



LAO PEOPLE'S DEMOCRATIC REPUBLIC

Peace Independence Democracy Unity Prosperity

MINISTRY OF AGRICULTURE AND FORESTRY

Community Livelihood Enhancement and Resilience (P178545)

RESETTLEMENT POLICY FRAMEWORK

ANNEX 5

OF ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK

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Prepared by

Poverty Reduction Fund

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ABBREVIATIONS

ARP	Abbreviated Resettlement Plan
CIG	Common Interest Groups
COD	Cut-off-date
DAFO	District Agriculture and Forestry Office
DIU	District Implementation Unit
DOJ	District Office of Justice
DONRE	Department of Natural Resources and Environment
DRC	District Resettlement Committee
DMS	Detailed Measurement Survey
ECOP	Environmental Code of Practice
ESF	Environmental and Social Frameworks
ESMF	Environmental and Social Management Frameworks
ESMP	Environmental and Social Management Plan
ESS	Environmental and Social Standards
GoL	Government of Lao PDR
GRM	Grievance Redress Mechanism
IOL	Inventory of Loss
MAF	Ministry of Agriculture and Forestry
M&E	Monitoring and Evaluation
MONRE	Ministry of Natural Resources and Environment
PAFO	Provincial Agriculture and Forestry Office
PAH	Project Affected Households
PAP	Project Affected People
PDR	People's Democratic Public
PG	Producers Group
PMU	Proxy Means Test
PMU	Project Implementation Unit
PONRE	Provincial Office of Natural Resources and Environment
PRF	Poverty Reduction Fund
RCS	Replacement Cost Survey
RPF	Resettlement Policy Framework
ROI	Region of Influence
RP	Resettlement Plan
PRC	Provincial Resettlement Committee

RPF	Resettlement Policy Framework
RoI	Region of Influence
SEP	Stakeholders Engagement Plan
SHG	Self Help Groups
VD	Voluntary Donations
VIT	Village Implementation Team
VMC	Village Mediation Committee
VRS	Village Resettlement Sub-committees
WB	World Bank

TERMS & DEFINITIONS

Beneficiary	All persons and households from villages who voluntarily seek to avail of and be part of the project.
Compensation	Payment in cash for people who have assets and/or income affected by the project.
Cut-off date	The date prior to which the occupation or use of the project area makes residents/users of the project area eligible to be categorized as affected persons. Where needed, the cut-off date is established in the Resettlement Action Plan. It normally coincides with the date of the census of affected persons within the project area boundaries, or the date of public notification regarding the specific civil works that would cause displacement, regardless of the scope and size. Persons not covered in the census because they were not residing in the project area, did not have assets or were not deriving an income from the project area are not eligible for compensation and other entitlements.
Disadvantaged individuals/ household	Refers to individuals or groups who are more likely affected adversely by the project impacts and/or more limited in their ability to take advantage of project benefits because of their age, gender, disabilities, health, economic and ethnic status, and so forth. Disadvantaged individuals/groups are more likely excluded from, or unable to participate fully in the mainstream consultation process, and may require specific assistance to promote inclusion. In this project, disadvantaged individuals/ groups are defined as those who have the following characteristics: (i) from an ethnic group, (ii) landless/ limited productive land, (iii) female headed household with dependents, (iv) frequent lack of male labor at home (e.g. migrant workers); (v) jobless, or limited economic opportunities; (vi) family member(s) with chronic illness, or disabilities; (vii) elderlies who live on their own; (viii) very young couple with children (early marriage), (ix) live in an especially difficult circumstance, and (x) don't meet above criteria but are concurred by local community as vulnerable to poverty and need project's support to reduce their vulnerability. Disadvantaged individuals are usually from a poor, or a near poor household.
Free will	Means that the owner of land and/or other loss assets can reject the proposal to give up his or her land, because, for example, there are viable alternatives available to the project (such as rerouting a water main if an owner refuses access to his or her property), or where no viable alternatives are available, the donation is to the benefit of the owner (such as a community-based investment project that benefits the owner of land to be donated (See voluntary donation)
Income restoration	Means re-establishing income sources and livelihoods of project-affected households to the pre-project level.
Land acquisition	The processes and methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or rights of way. Land acquisition may also include: (a) acquisition of unoccupied or unutilized land whether the landholder relies upon such land for income or livelihood purposes; (b) repossession of public land that is used or occupied by individuals or

households; and (c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible. Land includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements, and appurtenant water bodies. It also includes a person involuntarily loses ownership, use of, or access to, land because of the project. Land acquisition can lead to a range of associated impacts, including loss of part of and/or entire residences or other fixed assets such as fences, wells, tombs or other structures or improvements that are attached to the land.

Poor households	Households who live below the national poverty line – as established by the Government of Laos; or as referenced to the poverty line established by the World Bank for Laos PDR using at 2019 prices (which is 280,910 LAK per month per person). If the latter is used for the project, the latest national poverty line established by the WB should be used.
Project Affected Person	Those who (a) have formal legal rights to land or assets; (b) do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law; or (c) have no recognizable legal right or claim to the land or assets they occupy or use. The affected persons may include any person, household, entity, organization, firm or private institution that, on account of changes that result from the project, will have their (i) standard of living adversely affected; (ii) right, title, or interest in any house, land (including residential, commercial, agricultural, forest, plantations, grazing and/organizing land), water resources, fish ponds, communal fishing grounds, annual or perennial crops and trees or any other moveable or fixed assets acquired, possessed, restricted, or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence, or habitat adversely affected, permanently or temporarily, with or without displacement.
Rehabilitation	Refers to assistance provided to persons seriously affected due to the loss of productive assets, incomes, employment or sources of living to supplement payment of compensation for acquired assets in order to achieve, at a minimum, full restoration of living standards and quality of life. Compensation for assets may not be sufficient to achieve full rehabilitation.
Replacement cost	Method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets exist, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and labor for construction of structures or other fixed assets, plus transaction costs. In all instances where physical displacement results in loss of shelter, replacement cost must at least be sufficient to enable purchase or construction of housing that meets acceptable minimum community standards of quality and safety. The valuation method for determining replacement cost should be documented and included in relevant resettlement planning documents. Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar

costs imposed on affected persons. To ensure compensation at replacement cost, planned compensation rates may require updating in project areas where inflation is high or the period between calculation of compensation rates and delivery of compensation is extensive.

Replacement cost survey The main objective of the replacement cost survey is to determine the compensation rate for the affected assets based on actual transaction records of the affected areas, of affected main and secondary structures and other immovable assets. This study should be conducted by an independent evaluator. Based on the results of survey, the project-affected households will receive compensation at replacement cost (reflecting current market price) for the loss of any affected assets, land and property due to the subproject. The replacement cost survey will be conducted during the impact assessment.

Unit costs for land The affected private lands will most likely fall under the land categories of either residential, agricultural or commercial lands. The way to obtain data on market rates is to gather data on recent land sales at/around the subproject area. Methods for data collection include direct interviews with (i) real estate agents in the areas; (ii) landowners at/around the subproject area who are both project-affected households and non-project-affected households; and (iii) local authorities at/around the subproject area. The unit costs of land covered with recognized proof of ownership, structures and other immovable assets are provided in line with the results of the replacement cost survey.

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

Voluntary Donation Voluntary land donation, based on ESS5, is defined as the ceding of a property by an owner who is: (a) appropriately informed; and (b) can exercise free will, that is, can refuse to donate. There are situations in which people are willing to donate a portion of their land for project purposes for no compensation or reduced compensation. Voluntary land donations may involve some monetary or nonmonetary benefits or incentives provided to the land donor by the project or by community members benefiting from a project. Both can be broadly classified as a voluntary land donation, because the transfer of assets takes place without payment of compensation at replacement value.

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

EXECUTIVE SUMMARY

This Resettlement Planning Framework (RPF) was developed based on the RPF that is being under PRF III-Additional Financing. The principles are currently being used under PRF III-AF and will continue to apply under CLEAR with some adjustments and updates to meet the current needs and practicalities. It is also developed based on the World Bank's new Environmental and Social Framework (ESF), specifically Environmental and Social Standards 5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement (ESS5) and various national legal frameworks which informed the development of documentation for PRF II and III, III-AF projects as well as the 2019 updated Government's Decree 84 on Compensation and Resettlement Management in Development Projects. It defines the terms for consistency in interpretation and understanding of policy statements and provides guidance for acquisition of land or other assets (including restrictions on asset use) caused by subproject implementation either through voluntary contribution or with compensation by communities. It establishes principles and procedures to be followed to ensure equitable treatment for, and rehabilitation of, any person affected by subproject implementation. The RPF thus allows for acquiring assets through two methods: voluntary donation and compensation at full replacement costs. ESS 5 provides explanation about voluntary donation under the Guiding Note 4, point 11, 12 and 13 and ESS5 also states that voluntary donation must get WB approval prior to commencement of subproject activities.

Objective of RPF

The objective of the RPF is to (i) avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives; (ii) avoid forced eviction; and (iii) mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher. This framework applies to all proposed project and subproject activities under CLEAR. It requires that all proposed projects are properly screened and assigned appropriate environmental and social risk classification, and that the environmental and social risks and impacts are properly and sufficiently assessed and monitored. Where impacts and/or potential impacts are identified and assessed as unavoidable, suitable mitigation measures will be properly planned and developed under the subproject Abbreviation Resettlement Plan (ARP) to adequately compensate for residual impacts and to provide for restoration in accordance with national legal frameworks and World Bank ESF 5.

Potential Impacts

Project activities are expected to involve construction of small-scale infrastructure include (i) unpaved village roads, track and small bridges, (ii) drinking water and irrigation, (iii) village facilities for crop production (such as field paths) or livestock raising (such as water tanks), (iv) drying platforms and storage facilities, (v) small processing facilities, (vi) in-village solutions for better market access, and (vii) tree preservation (e.g., fencing) or tree planting.

The desk review, lesson learned, and consultations with PRF technical teams at the central level as well as consultations from site visits, indicate that potential impacts from infrastructure related activities are likely to result in more positive impacts and likely to cause limited impacts on people and their properties with no significant adverse consequences.

Since most of the subprojects are rehabilitated based on the existing location, the need for additional permanent land acquisition is not envisaged, or very small – typically a few households if permanent land acquisition cannot be avoided through technical design options. Also, the scope of land acquisition impact at subproject level will be small and only involved communal land because the following criteria is applied to all infrastructure subprojects.

- No physical resettlement of any household(s) is allowed;
- Households which are classified as poor and/or vulnerable are not allowed to contribute land;
- Total affected person per subproject will not exceed 200 people;
- Each affected household shall not lose more than 10% of his/her total productive land;
- No land owned collectively by ethnic groups and other targeted communities will be permanently acquired for the subproject construction.

Scope of Application

This RPF is applied to permanent or temporary land acquisition and economic displacement that is directly caused by the project within the project's area of influence as defined by the Environmental and Social Management Framework (ESMF). The RPF is applied also to activities or facilities that, in the judgement of the WB and as agreed with Government of Lao PDR (GoL), are associated activities and/or facilities¹ as defined in the WB' ESS1 (Assessment and Management of Environmental and Social Risks and Impacts). When this is the case, the RPF will be applied to such associated activities and/or facilities – to the extent that MAF has influence over such activities and facilities.

PRF Principles

The Project will take every effort and measure to avoid land acquisition –through alternative designs and use of public land. However, where avoidance is not possible, the need for land acquisition will be minimized through construction measures/methods. Where impacts on land, assets and livelihood activities are evitable, ensure full compensation payment for affected assets and income generation activities, as well as improve, or at least restore, livelihoods and living standards of project affected persons to the pre-displacement level.

Eligibility

People whose assets such as land, structures, business, crops, etc. are located in the subproject area before the cut-off date (COD) will be eligible for compensation for the affected assets, as well as loss of livelihoods, and livelihood restoration support – regardless of the legal status of their affected land. People who occupy subproject land after the COD is publicized will not be eligible for compensation or assistance.

The RPF thus allows for acquiring assets through two methods: voluntary donation and compensation at full replacement costs.

A person and/or household identified as vulnerable/ disadvantaged individual – as defined in this RPF, and in SEP is not allowed the process with voluntary donation procedures defined in this PRF.

Voluntary Donation (VD): After receiving accurate information in a timely manner and engaging in consultation processes, community members have the right to make a contribution of their land or other assets of not more than 5% of the total assets loss without seeking or being given compensation at full replacement value. This would be approved after the project management team have justified that a subproject will either increase the value of the remaining property or provide some other direct benefit to the affected people.

Voluntary contribution is an act of informed consent. District facilitators must assure that voluntary contributions are made with the affected person's full and prior knowledge of the availability of other options (including compensation at replacement cost) and are obtained without coercion or duress. In addition, voluntary donations are allowed only if the affected persons are direct beneficiaries of the subproject that will cause an impact and after World Bank's reviewed and permission to proceed. Proposals including voluntary contributions will

¹ Associated facilities or activities that are not funded as part of the project and are: (a) directly and significantly related to the project; (b) carried out, or planned to be carried out, contemporaneously with the project; and (c) necessary for the project to be viable and would not have been constructed, expanded or conducted if the project did not exist. For facilities or activities to be Associated Facilities, they must meet all three criteria.

not be submitted for approval where they would significantly harm incomes or living standards of individual owners or users (the size of land contributed on a voluntary basis should not exceed 5% of that individual's total land holding).

Despite voluntary land donation is allowed for those who lose less than 5% of their total land, any persons/households who are considered extremely poor/vulnerable/disadvantage and solely depend on the land lot for a livelihood and income are not be allowed to donate land in any circumstances.

Compensation at Replacement Costs: All economically displaced persons who face loss of assets or access to assets, and those who lose less than 10% of their total land, have the right to ask for full compensation for such loss at replacement cost, therefore, after receiving accurate information in a timely manner and engaging in the consultation processes, community members have the right to ask for full replacement of all asset loss resulting from CLEAR subproject activities.

As with voluntary donations above, the project must ensure effective participatory processes that help affected persons benefit from a proposed subproject. The project will provide all required assistance and enable the affected persons to receive compensation at full replacement cost where conditions of voluntary contributions are not met. PRF will strictly follow ESF 5 and Decree 84/ GoL to address involuntary land/asset loss through compensation at replacement value, either in cash or in-kind needed to replace land, houses, infrastructure, or land assets (crops, trees) and other assets (income) affected by the project/subproject.

PRF Implementation

Consultation: RPF required all subprojects to conduct meaningful consultation, in a local ethnic group language that they understood as specified in the Stakeholder Engagement Plan (SEP), with project beneficiaries /potential affected people to inform them of their rights to refuse, donate and/or receive full compensation entitlements for their impacted assets as described in the detailed Entitlement Matrix.

Replacement Cost Survey: Where applicable, PMU will engage a qualified local consultant to conduct a Replacement Cost Survey (RCS). The result of the RCS will be informed the processes of arriving at units-cost for compensation for each asset loss. The district government will issue the unit-cost for compensation and will be used as the basis for calculating compensation package.

Preparation and Implementation of Voluntary Donation: After receiving accurate information in a timely manner and engaging in consultation processes, and if an affected person uses his/her rights to make a donation of their land or other assets, the PMU will check and approve only the following criterial are met:

- Potentially donated land area does not exceed 5% of the total landholding (both productive land and residential land) of the donating individual/households;
- Total productive land owned by the affected household is more than 300m².
- Land portion (intended to be donated to the subproject) is free of houses, structures or other fixed assets;
- Donating person/people should have sole ownership to the land portion and not have any legal disputes. Proof of ownership is certified by village authority, confirmed by villagers and validated by district authority;
- Donating people are not from vulnerable/disadvantaged group – as defined by the Project;
- Donating people must be direct beneficairy household of the planned subproject;
- Donating household are not physically resettled;
- As a result of their donation, donating household will not face any risk of failure in maintaining their livelihood at the current/pre-subproject level – as a minimum.

PMU will work closely with District Office of Natural Resources and Environment (DONRE) and Village Implementation Team (VIT) on the process and outcome of VD based on the instructions provided in this PRF. PMU will assist in the development of Voluntary Land Donation Report and make sure that all affected people have been fully informed of the subproject and of their right to refuse donating their land and/or other assets.

Preparation and Implementation of Abbreviated Resettlement Plan: For subprojects that will result in land acquisition, causing loss of land/assets on land, business, and/or businesses, an Abbreviated Resettlement Plan (ARP) will be prepared. The ARP will fully address all requirements under ESS5 and Decree 84/GoL. The PRF 's Project Management Unit (PMU) will submit the ARP to the WB for review and approval prior to implementation of ARP. Full compensation payment for asset loss based on Entitlement Matrix will be made to all affected households prior to the commencement of civil works for all construction of subprojects involved compensation at replacement costs.

RPF disclosure: RPF is disclosed for public access via project and World Bank (WB) websites. A full RPF will be closed in English version and an Executive Summary will be disclosed in Lao version.

Grievance Redress Mechanism (GRM): RPF requires all subproject to inform beneficiaries/affected people on the contents and processes of how to file a grievance. In addition, where needed VIT, DONRE and PMU will assist the affected person to process a complaint without any costs.

RPF Management and Reports: PRF has extensive experience in managing and implementing land acquisition, compensation and resettlement-related issues and it will continue to assume overall responsibility for the implementation of CLEAR and overseeing activities related to RPF in line with ESS5 and Decree 84/NA. PRF will conduct a 6 months follow up visits to affected households, accompany with the subproject engineer team and other concerned sectors to verify that contributions and compensations have been made according to prior informed agreements.

RPF was prepared and disclosed for consultation with potentially affected and interested parties on the PRF's website, <https://www.prflaos.org/>, in English language and in Lao in the form of Executive Summary on 14 March 2023 and the National Stakeholders Consultation was conducted on 30 March 2023. Feedback and recommendations were incorporated into the final revised versions. The final RPF was disclosed for public consultation prior to project appraisal.

1. INTRODUCTION

This Resettlement Policy Framework (RPF) was developed on the basis of the RPF that is being under PRF III-Additional Financing. The principles are currently being used under PRF III-AF and will continue to apply under CLEAR with some minor adjustments and updates to meet the current needs and practicalities. The Resettlement Policy Framework (RPF) is also developed based on updated legal frameworks such as the World Bank's Environmental and Social Framework (ESF), specifically Environmental and Social Standards 5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement (ESS5) and various national legal frameworks which informed the development of documentation for PRF II and III, III-AF projects as well as the 2019 updated Government's Decree 84 on Compensation and Resettlement Management in Development Projects.

This RPF defines the terms for consistency in interpretation and understanding of policy statements and provides guidance for acquisition of land or other assets (including restrictions on asset use) caused by subproject implementation either through voluntary contribution or with compensation by communities. It establishes principles and procedures to be followed to ensure equitable treatment for, and rehabilitation of, any person affected by subproject implementation. The RPF thus allows for acquiring assets through two methods: voluntary contribution/donation and compensation at full replacement costs. ESS5 provides explanation about voluntary contribution/donation under the Guiding Note 4, point 11, 12 and 13 and ESS5 also states that must get WB approval prior to commencement of subproject activities.

1.1 Objective of Resettlement Planning Framework

The objective of the RPF is to (i) avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives; (ii) avoid forced eviction; and (iii) mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher. This framework applies to all proposed project and subproject activities under CLEAR. It requires that all proposed projects are properly screened and assigned appropriate environmental and social risk classification, and that the environmental and social risks and impacts are properly and sufficiently assessed and monitored. Where impacts and/or potential impacts are identified and assessed as unavoidable, suitable mitigation measures will be properly planned and developed under the subproject Resettlement Plan to adequately compensate for residual impacts and to provide for restoration in accordance with national legal frameworks and World Bank ESF 5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement.

1.2 Project Overview

The proposed project contributes to poverty reduction and resilience in the targeted poor rural areas in seven provinces. The activities would build on lessons learned from the Poverty Reduction Fund (PRF) series – in particular from PRF III currently being implemented in four northern provinces. The new operation will focus on the poorest areas in the Lao PDR based on the most recent poverty data in the following seven provinces: Phongsaly, Oudomxay, Houaphan, Xiengkhouang, Salavan, Sekong and Savannakhet. Two districts will be selected in each Province, based on poverty status and operational feasibility consideration. Approximately 32 villages will be selected within each district, among those considered poor based on PMT/Decree 348 data. The objective is to select around 448 villages that allows an allocation of block grants of about US\$47,000 per village (total project allocation is US\$45 million). The project would channel block grants to targeted villages through a well-established community-led development platform. Funding would support improved access to productive infrastructure and income-generating opportunities. This would be achieved primarily

through construction or rehabilitation of basic and climate-resilient infrastructure and support to livelihood activities through village self-help groups – including nutrition-sensitive livelihood activities. Implementation of CLEAR subprojects will be directly managed at the village level and the project will therefore build the capacity of local communities to plan, implement and sustain these subprojects. It is anticipated that the Government of Lao PDR (GoL) would increase co-financing of the operation from the national budget.

1.3 Project Development Objective, Project Components and Activities

The proposed project development objective is to improve rural livelihoods and consumption of diverse foods for targeted poor communities, and respond promptly and effectively in case of Eligible Crisis or Emergency. The project promotes communities' resilience by supporting them to better withstand economic and climatic shocks – through diversification of livelihood and nutritious food sources in a manner that is appropriate to the local context and in response to climatic changes.

Component 1: Local Economic Development Initiatives Sub-grants and Community Capacity Strengthening

This component will strengthen the village communities' capacity to select, implement and oversee village-level climate-resilient economic development initiatives and related small infrastructure. This will take place in a way that is inclusive of women, all ethnic groups and vulnerable groups. This Component include three Sub-components. Subcomponent 1.1 – Participatory Planning, will establish the process and human resources required in individual villages to identify and prioritize small infrastructure needs and agricultural production opportunities. Subcomponent 1.2 –Community Capacity Strengthening, focuses on equipping key community representatives and women leaders with the knowledge and skills to lead the community in developing and realizing a forward-looking vision of local development that is inclusive and aimed at ensuring meaningful participation and equitable outcomes. Subcomponent 1.3 – Climate-resilient community infrastructure subprojects, allocates sub-grants for new construction or renovation of climate-resilient small infrastructure serving community members and whose owner is the village.

Component 2: Community Livelihood Enhancement

This component aims to build resilience of communities through groups of households, by reducing vulnerability to economic and climatic shocks. Income generation activities will be screened to ensure they support adaptation and that maladaptive activities are avoided. Component 2 includes 3 sub-components: Sub-Component 2.1: Development and Management of Common Interest Groups (CIG), Self Help Groups (SHG), and Producers Group (PG), Sub-component 2.2: Training and Capacity Building, and Sub-Component 2.3: Delivery of Project Grants.

Component 3: Community Nutrition Interventions

The objective of this component is to improve the dietary intake (both quality and quantity) of mothers and children in the 1,000-day window through the promotion of innovative nutrition practices. Component 3 is made up of two subcomponents: Subcomponent 3.1 – Promotion of demand for enhanced nutrition practices, promotes social and behaviour change communication and Subcomponent 3.2 – Promotion of community sourced nutritious food, encourages community-sourced nutritious food.

Component 4: Project Management, Capacity Building and Monitoring and Evaluation

This component will provide technical and operational assistance for the day-to-day management of the project and support institutionalization of PRF's approach. It will include a) Hiring, training and remunerating national and district PRF staff as well as the costs of community facilitators; associated equipment and operating costs; accounting, procurement, financial management, internal controls, auditing, and other specialized support; b) Activities geared towards further improving the sustainability and institutionalization of CLEAR approaches and principles by MAF, and c) Developing and using an effective Monitoring and Evaluation (M&E) system.

Component 5: Contingent Emergency Response Component (US\$0)

This component will have an initial zero value but may be financed during project implementation to allow for an agile response to an eligible crisis or emergency. The three village types are equally eligible to CERC in the event of an emergency crisis. CERC activities are predefined to be adapted to type I villages in order to prioritize food security and safe water. They provide emergency staple food and equipment for safe drinking water. Critical agricultural inputs and tools are provided in time to restart production during the following agricultural season.

1.4 Scope of land impacts

Project activities may involve construction of small-scale infrastructure include (i) agricultural and rural access roads (outside district's rural road network), (ii) drinking water and irrigation, (iii) village facilities for crop production or livestock raising, (iv) drying platforms and storage facilities, (v) small processing facilities, (vi) in-village solutions for better market access, and (vii) tree preservation (e.g., fencing) or tree planting. The impacts of these works as to land acquisition is very minor because the project mainly repair the existing works for roads, irrigation and build process and storage facilities which occupy just small plots of land.

The desk review, lesson learned, and consultations with PRF technical teams at the central level as well as consultations from site visits, indicated that potential impacts from infrastructure related activities are likely to result in more positive impacts and likely to cause minimal disturbances and impacts.

Since most of the subprojects are rehabilitated based on the existing location, the need for additional permanent land acquisition is absent, or very small – typically a few households if permanent land acquisition cannot be avoided through technical design options. Also, the scope of land acquisition impact at subproject level will be small because the following criteria is applied to all infrastructure subproject to be built under Project subcomponent 1.3. Subproject eligible for financing must meet all the following criteria:

- There is no physical resettlement of any household(s);
- Households which are classified as poor and/or vulnerable are not allowed to contribute land;
- Total affected household per subproject will not exceed 200 people, or 20 households;
- Each affected household shall not lose more than 10% of their total productive land;
- Land owned collectively by ethnic groups will not be permanently acquired for the subproject construction.

2. LEGAL FRAMEWORK FOR LAND ACQUISITION

2.1 Key relevant national legal documents

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

- Constitution of the Lao People's Democratic Republic (1991, amended 2003 and 2015);
- Land Law (Revised 2019);
- Decree No. 84/GOL (dated 5 April 2016) on Compensation and Resettlement of People Affected by Government Projects;
- Decree No. 192/PM (dated 7 July, 2005) on the Compensation and Resettlement of the Development Project;
- Law on Handling of Petitions (2015);
- Public Involvement Guideline (2012);
- Guideline for Consultation with Ethnic Groups (2012);
- Environmental Protection Law (2013);
- Environmental Impact Assessment (2019); and
- Forestry Law (2007).

Established in 2005 and revised in 2016, Decree No. 84/GOL (dated 5 April 2016) on Compensation and Resettlement of People Affected by Development Projects is applicable to CLEAR project. The

Decree describes the principles, rules and measures to mitigate adverse social impacts and to compensate for damages that result from involuntary land acquisition or repossession of land and fixed or movable assets, including changes in land use and/or restriction of access to community or natural resources affecting PAP livelihood and income sources. The decree aims to ensure that PAP and households are compensated and assisted to improve or maintain their pre-project incomes and living standards, and are not made worse off than they would have been without the project. The provisions will be applied during the preparation and implementation of the social impact assessment (SIA), the social impact mitigation and monitoring plan, and/or the Abbreviated Resettlement Plan.

Decree No. 84 on Compensation and Resettlement of People Affected by Development Projects provides the principles, mechanisms, and procedures to mitigate adverse social impacts and to compensate damages that result from involuntary land acquisition or repossession of land and fixed or movable assets. The Decree aims to ensure that PAP and PAH are compensated and assisted to improve or maintain their pre-project incomes and standard of living, and are not worse off as a result of the project.

2.2 Gap analysis

Although Decree No.84 is consistent with the objective and requirements of the World Bank's ESS5, a few gaps exist between ESS5, and Decree No. 84/PM. Table 1 summarizes key policy gap and propose measures to address such gaps during project implementation.

Table 0-1 –Gap analysis between the WB’s ESS5 and Decree No. 84 on Compensation and Resettlement of People Affected by Development Projects

Subjects	ESS5	Decree No. 84/GOL (2016)	Project Measures
1. Land Property			
1.1. Policy objectives	PAPs should be <u>assisted in their efforts to improve, or at least restore, their livelihoods and living standards</u> , in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.	PAP are compensated and assisted to improve or maintain their pre-project incomes and living standards and are not made worse off than they would have been without the project.	<p>In-kind compensation at replacement cost for affected land, crops, structures, loss of income generation activities etc. Calculation of replacement costs for affected assets will not take into account asset depreciation (e.g. structures on land). Affected people can use salvageable materials.</p> <p>Also, where applicable – workers of VIT will assist affected households to restore impacted assets to the pre-conditions, such as replanting of crops, trees, repair access paths/gateways as well as assist affected household in moving assets, if any.</p>
1.2. Support for affected households who <u>have no recognizable legal right or claim</u> to the land they are occupying under national law (such as occupying land that are currently under government management for either residential, or income generation purpose	<u>Person who has no recognizable legal right or claim to the land or assets they occupy or use</u> is also classified as affected persons, and that they <u>should be assisted in their efforts to improve, or at least restore</u> , their livelihoods and living standards, in real terms, to pre-displacement levels.	PAP who does not have legal land title, land use certificate or other acceptable documentation indicating their land use right, including customary and traditional land use right, only provides the right to claim compensation for their lost assets such as house/structures, trees and/or crops, and not land.	<p>All affected assets on land (e.g. minor part of house, structures, crops...) are compensated at full replacement costs.</p> <p>If affected persons are from poor, vulnerable, disadvantaged group (as defined in the RPF), additional assistance will be provided on a case-by-case basis – based on their need.</p> <p>For all other impacts, where needed, they will also be entitled to additional financial assistance to improve their livelihoods and standards of living, or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.</p>

Subjects	ESS5	Decree No. 84/GOL (2016)	Project Measures
1.3. Compensation for illegal structures	Compensation at replacement cost for affected structures regardless of legal status of the PAP's land and structure.	PAP who does not have legal land title, land use certificate or other acceptable documentation indicating their land use right, including customary and traditional land use right, only provides the right to claim compensation for their lost assets such as house/structures, trees and/or crops, and not land.	Compensation at full replacement cost for all structures affected, regardless of legal status of the land and structure. If structure affected is shop/business (and not residential house), moving allowance will be provided to affected person.
2. Compensation			
2.1. Methods for determining compensation rates	<p>Compensation for lost land and other assets at replacement costs.</p> <p>Where market is active, replacement cost is the market value (as established by independent and competent real estate valuation), plus transaction costs².</p> <p>Where market is not active, alternative method may be used, such as calculation of output value for land, or productive assets, or the undepreciated value of replacement material and labour for construction of structures or other fixed assets, plus transaction costs.</p> <p>Where the period of time between calculation of compensation rates and delivery of compensation is extensive, planned compensation rates need updating to ensure compensation at replacement cost.</p>	<p>Article 2:</p> <ul style="list-style-type: none"> The compensation shall be in the form of land, material or money for the land, agricultural products, livestock and incomes that are affected by development projects based on compensation value. <p>Article 4</p> <p>6. Compensation value means the value calculated in the form of material, money or land, constructed facilities, agricultural products, livestock and incomes which have been affected by development projects.</p> <p>Article 9</p> <ul style="list-style-type: none"> Project owners, in collaboration with the committee for compensation and resettlement at the local level, must estimate the value for compensation for land, constructed facilities, crop products, livestock and potential incomes and organize consultations with affected people by selecting the right and appropriate options based on prices applied by the state, market prices or average prices applicable for period of compensation and based on the types of properties and locations. 	Independent competent appraiser will be engaged to conduct a replacement cost survey for affected assets (e.g. land, crops, trees on land). Replacement cost values must meet the criteria as per methods mentioned at point 2.1.

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

Subjects	ESS5	Decree No. 84/GOL (2016)	Project Measures
		<ul style="list-style-type: none"> The prices applied by the state (middle prices) are the prices specified in a separate regulation which are identified and regulated by the Ministry of Natural Resources and Environment from time to time. 	
2.2. Compensation for loss of income sources or means of livelihood	Loss of income sources should be compensated (whether or not the affected persons must move to another location)	<p>Article 9</p> <ul style="list-style-type: none"> Provision of agriculture land in appropriate ways including the creation of new livelihood options and stable income generation activities and promotion of local crafts/industry in addition to agricultural production activities for the affected people. 	ESS5 will be applied. In particular, livelihood restoration plan will be developed which may include non-farm income generation activities, job training, job opportunity as project's labor (e.g. in civil works), etc. Affected people will be supported to restore to pre-displacement level regardless of the legal status of their affected land.
2.4. Livelihood restoration and assistance	Provision of livelihood restoration and assistance to achieve the policy objectives.	<p>Article 13:</p> <ul style="list-style-type: none"> In parallel with the establishment of resettlement plan as prescribed in article 10 of this decree, the project owner must coordinate with the compensation and settlement committee at the local level to collect information on livelihood and income generation matters of the affected people in details to establish the livelihood rehabilitation plan to contribute to the management and monitoring social and environmental impacts within the project development framework. 	Because the impacts are expected to be minor (as described at Section 1.4 – Scope of land impact), income restoration measures will be provided on a case-by-case basis, and on the need of PAP. Where necessary, financial and/or non-financial measure will be offered to PAP to assist them in restoring their incomes and/or livelihoods, to the pre-displacement level.
2.5. Consultation and disclosure	Participation in planning and implementation, specially confirming the eligibility criteria for compensation and assistance, and access to Grievances Redress Mechanism	<p>Article 5:</p> <p>The compensation and resettlement shall be carried out in compliance with the following principles:</p> <ol style="list-style-type: none"> Protection of the rights and legitimate benefits of affected people; Ensure equality, correctness, transparency, disclosure and fairness; 	<p>Meaningful consultation will be conducted at every stage of RP planning and implementation.</p> <p>ESS5 will be applied.</p>

Subjects	ESS5	Decree No. 84/GOL (2016)	Project Measures
		3. Ensure coordination, consultation and participation between the project owner, affected people, state agencies and other relevant stakeholders.	
3. Grievance Redress Mechanism			
Procedures for recording and processing grievances	Where feasible and suitable for the project, the grievance mechanism <u>will utilize existing formal or informal grievance mechanisms</u> , supplemented as needed with project-specific arrangements	<p>Article 23:</p> <p>In case the affected view that the project owner does not comply with the plan for compensation, resettlement and rehabilitation of people's livelihood in accordance with this decree or other related plans that affect their interests, they are entitled to request to related authorities to solve the request(s) according to the procedures stipulated in paragraph 1, Article 24 of this Decree.</p>	Affected persons, particularly those from Ethnic Group may lodge their grievance through their traditional channel (informal) in addition to the procedures (formal) specified at Article 24.
4. Monitoring & Evaluation			
	Monitoring of the project's environmental and social risks and impacts is required	<p>Article 27:</p> <ul style="list-style-type: none"> The project owner must set up a management unit of compensation and resettlement to take charge of monitoring and examination by himself other than other parties. The unit is obliged to make reports to the state audit-inspection organizations concerning the monitoring and examination of the implementation of the plan for compensation, allocation and relocation, and rehabilitation of people's livelihood of the development project as stipulated in the overall plan, at each period. 	PMU will conduct internal monitoring on resettlement implementation. The monitoring will include progress reports, status of the RP implementation, information on location and numbers of people affected, compensation amounts paid by affected asset, and assistance provided to PAP. The report on RP implementation progress will be prepared by PMU and submitted quarterly to the WB as part of overall Project Progress Report.

3. SCOPE OF APPLICATION, PRINCIPLES AND PROCESS

3.1 Scope of Application

This RPF is applied to permanent or temporary land acquisition and economic displacement that is directly caused by the project within the project's area of influence as defined by the respective subproject and as per Environmental and Social Management Framework (ESMF). The RPF is applied also to activities or facilities that, in the judgement of the WB and as agreed with GoL, are associated activities and/or facilities³ as defined in the WB' ESS1 (Assessment and Management of Environmental and Social Risks and Impacts). When this is the case, the RPF will be applied to such associated activities and/or facilities – to the extent that MAF has influence over such activities and facilities.

The RPF is not applied to incomes and/or livelihoods that are not directly affected by project's land acquisition or land use restrictions. Such impacts would be addressed under the WB's ESS1 on Assessment and Management of Environmental and Social Risks and Impacts, and under the project's Environmental Code of Practice (ECOP) or, if required, Environmental and Social Management Plan (ESMP) for respective infrastructure subprojects.

3.2 Principles

The Project will take every effort and measure to avoid land acquisition –through alternative designs and use of public land. However, where avoidance is not possible, the need for land acquisition will be minimized through construction measures/methods. Where impacts on land, assets and livelihood activities are evitable, ensure compensation payment for affected assets and income generation activities.

To realize the above, the following mitigation hierarchy is applied to the project:

- Technical design will be prepared in a manner that avoids permanent and temporary impacts on land, assets, and livelihood activities of local people, including ethnic group communities. No physical resettlement is allowed.
- When anticipated impacts cannot be avoided, such impacts will be minimized through alternative designs;
- Once risks and impacts associated with land acquisition have been minimized or reduced through design measures, further mitigation measures will be adopted – through compensation for assets, income generation activities that are affected; and
- Where impacts still remain, including impacts on land use and water use, compensate people as per this RPF.

All infrastructure subprojects must meet all the following condition to be eligible for financing:

- No physical resettlement of any household (residential land)
- Households which are classified as poor and/or vulnerable are not allowed to contribute land;
- Total affected household per subproject not exceed 20 households
- Each affected household shall not lose more than 10% of his/her total productive land.
- Subprojects do not potentially adversely impact the integrity or productivity of land that is collectively owned by ethnic group. Civil works could be carried out adjacent to collectively owned ethnic group land but shall not impact the integrity or its productivity.

³ Associated facilities or activities that are not funded as part of the project and are: (a) directly and significantly related to the project; (b) carried out, or planned to be carried out, contemporaneously with the project; and (c) necessary for the project to be viable and would not have been constructed, expanded or conducted if the project did not exist. For facilities or activities to be Associated Facilities, they must meet all three criteria.

3.3 Negative List

The Negative List developed for CLEAR project was prepared on the basis of the list prepared under the RPF of PRF III-AF Project. The following activities will be not financed:

- Subproject that will affect assets such as land, crops and structures on land of more than 200 persons, or 40 households, or those that will result in loss of more than 10% of its productive assets per household (an Abbreviated Resettlement Plan will be prepared if land from private households are required and cannot be avoided, and voluntary donation is not applicable);
- Subproject that involves permanent acquisition of land owned collectively by Ethnic Groups;
- Subproject that restricts access to livelihood opportunities of ethnic groups (which may include the poor, vulnerable and disadvantage persons.
- Subproject without UXO clearance or certification from the relevant authorities.
- Activities that involve village consolidation and/or resettlement;
- Construction of new settlements or expansion of existing settlements;
- Construction or rehabilitation of any civil works that are located inside critical natural habitats, and/or existing or proposed protected areas, including also Total Protected Zone;
- Subproject that potentially damage or cause loss to cultural property, such as archaeological, paleontological, historical, religious, cultural sites and sites posing unique natural value.

3.4 Process

In line with the requirements in the ESS1 and ESS5 of the WB's ESF, CLEAR will adopt the following key steps in the resettlement process:

- a) Anticipate and avoid land acquisition impacts through adjusting designs;
- b) Where avoidance is not possible, minimize or reduce land acquisition impacts;
- c) Conduct meaningful consultation with affected people to inform them of their rights to and compensation entitlements – as described in the detailed Entitlement Matrix (Section 3.4.3).
- d) Where impacts occurred, the project will conduct specific-case consultation with the asset owners to arrive at a mutually agreeable negotiated settlement with the owners (e.g. the impact might be related to small strip of land for water pipe laying, irrigation canals, side rural road impact during road construction, etc). The agreed negotiated settlement must be resulted in advantageous to both parties;
- e) Where negotiated settlement is not accepted by PAPs, or fails, prepare abbreviated RP in accordance with Procedure at Section 3.5 in this RPF;
- f) Negotiation settlement and consultation processes for settlement must be fully and carefully documented and kept by (i) impacted owners, and the (ii) subproject implementation team;
- g) Provide compensation payment to the PAP before civil works begin, ensuring appropriate information is timely disclosed, and grievance redress mechanism (as described in this RPF) is available and understandable to affected people;
- h) Each impacted household will be recorded and the meeting note should include at least the following information: (i) basic personal information of the project-affected persons/households -The full name of the affected persons, both husband and wife and their family members, where applicable; (ii) detailed information of the affected assets and, if possible, a map showing the location of the affected assets to allow for accurate valuation of the full replacement cost; (iii) signatures of the project-affected persons and their representative such as the village authority, village elders or ethnic groups representatives.
- i) GRM form will be made available to the project-affected persons.

- j) Implementation of subprojects will commence only after compensation is fully paid or voluntary donation processes are fully completed; and
- k) Monitor and report on resettlement process.

3.5 Eligibility

People whose assets such as land, structures, business, crops, etc. are located in the subproject area before the cut-off date (COD) will be eligible for compensation for the affected assets, as well as loss of livelihoods, and livelihood restoration support – regardless of the legal status of their affected land. People who occupy subproject land after the COD is publicized will not be eligible for compensation or assistance.

3.5.1 Category of Project Affected Persons

Affected person by the legal status of land

Given the scope, scale and nature of land impacts of infrastructure subprojects under Project Component 1, affected persons may be classified into one, or more than one, of the following groups:

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

Persons covered under a) and b) are provided compensation for the land they lose, and other assistance in accordance with Point 1.2 in Table 1 (above). Persons covered under c) are provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this framework, if they occupy the sub-project area prior to a cut-off date established by the borrower and acceptable to the Bank.

Affected persons by type of impact

For Individuals/families

Persons who are affected by loss of land, crops, structures on land, business, or access to resources, are:

- Persons whose agricultural land are affected (permanently or temporarily);
- Persons whose non - agricultural land but not residential land are affected (permanently or temporarily);
- Persons whose business are affected (permanently or temporarily);
- Persons whose crops and/or trees are affected;
- Persons whose livelihoods will be affected (permanently or temporarily) due to land acquisition or restriction of access to subproject site.
- Persons who are squatters in public safety zones (i.e. right of the way) who are usually poor and rely on their retail business (located on the right of the way) for income generation activities.

For Community/state assets

- Community/state assets and/or facilities that are temporarily/permanently affected;

Affected Persons from Poor/Vulnerable/Disadvantaged Groups

- Poor household – as certified by government through a government used poverty assessment method;
- Poor female-headed households or single female-headed household with dependents and/or with no other support from family members or kin;
- Poor or vulnerable households from ethnic groups;
- Households having member with disabilities;
- Other households considered “poor household” in the absence of government’s certificate for poor households and recognized through meaningful consultation with local community;

3.5.2 Cut-off Date

A census survey will be conducted as soon as the subproject is confirmed. Care will be taken to set cut-off date immediately after investment of a subproject is confirmed. A cut-off date will be issued by the district implementation team and certified by the village authority and with participation and agreement from Village Implementation Team. A census survey will be conducted to develop an inventory of loss (IOL) so as to assess the impact on land, assets on land, and land-based livelihoods based on the subproject’s Region of Influence (ROI). An inventory of loss will be prepared to record all loss of assets which will be signed by affected persons, their neighbours, and representatives of local government.

3.5.3 Entitlements

With respect to a particular eligibility category, entitlements are the sum of compensation payments, and other forms of support, including allowances, if any (See Entitlements Matrix in Chapter 4 for details).

3.6 Procedures

3.6.1 Social Screening

Social impacts of the civil subprojects proposed by Village Authority will be screened by District Implementation Unit (DIT) at the beginning of any subproject preparation. DIT will use the Social Screening Form (in Annex 1 of this RPF) to conduct the Social Screening based on the proposal submitted by VIT on behalf of Village Authority. If required, subproject design will be adjusted to ensure the subproject pass the Negative List (Section 3.3 above). The completed form will be attached to the subproject proposal.

3.6.2 Inventory of Loss and Census Survey

The Inventory of Loss (IOL) will be carried out DIU on the basis of the demarcation set out in the approved technical design of the subproject. The purpose of IOL is to obtain a list of affected individuals/households, the type of affected assets (e.g. land, assets on land, business...), and the estimated area of land, number of trees and assets, and type and scope of business to be affected. Given the small scope of land impact under the project, a census survey will be carried out alongside with IOL. This could be done by designing a questionnaire that combine information required for an IOL and a Census Survey.

3.6.3 Detailed Measurement Survey

Detailed Measurement Survey (DMS) will be carried out by the Department of Natural Resources and Environment (DONRE) with the support from DIU and VIT. Where a land database/record which is managed by DONRE is available, DMS results will be checked vis-à-vis such land database/records to confirm the legal status of the affected land. This aims to pave the way also for updating land record for the affected households (e.g. land titling) and the government’s own database/record for land administration. If the scope of land impact is considerable, PMU may engage a consultant to support their DIU. As part of DMS exercise, village authority will assist district government during the DMS process to enable district government to confirm the legal status of the land, including customary use of land by ethnic group communities, if any.

3.6.4 Principles and Process of Voluntary Donation

3.6.4.1 Principles

When a subproject affects assets of local people, but the impacts are minor (as per criteria below) and the affected people (project beneficiaries) wish to donate their affected assets (e.g. land, crops on lands, fences, secondary structures) voluntarily without receiving full or part of their compensation entitlement, affected people can do so. It is important that affected people be informed fully of their entitlement to compensation, and the value of compensation package before they are approached to explore if they are interested in donation of their affected assets. Only people who meet the criteria below ("Donation Criteria") could be approached to explore if they wish to donate. Affected people has the right to refuse donating their land and/or asset.

Donation Criteria.

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

- Donating people are not from vulnerable/disadvantaged group – as defined by the Project (See Terms and Definition in this document);
- Donating people must be direct beneficiary household of the planned subproject;
- Donating person/people should have sole ownership to the land portion intended for donation and there are no any legal disputes associated with the donated land;
- Total productive land owned by the donating/affected household(s) is more than 300m²;
- Donating household are not physically resettled;
- Potentially donated land area does not exceed 5% of the total landholding (both productive land and residential land) of the donating individual/households;
- Land portion (intended to be donated to the subproject) is free of houses, structures or other fixed assets;
- As a result of their donation, donating household will not face any risk of failure in maintaining their livelihood at the current/pre-subproject level – as a minimum.
- Donating household will be exempt from any tax and transaction fee(s) that may be associated with the portion of land that they has donated. If such cost is involved, the project will cover all costs.

Poor/Near-Poor/Vulnerable/Disadvantaged People.

- Any persons/households who are considered extremely poor/vulnerable solely depend on the land lot for a livelihood and income are not be allowed to donate land in any circumstances;
- The Project is designed to ensure local people, including poor/vulnerable/ disadvantaged group, benefit from the project. For those affected adversely due to land acquisition, compensation and other support will be provided to support affected people's effort in restoring and improving living conditions;

VD shall not be proposed to people identified as vulnerable/ disadvantaged individuals (as defined in this RPF and in SEP) and who are considered extremely poor/vulnerable/disadvantage and depend on the land for a daily livelihood.

For People from Ethnic Groups.

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

People who do not wish to donate.

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

3.6.4.2 Process

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

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

In particular, the following steps will be taken PMU:

Step 1. Conduct Initial Screening for VD Eligibility

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

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

Step 2. Consult with Potential VD

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

Step 3. Start Donation Process

- Conduct the detailed survey of assets donated based on the list of donating households;
- Identify if there are anyone who are using the part of land intended for donation; if there is, consult with them to obtain their consent related to planned donation;
- Establish a formal statement of donation which will be signed by each owner and user involved, if any;

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

3.6.4.3 Responsibilities

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

- Develop fair and transparent procedures for VDs in consultation with affected households (AHs) and the communities;
- Guide VIT ensure the Village Chief is involved when preparing a Voluntary Land Donation Report to indicate all affected people have been fully informed of the subproject and of their right to refuse donating their land and/or other assets;
- Ensure the detailed design avoid impacts on land, houses, structures and other fixed assets. When avoidance is not possible, effort shall be made to minimize such impacts;
- Screen for eligible donating household(s) who meet the donation prerequisite – to explore if they wish to make voluntary donation based on the VD principle;
- Ensure eligible potential donating household(s) are appropriately informed⁴ that by donating their affected land and/or asset for the subproject purpose, they are reneging on their right to compensation;
- Ensure donating households are those who receive direct benefit from the planned subproject (e.g. access to better road/irrigation, etc)

⁴ "Appropriately informed" means that the potential donor has all available information regarding the proposed project activity and its impacts, its land requirements, and its alternative activity sites, as well as the potential donors' rights to compensation as per this RPF. The potential donor has also been provided with sufficient time to consider his or her disposition of the affected assets and has knowingly rejected the right to renege on his or her decision.

- Ensure that donated assets are owned and used by the owner, and that if others are using the asset, land or asset users are fully consulted on the potential donation by the asset owner⁵;
- Ensure that person donating land/asset pay no fee associated with their donation. Any fees or taxes incurred to land donation and any update of land ownership documents are covered by PMU;
- Obtain the consent of the community involved, including individuals who are using or occupying the land in case where community or collective land is proposed for donation;
- Keep AHs informed timely and appropriately about the VD process, including their rights and project's grievance redress procedure;
- Inform potential donors of their right in deciding the extent of their VD (out of the total impact that the project may cause to them);
- Attention shall be paid to poor/vulnerable/ disadvantaged group, such as Ethnic Group, women, the elderly, where relevant;
- Resolve any grievances that may occur in relation to VLD process; and
- Ensure that the entire VD process and its outcome is fully and timely documented by PMU and submitted to the WB for review.

3.6.5 Replacement Cost Survey

Where functioning market exists, PMU will engage a qualified local consultant to conduct a Replacement Cost Survey (RCS). Where market is not active, PMU (through its District Implementation Team) will work together with provincial/district DONRE to calculate output value for land or productive assets, or the undepreciated value of replacement material and labor for construction of structures or other fixed assets, plus transaction costs. Where needed, PMU may engage a consultant who is specialized in land price appraisal to assist PMU in place where market is not active. The output of this exercise is the compensation rates for each type of affected assets that could be applied to calculate compensation packages for affected households. Compensation rates that are proposed for use in calculation of compensation package will be subject to review and concurrence by district Government and PMU.

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

3.6.6 Preparation of Abbreviated Resettlement Plan

For subprojects that will result in land acquisition, causing loss of land/assets on land, business, and/or businesses...an Abbreviated Resettlement Plan (Annex 3) will be prepared. The Abbreviated Resettlement Plan will fully address all requirements under ESS5 and Decree 84/GoL supplementing the Resettlement Action Plan. The Abbreviated Resettlement Plan will at least address the following elements:

- Subproject Description
- Scope of Land Acquisition (e.g. type of impacts, number of affected individual/households (any affected people who are EM peoples)
- Brief Socioeconomic Profile of affected people

⁵ For instance, if part of a business stall is leased and is being donated by the owner, the person leasing the stall should also be consulted.

- Eligibility, Entitlements, Assistance and Benefits
- Information Disclosure, Consultation, and Participation
- Grievance Redress Mechanisms
- Implementation Schedule
- Monitoring and Reporting
- Costs and Budget

3.6.7 Review and Approval of Abbreviated Resettlement Plan

PMU will submit the Abbreviated Resettlement Plan to the WB for review and approval prior to implementation of Abbreviated Resettlement Plan.

3.6.8 Consultation with affected household and Disclosure of Abbreviated Resettlement Plan

During the preparation of the Abbreviated Resettlement Plan, DAFO/PAFO will consult with affected people to agree on the compensation package which is prepared in accordance with this RPF. Once finalized, DAFO/PAFO will disclose the Abbreviated Resettlement Plan at village hall to inform affected people of the final compensation plan and implement the Abbreviated RP.

3.6.9 Implementing Abbreviated Resettlement Plan

Compensation payment will be made to affected household based on the final, disclosed Abbreviated RP. Civil works could be started only when compensation for all affected households is fully completed and all land required for the subproject is officially handed over to VIT by affected parties (e.g. households, electric power company, public agencies...) for commencement of construction of subprojects.

4. COMPENSATION AND SUPPORT POLICY OF THE PROJECT

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

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

Table 0-1 - Entitlement Matrix

Type of Losses	Affected Persons	Entitlements	Implementation Issues
A. Loss of Land			
Residential Land (Not a foreseen impact, however include in case if for instance building of rural road and there is a farmer's house located in the area)	Legal owner or occupant identified during census and tagging.	<ul style="list-style-type: none"> With remaining land sufficient to rebuild houses/structures: (i) Cash compensation at replacement cost which is equivalent to the current market value of land of similar type and category, and free from transaction costs (taxes, administration fees) and (ii) District government to improve remaining residential land at no cost to PAP/PAH (e.g., filling and leveling) so PAP/PAH can move back onto a plot. 	<ul style="list-style-type: none"> Legal owners are those who have land use certificates or land titles issued by the local land authorities.
Productive Land (Paddy, garden, plantation)	Legal owner or occupant identified during census and tagging.	<ul style="list-style-type: none"> For marginal loss of 10% (or less) of land, cash compensation at replacement cost which is equivalent to the current market value of land within the village, of similar type, category and productive capacity, free from transaction costs (taxes, administration fees), or 	<ul style="list-style-type: none"> Legal owners are those who received land utilization certificates
		<ul style="list-style-type: none"> Replacement land of similar type, category and productive capacity of land within or nearby the village, with land title. 	
		<ul style="list-style-type: none"> If the impact on the total productive land is 10% or more, as a priority, replacement land of similar type, category and productive capacity of land within or nearby the village will be provided with land title (assuming Land Titles are issued in the area). If not, land use certificate to be issued. Alternatively, at the request of PAP or PAH, cash compensation at replacement cost plus assistance to purchase and register land will be provided. 	
Fishpond (Not a foreseen impact, however, some small parts of fishpond may be impacted and the remaining area is still viable or can still meet expected personal or commercial yield)	Owner of affected fishpond	<ul style="list-style-type: none"> Cash compensation of affected portion at replacement cost which is equivalent to the current market value of fishpond, labor and rent of equipment to excavate fishpond, free from transaction costs (taxes, administration fees). 	<ul style="list-style-type: none"> Adequate time provided for PAP to harvest fish stocks.
		<ul style="list-style-type: none"> If the currently held fish stocks will not be harvested before the project takes possession of the fishpond, then cash compensation for the projected mature value of fish stock held at the time of compensation. 	
		<ul style="list-style-type: none"> District government to restore/repair remaining fishpond. If support cannot be provided by the contractor, the PAP will be entitled to cash assistance to cover for payment of labor and rent of equipment to restore/repair fishpond. 	

Type of Losses	Affected Persons	Entitlements	Implementation Issues
B. Loss of Crops, Trees			
Crops and Trees	Owner of crops and trees whether or not land is owned	<ul style="list-style-type: none"> If standing annual crops are ripening and cannot be harvested, cash compensation at replacement cost equivalent to the highest production of crop over the last three years multiplied by the current market value of crops. For perennial crops and trees, cash compensation at replacement cost equivalent to current market value based on type, age, and productive capacity. For timber trees, cash compensation at replacement cost equivalent to current market value based on type, age and Meter At Breast Height (DBH) of trees. 	
C. Loss of Structures			
Partially Affected Houses/Shops but still viable (Not a foreseen impact, however, in case of this unexpected occurred, this entitlement matrix is applied)	Owners of affected houses whether or not land is owned (regardless of legal status).	<ul style="list-style-type: none"> Cash compensation at replacement cost for the affected structure, including 1) current market prices for affected materials with no deduction for depreciation of the structure, or salvageable materials; 2) labor cost to cover cost for dismantling, transport to disposal site, 3) construction material and labor cost to rebuild/repair the remaining part of the house for continued use. 	<ul style="list-style-type: none"> Adequate time provided to PAP to rebuild/repair their structures.
Graves located in the affected areas	Owners of graves.	<ul style="list-style-type: none"> Compensation for the removal, excavation, relocation, reburial and other related costs will be paid in cash to each affected family. 	<ul style="list-style-type: none"> If some ritual or ceremonial activities have to be conducted prior or during relocation, the cost will be borne by the beneficiary communities
Electricity Poles	Electricity Companies	<ul style="list-style-type: none"> Cash compensation for cost to dismantle, transfer and rebuild. 	<ul style="list-style-type: none"> Electricity Poles
D. Loss of business			
	Owners of shops	<ul style="list-style-type: none"> For businesses (shops) cash compensation equivalent to the average daily revenue for the business over the previous 12 months. 	<ul style="list-style-type: none"> It is estimated that it will take one day to move the shops if made of traditional materials

Type of Losses	Affected Persons	Entitlements	Implementation Issues
			(bamboo)/movable (can be carried without totally dismantling the structure) and approximately four weeks – maximum - to re-establish business in another location. It will take about two days to remove and repair affected portion of shop made of permanent materials (such as good wood and concrete). Because these structures will not be relocated, business can commence as soon as repairs are completed.
			<ul style="list-style-type: none"> The rate will be verified through interviews with informal shop owners to get an estimate of daily net profit.
E. Loss of Community/Public Properties			
Permanent loss of public structures (owned by state or community)	Villagers or village households.	<ul style="list-style-type: none"> Compensation at replacement cost for present/existing structures based on its present value. 	
Graves located in the affected areas	Owners of graves.	<ul style="list-style-type: none"> Compensation for the removal, excavation, relocation, reburial and other related costs for ritual ceremony 	
F. Temporary Impacts Due to Sub-Project Construction or Maintenance			
Temporary Use of Land	Legal owner or occupant.	<ul style="list-style-type: none"> For agricultural and residential land that may be by VIT for the civil works as by-pass routes or for VIT's work space, (i) rental of such private land need to be agreed upon between the land owner and VIT but should not be less than the unrealized net income that could be generated by the property during the period of land rental for the subproject purpose; (ii) cash compensation at replacement cost for assets on land, such as structures, trees, crops, business...; and (iii) restoration of the temporarily used land (rented land) to the pre-project condition within 1 month after the closure of the by-pass route, or removal of equipment and materials from VIT's work space –subject to the conditions as agreed upon between the affected household and VIT. 	<ul style="list-style-type: none"> Community Supervisor will ensure that the (i) location and alignment of the by-pass route to be proposed by the civil works will have a minimal adverse impact; (ii) that affected households is adequately informed of his/her rights and entitlements as per the Project's RPF; and (iii) a written agreement between the affected households and VIT is made.

Type of Losses	Affected Persons	Entitlements	Implementation Issues
Potential temporary restricted access to irrigation water during construction works	Farmers using water from rehabilitated on-farm irrigation	<ul style="list-style-type: none"> Compensation equivalent to the net income earned from the crop of the same season 	<ul style="list-style-type: none"> Rehabilitation would be carried out during the dry season when construction impact on crop production is minimal.

5. IMPLEMENTATION ARRANGEMENT

Implementation of RPF under CLEAR is built on implementation arrangement adopted under PRF III-Additional Financing. Implementation of this RPF is in accordance with the requirements of the World Bank's Environmental and Social Framework (ESF), particularly ESS5, and the Decree 84/NA of the Government of Laos PDR. The following stakeholders are directly involved in and are responsible for particular tasks during land acquisition process.

5.1 Poverty Reduction Fund

As the project owner, PRF oversees all resettlement activities that take place under the project. RPF will report to MAF all issues related to resettlement, compensation and support, voluntary donation, and livelihoods restoration of affected households, if any.

5.2 Project Management Unit

As a unit designated by RPF, PMU will take lead in all aspect of RPF day-to-day implementation. PMU will lead and provide technical support and guidance to District Implementation Unit (DIU), particularly in preparing the A-RP, particularly technical aspects and capacity building for DIU. Where required, PMU will provide training, and repeat the training, as needed, to ensure DIU understand the requirements of RPF and know key elements of an A-RP and how to prepare an A-RP, including requesting collaboration, engagement, and support from other stakeholders, in A-RP preparation. As needed, PMU will contact the WB's task team to request technical support and advice, including review of and no-objection to A-RP and/or Voluntary Donation plan.

5.3 District Implementation Unit

Under this project, DIU assumes lead role for a number of key tasks. DIU is mainly responsible for ensuring the subproject design prepared by VIT meet technical requirements and is completed timely. As for land acquisition, DIU is also lead unit conducting a census survey, prepare an Inventory of Loss (IoL). While carrying out the IoL exercise, DIU will request collaboration of village authorities in verifying the types of land. DIU will check whether affected land is owned by ethnic community, or it is private land, any whether this any land use disputes, or land use history.

Output of DIU is completion of A-RP/voluntary donation to facilitate PMU review and WB's no-objection before construction is proceeded.

5.4 DONRE (provincial, district)

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

5.5 Village authorities

As the subproject owner at community level, village authorities play various important roles. They are not only expected to collaborate closely with DIU during subproject design but also during Inventory of Loss and Detailed Measurement Survey exercises. Villages authorities will be responsible for engaging participation of villagers (both subproject beneficiaries and affected households) in subproject design, preparation and implementation of A-RP.

5.6 Community members

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

5.7 District Government

As the government agency at district level, district government oversee all investment activities that take place within their respective district. With regards to land acquisition, district governments oversee the works done by DONRE and provide instruction and support where needed. District government is also expected to review the final A-RP and concur with the plan before the plan is submitted to the WB for review and no-objection for implementation.

5.8 Village Implementation Team

As VIT members are appointed by VSMC and VIT will sign financing contract with PMU to implement the subproject, VIT will not be directly involved in land acquisition but will provide support the DIU, DONRE, Village Authority as needed during land acquisition process.

Key responsibility⁶ of parties involved in preparation and implementation of A-RP is summarized in Table below.

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

⁶ During the land acquisition process, VIT may be asked to provide support as needed. However, VIT's responsibility focuses on subproject design and construction, and not land acquisition which is key responsibility of DIU at district level.

6. STAKEHOLDER CONSULTATION AND INFORMATION DISCLOSURE

6.1 Stakeholder Engagement

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

6.2 Information disclosure

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

6.3 Arrangement for Information Disclosure and Stakeholder Engagement

During project preparation: During project preparation: RPF was prepared and was disclosed for consultation with potentially affected and interested parties on the PRF's website, <https://www.prflaos.org/>, in both Lao (Executive Summary) and in English language on 14 March 2023 and the National Stakeholders Consultation was conducted on 29 March 2023. Feedback and recommendations were incorporated into the final revised versions. The final RPF was disclosed for public consultation prior to project appraisal.

During project implementation: For infrastructure subprojects under Project Component 1 that involve land acquisition, an abbreviated Resettlement Plan will be prepared and will be disclosed to the affected person for consultation. The abbreviated RP will be disclosed locally (village level) in Lao language. If EM persons are affected, the RP will be explained verbally to the affected EM people in the EM language.

7. GRIEVANCE REDRESS MECHANISM

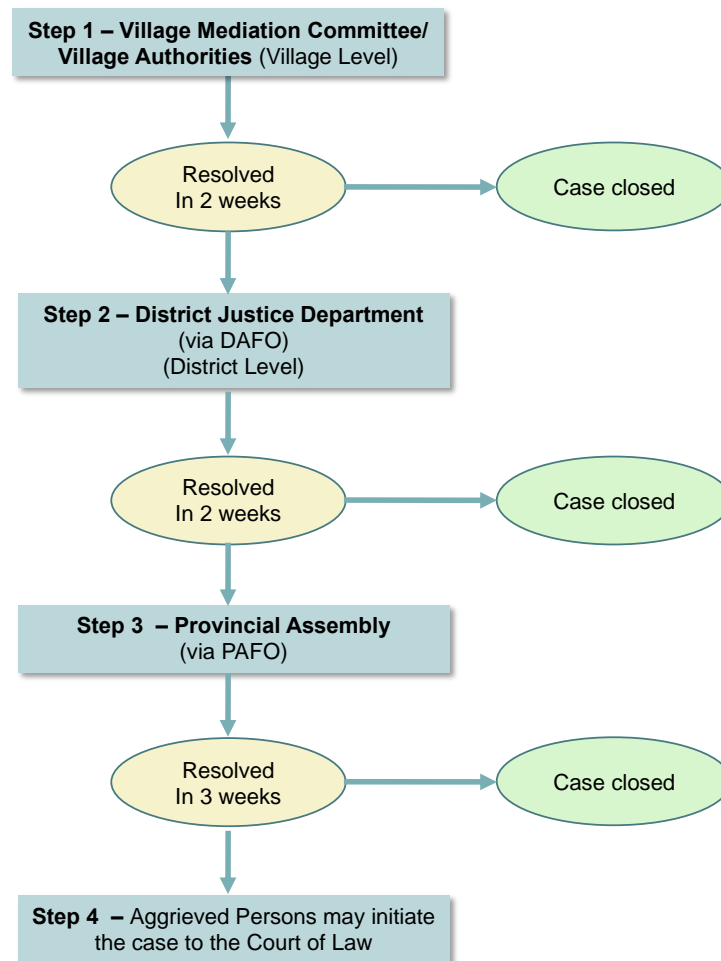
A grievance redress mechanism will be established at the village level, as well as the district and provincial level using the existing country structures starting from the village mediation committee (VMU) established in all villages, District Office of Justice (DOJ) and DAFO at district level and the Provincial Assembly and PAFO at the provincial level. VMC will be comprised of representatives of PAH, community leaders, and independent civil society organizations (Non-Profit Organization and CBO) in addition to representatives from village and district levels.

In order to effectively resolve grievances of PAP, the following stages will be applied:

- **Stage 1:** if PAP and PAH are not satisfied with the land acquisition plan or its implementation, PAP and PAH can make verbal or written complaint to the Village Mediation Committee (VMC) or Village Authority. If it is a verbal complaint, the village should deal with this complaint and document it in a written record. The VMC should resolve the complaint within two weeks.
- **Stage 2:** if PAP and PAH are not satisfied with the result in Step 1, PAP and PAH can file an appeal with the District Office of Justice (DOJ) via DAFOs after PAP and PAH receives the decision made in Step 1. The DOJ should decide within two weeks.
- **Stage 3:** if PAP and PAH are not satisfied with the result of Step 2, PAP and PAH can file an appeal with the Provincial Assembly (PA) via PAFO for administrative arbitration after receiving

the decision made by the DOJ. The administrative arbitration organization should make the arbitrated decision within three weeks.

- Stage 4: if PAP and PAH are still unsatisfied with the arbitrated decision made by the administrative arbitration organization, after receiving the arbitrated decision, PAP and PAH can file a lawsuit in a civil court according to the relevant laws and regulations in Lao PDR.



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

8. MONITORING AND REPORTING

8.1 Internal monitoring

The implementation of abbreviated Resettlement Plan will be monitored on a monthly basis by project staff based at provincial district and provincial CLEAR office using monitoring indicators (see Annex 4). At central level, implementation of abbreviated Resettlement Plan is monitored by the Social Officer at CLEAR central office on a quarterly basis. The Social Officer will oversee the RP implementation at project level – through seven provincial project offices.

In addition to monitoring of RP implementation, the Social Officer of CLEAR central office will pay visit to select sites on a bi-annual basis.

8.2 External monitoring

Given the small scope and low possibility of land acquisition at infrastructure subproject, external monitoring is not required. Internal monitoring (as described above) could cover.

9. BUDGET AND COSTS

The budget for compensation payment, if any, will be provided from the counterpart funding which is the Poverty Reduction Fund. A normative amount of 395,000 USD is earmarked for compensation payment if needed for the entire project life. PRF will ensure that fund is timely available for compensation in accordance with the construction plan of relevant subproject.

Annex 1 – Screening Form

Proposed Activity:

Brief Description:

.....

Location:

Filled out by:

Organization:

Date:

Attachments:

Prepared with the following partner organizations/community representatives:

Remarks:

General Instructions:

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

QUESTIONS	No	Yes	NOTES	MITIGATION MEASURES REQUIRED?
A. STRUCTURES OR RESOURCES THAT ARE LOCATED IN THE SUBPROJECT CONSTRUCTION AREA				
• Private houses	<input type="checkbox"/>	<input type="checkbox"/>		
• Private businesses/shops	<input type="checkbox"/>	<input type="checkbox"/>		
• Roads, footpaths or other access routes	<input type="checkbox"/>	<input type="checkbox"/>		
• Residential land	<input type="checkbox"/>	<input type="checkbox"/>		
• Agricultural land				
• Crops and/or trees on land				
• Natural resources shared by community members	<input type="checkbox"/>	<input type="checkbox"/>		
• Grave, or other area/structures of religious or cultural significance	<input type="checkbox"/>	<input type="checkbox"/>		
• Others:	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
ADDITIONAL REMARKS:				
<hr/>				
<hr/>				
A. POTENTIAL SOCIAL IMPACTS				
• Temporary loss of land for any families?	<input type="checkbox"/>	<input type="checkbox"/>		
• Permanent loss of land for any families?	<input type="checkbox"/>	<input type="checkbox"/>		
• Conflicts in water supply rights and related social conflicts?	<input type="checkbox"/>	<input type="checkbox"/>		
• Restricted access of people and animals to usual sites (farm, pasture...)?	<input type="checkbox"/>	<input type="checkbox"/>		
• Physical resettlement of people?	<input type="checkbox"/>	<input type="checkbox"/>		
• Potential social conflicts arising from land tenure and land use issues?	<input type="checkbox"/>	<input type="checkbox"/>		
• Other:	<input type="checkbox"/>	<input type="checkbox"/>		
<hr/>				
B.		C. OTHER REMARKS:		
<hr/>				

QUESTIONS	No	Yes	NOTES	MITIGATION MEASURES REQUIRED?
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D. POTENTIAL IMPACTS ON VULNERABLE
GROUPS, IF ANY:

WILL THE SUBPROJECT:

• Affect poor household (as defined by government? ☐ ☐

• Affect female-headed households? ☐ ☐

• Affect ethnic people? ☐ ☐

• Affect other vulnerable groups? ☐ ☐

REMARKS:

E. SIGNING OFF:

VILLAGE IMPLEMENTATION TEAM:

DAFO/PAFO:

NAME:
POSITION:.....
DATE:

NAME:
POSITION:.....
DATE:

Annex 2 – Summary of Affected Land and Infrastructure

Province: _____ District: _____ Commune/ Village: _____

						Loss of Assets			Loss of Crops			Loss of other Assets	Other Losses	
HH No.	Name of Head of Household	No. of Persons in Household	Total Landholding of Household (m ²)	Land to be acquired (m ²)	Loss as % of Total	Structures Permanent (m ²)	Structures Temporary (m ²)	Area of Residential Land Lost (m ²)	Fruit Trees Lost (Type and Number)	Number of Trees/ area of Crops Lost (m ²)	Other (Specify)	Example: graveyards, wells, etc. (type and number)	Business Lost	Income Lost

Annex 3 – Outline of the Abbreviated Resettlement Plan

The scope of requirements and level of detail of the Abbreviated Plan (A-RP) vary with the magnitude and complexity of resettlement. The Resettlement Plan will include information on:

- Project Description
- Scope of Land Acquisition
- Socioeconomic Information of affected people
- Eligibility, Entitlements, Assistance, and Benefits
- Information Disclosure, Consultation, and Participation
- Grievance Redress Mechanisms
- Institutional Arrangements
- Implementation Schedule
- Monitoring and Reporting
- Cost and Budget

Annex 4 – Performance Indicators for Monitoring and Evaluation of Abbreviated Resettlement Plans

Hierarchy of resettlement activities	Resettlement process	Indicators	Monitoring Frequency
INPUT	Budget commitment and availability Appointment of Social Officer on PMU Training of PMU's Social Specialist	<ul style="list-style-type: none"> • Timely availability of budget for compensation payment • Is appointment made after project appraisal completes. • Timely availability of budget for compensation payment 	
ACTIVITIES/ PROCESS	Additional consultation with PAP	<ul style="list-style-type: none"> • Is additional consultation with PAP carried out during RP updating exercise? • To which extent the consultation is conducted, covering the following key areas: <ul style="list-style-type: none"> ○ Proposed replacement costs for affected assets; ○ Proposed cash support for affected assets; ○ Proposed income restoration activities are consulted with affected households/business 	
	Disclosure of final updated RP	<ul style="list-style-type: none"> • Is <u>updated abbreviated RP</u> disclosed locally in at project site and on Bank's website following Bank's No Objection; • Is Project Information Booklet (PIB) delivered to affected households 	<ul style="list-style-type: none"> • Following appraisal completion of the subproject;
OUTPUT	Compensation payment	<ul style="list-style-type: none"> • % of households receiving full compensation package within agreed timeline? • Total compensation and support made vs total amount committed. 	<ul style="list-style-type: none"> • Monthly • Quarterly
	<u>Grievances</u>	<ul style="list-style-type: none"> • Number of grievances lodged (as monitored by PMU) per month • Number of grievances solved per month • Number of grievances submitted at district/provincial CLEAR office? • Number of grievances submitted. 	<ul style="list-style-type: none"> • Monthly • Quarterly
	Income Restoration	<ul style="list-style-type: none"> • Is Income Restoration carried out in accordance with the approved abbreviated RP – in terms of timeline and number of activities? 	<ul style="list-style-type: none"> • Monthly • Quarterly (following completion of compensation payment)
OUTCOME	Income Restoration	<ul style="list-style-type: none"> • % of affected households restoring their Income to pre-project level) after six months 	<ul style="list-style-type: none"> • Monthly • Quarterly (monitoring started six months upon full completion of re-establishment of new businesses in the new location.

Annex 5 – Screening Form for Voluntary Donation

A. Information about donating household					
Province:	District:	Commune:	Villages:		
Sub-project ID:	Name of the Head of Village Implementation Team (VIT)				
Names of Donating Persons	Name of Husband:	Job:	ID Number:	Age:	
	Name of Wife:	Job:	ID Number:	Age:	
Address:					
B. Key Screening Criteria				Yes	No
Are you from vulnerable/disadvantaged group:					
• Is your household recognized by the government as a “poor households”?					
• Is your household recognized by the government as a “near-poor households”?					
• Is your family from an ethnic group (minority)?					
• Is your household landless/ limited productive land?					
• Is your household female headed with dependents?					
• Does your household have key male labor frequently work away from home (e.g. migrant workers)?					
• Is the main labor in your family jobless, or limited economic opportunities?					
• Does your household have at least a family member(s) with chronic illness, or disabilities?					
• Are you young parents with children and living on your own (separate house...)?					
• Is your family living in an especially difficult circumstance?					
Are you a direct beneficiary household of the planned subproject?					
C. Project Impact on Land/ Assets					
• What is the total area of productive land (in square meter) that you own)?					
• What is the total area of your residential land (in square meter) that you own?					
• What is the total area of other land type that you own (e.g. forest land)					
• What is the total area of land that is affected by the project?					
• What type of land that is affected (e.g. productive land, residential land, other type. Please clarify)					
• How many trees, or crops (in m ²) that you have on the affected land?					
• Do you have any fixed structure(e.g. well, fence) that is currently located on the affected land?				Yes	No
If yes. What are they? (please clarify)					
• Do you have any business/ income generation activities that is currently based on the affected land?				Yes	No
If yes. Please clarify.					

D. Donation						
Total affected assets (by type of impacts)	Land (m ²)	Structures (specify)	Trees/ crops (number of trees/ area of crop, crop name)	Others (Please specify)		
• Value in your own assessment						
• Value as confirmed by project based on replacement costs						
• Asset(s) you wish to donate?						
Other:						
• Please confirm that you have been informed of the project's compensation policy and estimated compensation amount and you voluntarily donate to the subproject?					Yes	No
• Please confirm if your livelihoods/ income generation activities would not be worsened off as a result of your voluntary donation.						
E. Land Ownership						
• Is your land owned by you (e.g. have a land title, no land dispute)?						
• Do you rent the affected land to any one? Or lend them for their own use?						

By signing or providing thumbprint on this form, the household confirms the accuracy of the information provided to allow the project to proceed to the next step of land donation procedure – as per local regulation.

District Implementation Unit

Donating persons

Date:

Date:

Signature

Signature of Husband and Wife

Village authority (Witness)

Date:

Signature