP will include the process for documentation of disbursement of all compensation monies and this will be monitored.

(b) Community Development

The community development plan will include detailed costs in mitigating adverse cultural effects or removing any constraints to ethnic minority groups enjoying project benefits, that have been identified through consultation.

Attachment 1: Outline for Short Resettlement Plan

TOPIC	CONTENTS
Scope of land acquisition and resettlement	<ul style="list-style-type: none"> • Describe alternative options, if any, considered to minimize land acquisition and its effects, and why the remaining effects are unavoidable. • Summarize key effects in terms of land acquired, assets lost, and people displaced from homes or livelihoods.
Objectives, policy framework, and entitlements	<ul style="list-style-type: none"> • Describe key national and local land, compensation and resettlement policies, laws, and guidelines that apply to project • Explain how Bank policy on Involuntary Resettlement will be achieved.
Consultation, and grievance redress participation	<ul style="list-style-type: none"> • Describe consultation processes and procedures for redress of grievances.
Compensation, relocation, and income restoration	<ul style="list-style-type: none"> • Describe arrangements for valuing and disbursing compensation. • Describe arrangements for housing relocation, including transfer and establishment. • Describe income restoration measures to be implemented. • Identify any environmental risks, describe management and monitoring steps.
Institutional framework	<ul style="list-style-type: none"> • Identify main tasks and responsibilities in planning, managing and monitoring land acquisition and resettlement.
Resettlement budget and financing	<ul style="list-style-type: none"> • Identify land acquisition and resettlement costs and funding sources.
Implementation schedule	<ul style="list-style-type: none"> • Provide time schedule showing how people affected will be provided for before demolition begins.
Monitoring and evaluation	<ul style="list-style-type: none"> • Specify arrangements for M&E.

Attachment 2: Outline for Full Resettlement Plan.

Topic	Contents
Scope of land acquisition and resettlement	<ul style="list-style-type: none"> • Describe, with the aid of maps, scope of land acquisition and why it is necessary for main investment project. • Describe alternative options, if any, considered to minimize land acquisition and its effects, and why remaining effects are unavoidable. • Summarize key effects in terms of land acquired, assets lost, and people displaced from homes or livelihoods. • Specify primary responsibilities for land acquisition and resettlement.
Socio-economic information	<ul style="list-style-type: none"> • Define, identify and enumerate people to be affected. • Describe likely impact of land acquisition on people affected, taking into account social, cultural, and economic parameters. • Identify all losses for people affected by land acquisition. • Provide details of any common property resources. • Specify how project will impact on the poor, indigenous people, ethnic minorities, and other vulnerable groups, including women, and any special measures needed to restore fully, or enhance, their economic and social base.
Objectives, policy framework, and entitlements	<ul style="list-style-type: none"> • Describe purpose and objectives of land acquisition and resettlement. • Describe key national and local land, compensation and resettlement policies, laws, and guidelines that apply to project. • Explain how Bank Policy on Involuntary Resettlement will be achieved. • State principles, legal and policy commitments from borrower executing agency for different categories of project impacts. • Prepare an eligibility policy and entitlement matrix for all categories of loss, including compensation rates.
Consultation, and grievance redress participation	<ul style="list-style-type: none"> • Identify project stakeholders. • Describe mechanisms for stakeholder participation in planning, management, monitoring, and evaluation. • Identify local institutions or organizations to support people affected. • Review potential role of NGOs and community-based organizations (CBOs) • Establish procedures for redress of grievances by people affected.
Relocation of housing and settlements	<ul style="list-style-type: none"> • Identify options for relocation of housing and other structures, including replacement housing, replacement cash compensation, and self selection. • Specify measures to assist with transfer and establishment at new sites. • Review options for developing relocation sites, if required, in terms of location, quality of site, and development needs. • Provide a plan for layout, design, and social infrastructure for each site. • Specify means for safeguarding income and livelihoods. • Specify measures for planned integration with host communities. • Identify special measures for addressing gender issues and those related to vulnerable groups. • Identify any environmental risks and show how these will be managed and monitored.
Income restoration strategy	<ul style="list-style-type: none"> • Identify livelihoods at risk. • Develop an income restoration strategy with options to restore all types of livelihoods. • Specify job opportunities in a job creation plan, including provisions for income substitution, retraining, self-employment and pensions, where required. • Identify any environmental risks and show how these will be managed and monitored.

Topic	Contents
Institutional framework	<ul style="list-style-type: none"> • Identify main tasks and responsibilities in planning, negotiating, consulting, approving, coordinating, implementing, financing, monitoring and evaluating land acquisition and resettlement. • Review the mandate of the land acquisition and resettlement agencies and their capacity to plan and manage these tasks. • Provide for capacity building, including technical assistance, if required. • Specify role of NGOs, if involved, and organizations of APs in resettlement planning and management.
Resettlement budget and financing	<ul style="list-style-type: none"> • Identify land acquisition and resettlement costs. • Prepare an annual budget and specify timing for release of funds. • Specify sources of funding for all land acquisition and resettlement activities.
Implementation schedule	<ul style="list-style-type: none"> • Provide a time schedule showing start and finish dates for major resettlement tasks. • Show how people affected will be provided for before demolition begins.
Monitoring and evaluation	<ul style="list-style-type: none"> • Prepare a plan for internal monitoring of resettlement targets, specifying key indicators of progress, mechanisms for reporting, and resource requirements. • Prepare an evaluation plan, with provision for external, independent evaluation of extent to which policy objectives have been achieved. • Specify participation for people affected in BME.

Attachment 3: Outline for Community Development Plan

Topic	Contents
Scope of ethnic minority development & issues	<ul style="list-style-type: none"> • Describe, with the aid of maps, relevant ethnic minority issues and why it is necessary for intervention as a result of the main investment project. • Summarize key effects in terms of project • Specify primary responsibilities ethnic minority development • Link with resettlement aspects where necessary
Socio-economic information	<ul style="list-style-type: none"> • Define, identify and enumerate people to be affected. • Set out main socio-economic characteristics of communities affected • Provide details of any common property resources. • Specify how project will impact on the ethnic minorities, poor, and other vulnerable groups, including women
Objectives, policy framework, and entitlements	<ul style="list-style-type: none"> • Describe purpose and objectives of ethnic minority development. • Describe key national policies, laws, and guidelines that apply to project. • Explain how Bank Policy on Indigenous People will be achieved. • State principles, legal and policy commitments from borrower executing agency
Consultation and participation	<ul style="list-style-type: none"> • Identify project stakeholders. • Describe mechanisms for stakeholder participation in planning, management, monitoring, and evaluation. • Identify local institutions or organizations to support the various elements of the plan • Review potential role of NGOs and community-based organizations (CBOs)
Development strategy	<ul style="list-style-type: none"> • Identify livelihoods and any aspects of culture or traditions at risk. • Develop a strategy, with options, to restore all types of livelihoods and protect culture and traditions. • Identify any environmental risks and show how these will be managed and monitored.
Institutional framework	<ul style="list-style-type: none"> • Identify main tasks and responsibilities in planning, negotiating, consulting, approving, coordinating, implementing, financing, monitoring and evaluating ethnic minority development as set out in the plan • Provide for capacity building, including technical assistance, if required. • Specify role of NGOs, if involved, and organizations of ethnic minority groups
Budget and financing	<ul style="list-style-type: none"> • Identify costs associated with all measures recommended. • Prepare a cost estimate • Specify sources of funding for all plan activities.
Implementation schedule	<ul style="list-style-type: none"> • Provide a time schedule showing start and finish dates for major ethnic minority development tasks. • Link with civil works schedule and resettlement activities
Monitoring and evaluation	<ul style="list-style-type: none"> • Prepare a plan for internal monitoring, • If required, prepare an evaluation plan, with provision for external, independent evaluation of extent to which policy objectives have been achieved. • Specify participation for people affected in BME.